



City of

ELK RIDGE

PERSONNEL POLICIES
AND PROCEDURES MANUAL
FOR

ELK RIDGE CITY CORPORATION

Approved: _____

While it is the policy of Elk Ridge City to establish reasonable rules of employment conduct and to ensure compliance with these rules through a program consistent with the best interests of the Agency and its employees, **THIS MANUAL IS NOT AND SHALL NOT BE CONSTRUED AS AN EXPLICIT OR IMPLIED CONTRACT AND SHALL NOT MODIFY THE CITY EMPLOYEE STATUS AS AN AT-WILL EMPLOYEE.**

INTRODUCTION

Welcome,

As an employee of Elk Ridge City you will be expected to read, understand, and follow the Personnel Policies and Procedures contained in this manual.

It is the policy of Elk Ridge City to comply with Federal and State Equal Employment Opportunity guidelines. All employment decisions will be made without unlawful regard of race, color, religion, sex, national origin, age or disability. To this end, Elk Ridge City will not engage in any unlawful discrimination against any employee or applicant for employment because of race, color, religion, sex, national origin, disability, age, or veteran status, and will ensure that applicants and employees are treated without unlawful regard to these characteristics.

It is the obligation of each officer, manager, supervisor, and employee of Elk Ridge City to conduct themselves in conformity with the principle of Equal Employment Opportunity at all times. All employment activities including, but not limited to, advertising, recruitment, hiring, promotion, demotion, transfer, disciplinary action, layoff, termination, compensation, and training, shall be conducted without unlawful regard to race, color, religion, sex, national origin, age or disability.

It is the policy of Elk Ridge City to strive for safety in all activities and operations, and to carry out our commitment of compliance with health and safety laws applicable to our business by enlisting the help of all employees to ensure that public and work areas are free of hazardous conditions.

No employee, officer, agent or other representative of Elk Ridge City has any authority to enter into any agreement for employment for any specified period of time or to make any agreement or representation, verbally or in writing, which alters, amends, or contradicts the provisions of this Personnel Policies and Procedures Manual.

Elk Ridge City reserves the right to change any of its policies and/or procedures at any time in the future for any reason.

This Personnel Policies and Procedures Manual is not, and shall not, be construed as an explicit or implied contract, shall not modify an existing employment at will status of any employee and shall not create any due process requirement in excess of Federal or State constitutional or statutory requirements.

Elk Ridge City

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SECTION I: EQUAL EMPLOYMENT OPPORTUNITY (EEO)

THESE POLICIES ARE NOT EXPRESS OR IMPLIED CONTRACTUAL EMPLOYMENT COMMITMENTS AND, EXCEPT FOR THE EMPLOYMENT-AT-WILL POLICY, MAY BE MODIFIED OR REVOKED BY THE CITY AT ANY TIME. NEITHER THIS PERSONNEL POLICY NOR ANY OTHER CITY DOCUMENT IS INTENDED AS A GUARANTEE OF TERMS OR CONDITIONS OF EMPLOYMENT OR OF BENEFITS OR RIGHTS. **THIS PERSONNEL POLICY DOES NOT ALTER THE EMPLOYMENT-AT-WILL RELATIONSHIP IN ANY WAY.** EMPLOYMENT IS NOT FOR ANY SPECIFIC TIME AND MAY BE TERMINATED AT WILL AND WITHOUT NOTICE AT ANY TIME WITH OR WITHOUT CAUSE. EMPLOYEES MAY RESIGN AT ANY TIME. **THESE GUIDELINES REPLACE ANY PREVIOUS ORAL OR WRITTEN STATEMENTS, POLICIES OR PRACTICES REGARDING MATTERS COVERED IN THIS PERSONNEL POLICY.**

- (1) GENERAL POLICY. It is the policy of the City of Elk Ridge to comply with Equal Employment Opportunity standards in all phases of personnel administration: job structuring, recruitment, examination, selection, appointment, placement, training, upward mobility, discipline, etc., without unlawful regard to race, color, religion, sex, age, physical or mental disability, national origin or veteran's status.

SECTION II: PROTECTION FROM LOSS AND LIABILITY (INDEMNITY)

1. **GENERAL POLICY.** Elk Ridge City will take all necessary precautions and steps in written contracts to prevent loss and liability arising from entering relationships with independent contractors using the Indemnity Provision Agreement (see Appendix Number 2 for details).

- A. Each contract with a private contractor should contain indemnity/hold harmless clauses which provide that:
 - (1) All contracts must contain indemnity and defense provisions in which the contractor assumes all liability arising out of work performed by the contractor or their officers, employees, agents, and volunteers.
 - (2) All contractors must provide evidence that they have acquired and maintain comprehensive general liability coverage, including liability insurance covering the contract concerned, prior to the execution of the contract.
 - (3) Elk Ridge City and its officials, employees, agents and volunteers must be named as "additional insured" on the liability insurance policy.
- B. Each contract with a private contractor must contain provisions that ensure the contractor is carrying workers' compensation insurance coverage.
 - (1) Elk Ridge City will require evidence of Workers Compensation insurance (or evidence of qualified self -insurance) from all contractors.
 - (2) Elk Ridge City shall have the contractor show evidence of the contractor's Workers Compensation coverage to Elk Ridge City.

SECTION III: EMPLOYEE HIRING

1. **EMPLOYMENT.** Job Descriptions defining the essential functions of the vacant position shall be drafted and adopted before the vacancy is posted or otherwise advertised internally or externally.

2. **RECRUITMENT.** All recruitment shall be conducted in a non-discriminatory manner.
 - A. **Internal Promotions.** It is Elk Ridge City's policy to give first consideration to current, qualified City employees to fill a job position. Elk Ridge City reserves the right to promote a current employee to fill a job position without noticing job opening.

 - B. **External Advertising.**
 - (1) Only the Mayor or designee, is authorized to place advertisements and respond to inquiries from employment agencies and/or job applicants.

 - (2) Each Job Opening Notice should contain a statement indicating that the Elk Ridge City is an equal opportunity employer.

 - (3) Job Opening Notices must be advertised in the appropriate media, and through any other channels the City administration deems appropriate.

 - (4) All Job Opening Notices must specify the name and the office of the person from whom Job Applications are to be obtained, the name and office of the person to whom completed applications are to be returned, and the deadline for filing an application.

3. **SELECTION.**
 - A. **Nepotism.** It is the policy of Elk Ridge City to comply with the provisions of Utah's Anti-Nepotism Act, Utah Code 52-3-1.

 - B. **Employment of Minors.** It is the policy of Elk Ridge City that no one under the age of sixteen (16) shall be hired for any position.

 - C. **When selecting a job applicant,** the City may consider the proximity of the job applicant's residence relative to the job.

 - D. **Rehires.** Job applications received from former employees will be processed using the same procedures and standards that govern all other applications. The City administration will review the former employee's personnel records and the circumstances surrounding termination of previous employment with Elk Ridge City.

SECTION III: EMPLOYEE HIRING

- (1) When a former employee who was terminated for cause applies for a position with the City, the City administration may consider the reasons for the former employee's termination in deciding whether to hire the former employee.
 - (2) Applicants who are rehired shall be required to serve a probationary period.
- E. Job Applications. All interested job applicants shall complete a Job Application.
- (1) All applications and resumes received for the job opening will be forwarded to the Mayor, Department Supervisor, or designee. Upon receipt, each application and resume will be marked with the date it was received and placed in an Applicant's File for at least three (3) months.
 - (2) Job applications shall be signed by the job applicant and the truth of all information contained therein shall be certified by the job applicant's signature. The job applicant shall provide a copy of required certified educational transcripts either with the application or upon hire.
- F. Testing.
- (1) General Aptitude Test Battery (GATB). When necessary, job applicants may be required to take the General Aptitude Test Battery. If administration of the GATB is deemed necessary, the test is to be administered by Job Service.
 - (2) Other Ability Tests. Job Applicants may be required to take other ability tests which Elk Ridge City deems necessary for a specific position. Job applicants for certain positions may require skills for which a known level of competence must exist such as mathematics, keypunch, and/or timed typing tests. When Elk Ridge City uses other ability tests, Elk Ridge City shall make reasonable accommodations for disabled applicants.
- G. Application Rejection. An application may be rejected for reasons that include, but are not limited to the following:
- (1) The applicant does not meet the minimum qualifications established for the position.
 - (2) The applicant is physically or mentally unable to perform the essential duties and responsibilities of the position with reasonable accommodation(s). (Determined only after a conditional offer of employment, pending the results of a medical examination, has been extended to a job applicant).
 - (3) The applicant has falsified a material fact or failed to complete the application.

SECTION III: EMPLOYEE HIRING

- (4) The applicant has failed to timely file the application.
- (5) The applicant has an unsatisfactory employment history or poor work references.
- (6) The applicant has failed to attain a passing score, if an examination is required.

H. Interviewing.

- (1) The Mayor or Designee will select applicants to interview from those who have passed the preliminary screening job application and ability tests. Job related duties and qualifications will provide the basis for initial screening of job applicants. During the interview, all job applicants should be advised that any and all of the information provided will be verified.
- (2) Individuals conducting job interviews shall only ask questions that pertain to the job position. The Pre-Employment Inquiry Guide (see Appendix Number 3 for details) should be reviewed by the interviewer before the interview begins. In addition, during the interview each interviewer completes an Interview Guide (see Appendix Number 4 for details) which is consistent with Elk Ridge City's Equal Employment Opportunity policy.

- I. Reference Checks. In order to facilitate references checks, written permission shall be obtained from the applicant using the Applicant's Consent to Release Information Form (see Appendix Number 5 for details). Elk Ridge City may contact the references for each job applicant and ask job-related questions, which include similar questions for each job applicant checked, using Elk Ridge City's Telephone and Written Reference Check Questionnaires (see Appendix Number 6 and 7 for details).

4. PLACEMENT.

- A. Rejection Letters. Within five (5) working days after the job offer has been accepted, non-selected job applicants shall be notified. The Mayor or Designee will send a Job Rejection Letter to each job applicant interviewed for the position. The City will post a Job Filled Notice on its website for applicants not interviewed.
- B. Job Offers. After a job applicant is approved by Elk Ridge City, the City shall notify the successful job applicant of their selection through a written Job Offer Letter. The written Job Offer Letter shall clearly state the job description, salary conditions, and any provisional conditions of employment (i.e., successfully passing drug/alcohol tests). Additionally, the written Job Offer Letter shall clearly state that the offer is not accepted until the candidate signs the written Job Offer Letter and returns it to Elk Ridge City by the requested date. The original Job Offer Letter is then filed in the employee's file and a copy is given to the new employee during orientation. Written Job Offer Letters should also include the following:

SECTION III: EMPLOYEE HIRING

- (1) A clear statement of the job description.
 - (2) The employee's starting wage/salary. Starting wage/salary offers for exempt positions shall be figured for a specified period, such as a two-week period. Starting wage/salary offers for non-exempt positions shall be figured at an hourly wage.
 - (3) The employee's job title.
 - (4) The employee's supervisor.
 - (5) Any relocation commitments, if applicable.
 - (6) Elk Ridge City's at-will employment policy.
 - (7) The employee's starting date.
 - (8) The length of the employee's probationary period.
 - (9) Notice that employment maybe contingent upon passing a background examination, drug tests, medical/physical examinations, etc.
- C. Medical Examinations. Once Elk Ridge City has extended a conditional job offer to the job applicant, a medical interview or examination may be conducted by a health professional chosen by Elk Ridge City to determine a job applicant's ability to fulfill essential job related requirements. All costs for required medical interviews or physical examinations will be borne by Elk Ridge City. The prospective employee must sign a written release of this information to Elk Ridge City.
- D. Reinstatements. Employees who are reinstated into Elk Ridge City may maintain their original anniversary date for seniority purposes as well as for those benefit programs governed by the anniversary date. The policy will be as follows:
- (1) Layoffs. Employees who are terminated because of reduction in work force will maintain their original anniversary date for seniority purposes if they are re-employed by Elk Ridge City within one year after date of termination. Employees who are terminated for cause and then rehired will not maintain their original anniversary date for seniority purposes.
 - (2) Voluntary resignations. Employees who voluntarily terminate their employment with Elk Ridge City may maintain their original anniversary date, subject to Mayor and/or City Council approval, if they are reemployed by Elk Ridge City within six months after date of termination.
- E. New Hires. The City Recorder or Payroll Clerk, is responsible for having new employees fill out all pre-employment forms, benefit applications, and enrollment forms and providing basic information on Elk Ridge City's pay policy, leave policy, benefits, parking and work hours during the employee's first day of work.

SECTION III: EMPLOYEE HIRING

F. Orientation. Newly hired employees shall complete all required paperwork and receive orientation as a new employee of Elk Ridge City on their first day of work.

- (1) In accordance with the Immigration Reform and Control Act of 1986, all new employees shall provide proof of identity and employment status by completing an Employment Eligibility Verification Form. The employee must sign under penalty of perjury that they are a U.S. citizen, a lawful permanent resident alien, or an alien otherwise authorized for U.S. employment.
- (2) All new employees shall complete and sign a Form W-4 Federal Withholding Statement.
- (3) All new employees should be given a tour of the work place with a brief overview of City rules and benefits. The employee should complete a New Employee Orientation Form, which form may be modified from time to time to meet the particular needs of Elk Ridge City.

G. Probationary Period.

- (1) All new employees shall be subject to a one (90) days probationary period (At Mayor or Supervisor's recommendation, probationary period may be extended for an additional 90 Days). During this period, probationary employees may be terminated with or without notice for any or no reason without any right to due process, notice, explanation, or appeal in connection with said termination.
- (2) Probationary periods begin on the first day of employment and continue for (90) days. Management will provide guidance to probationary employees so they understand work requirements.
- (3) An employee on probation shall have a performance evaluation at the end of the probationary period. This performance evaluation may be used to provide information to both the employee and management regarding the employee's performance. A performance evaluation and the results of such evaluation shall not obligate management to a particular course of action relative to the probationary employee nor shall it create any property/due process rights for the probationary employee relative to their job/position.

5. VOLUNTEERS.

A. City officials who recruit volunteers to perform services of benefit to the public will provide appropriate training and supervision. A volunteer is any person who donates services to the City without compensation, except for preapproved, incidental expenses relevant to their volunteer work.

SECTION III: EMPLOYEE HIRING

- B. The City shall develop guidelines for use of volunteers.
- C. Volunteer service experience will be recognized for determining minimum qualifications for an employment position with Elk Ridge City. Prior to accepting volunteer services, the volunteer may be required to sign a Memorandum of Understanding Agreement defining the nature and terms of the volunteer services.
- D. A volunteer is considered an employee of Elk Ridge City for the purposes of:
 - (1) Workers compensation benefits for compensable injuries sustained by the volunteer while acting in the scope of employment.
 - (2) Operating Elk Ridge City owned vehicles or equipment when the volunteer is properly licensed to do so.
 - (3) Liability insurance coverage offered employees.

6. RESIDENCY OF CITY EMPLOYEES.

- A. All employees must reside within twenty five (25) miles of the Elk Ridge City Offices throughout the period of his/her employment with Elk Ridge City. New employees of Elk Ridge City have twelve (12) months from the first day of employment to permanently relocate within twenty five (25) miles of the Elk Ridge City Offices.

SECTION IV: ALCOHOL AND DRUG FREE WORKPLACE

1. GENERAL POLICY. The purpose of this policy is to implement the Federal Drug Free Workplace Act of 1988 by providing for a safe and productive work environment that is free from impaired performance caused by employee use or abuse of alcohol, controlled substances and/or medication. The possession or use of illegal substances or the abuse/misuse of alcohol or drugs in the workplace jeopardizes the safety of City employees and the public, reduces productivity, impairs employee health, causes high absenteeism, increases the incidents of accidents and injuries, decreases employee morale, and unnecessarily increases medical costs. The City will continue to maintain a drug free workplace by implementing this policy.

This policy shall be distributed to employees and volunteers and made available for review by prospective employees and prospective volunteers.

2. DEFINITIONS.

- A. Abuse/Misuse. Abuse includes reporting to work or working while impaired by alcohol or any other drug(s); having a chemical dependence on alcohol or drugs, where job performance or the safety of the employee or others is adversely affected; or using illegal substances. Misuse is the improper use of a validly prescribed medication or the improper use of a non-prescription drug or psychotropic chemical, where job performance or the safety of the employee or others is adversely affected.
- B. Accident. Any occurrence or incident involving an employee at work, or an employee operating City equipment, or an employee on City property, when the occurrence or incident results in injury to the employee or others, or results in damage to property.
- C. Alcohol. Any beverage, mixture, or preparation, including any medication, containing alcohol.
- D. City's designated representative. Mayor or designee.
- E. Commercial Driver License (CDL) driver. Any employee who regularly operates a commercial motor vehicle as a requirement of his or her job, including but not limited to part-time, full-time, casual, intermittent, or occasional employed operators.
- F. CDL operations. As defined by federal regulation, safety-sensitive functions performed by CDL drivers, including, but not limited to: any time a CDL driver is waiting to be dispatched to perform duties herein; all time spent by a CDL driver in inspecting, servicing, or conditioning City equipment; all time spent by a CDL driver at the driving controls of a commercial motor vehicle; all time spent by a CDL driver in or upon a commercial motor vehicle, except time spent resting in a sleeper berth; all time spent by a CDL driver loading or unloading, attending a vehicle being unloaded or loaded, remaining in readiness to operate a vehicle, or in giving or receiving receipts for shipments loaded or unloaded; and all time spent by a CDL driver repairing, obtaining assistance, or remaining in attendance upon a disabled vehicle.

SECTION IV: ALCOHOL AND DRUG FREE WORKPLACE

- G. Controlled substances. Substances whose sale is controlled by federal or state law, including prescription medication and alcohol.
- H. Drugs. A chemical substance defined as a “drug” under Utah law, including but not limited to: chemical substances intended for use in the diagnosis, cure, mitigation, treatment, or prevention of disease in man or other animals; and chemical substances, other than food, intended to affect the structure or function of man or other animals.
- I. Employee. Any person in a paid, non-elected status with the City, including officers and regular full-time, regular part-time, part-time, seasonal, exempt, non-exempt, appointed, at-will, probationary, civil service, merit, career service, telecommuting employees.
- J. Employee Assistance Program (EAP). The City’s officially designated employee referral and counseling program.
- K. Illegal Substances. Chemical substances whose possession, use, consumption, or distribution is prohibited under federal or state law. For Elk Ridge City, this term includes, but is not limited to: cocaine and its derivatives, heroin, natural and synthetic hallucinogens, PCP, methamphetamine, and marijuana.
- L. Medical Review Officer (MRO). A Medical Review Officer is a certified, independent physician that confirms the accuracy of a positive drug screen.
- M. Safety Sensitive Position. Any position involving duties which directly affect the safety of governmental employees, the general public, or positions where there is access to controlled substances, as defined in Title 58, Chapter 37, Utah Controlled Substances Act, during the course of performing job duties.
- N. Sample. Any bodily substance or fluid drawn or used to conduct a medical examination or medical testing procedure(s), including, but not limited to urine, blood, or breath.
- O. Substance abuse professional. A certified health professional who determines what assistance the employee needs in resolving problems associated with alcohol or drug abuse /misuse.

3. PROHIBITED CONDUCT/EMPLOYEE RESPONSIBILITIES.

- A. City employees shall not engage in the unauthorized or unlawful manufacture, distribution, dispensing, possession, or use of an illegal substance or alcohol in City facilities, on City property, in any City vehicle, or while on City business.
- B. City employees are prohibited from abusing or misusing drugs or alcohol in City facilities, on City property, in any City vehicle, or while on City business.
- C. City employees shall not attempt to alter, substitute, in any way tamper with a specimen, or otherwise interfere with drug or alcohol testing procedures.

SECTION IV: ALCOHOL AND DRUG FREE WORKPLACE

- D. City employees shall not violate the confidentiality of communications regarding employee test results, as specified in this Policy.
- E. CDL drivers shall not operate a City vehicle on duty within a minimum of four (4) hours after using alcohol.

4. REQUIRED NOTIFICATION OF CRIMINAL CONVICTION OR DRIVER'S LICENSE REVOCATION OR SUSPENSION AND CERTIFICATION REQUIREMENTS.

- A. City employees who are convicted of any crime involving drugs or alcohol in the workplace shall notify the Mayor within five (5) working days of a court's decision. The Mayor shall notify the federal granting or contracting agency within ten (10) days after receiving notice of such a conviction.
- B. The City will take appropriate personnel action against City employees who are convicted of any crime involving drugs or alcohol in the workplace, up to and including termination. The city may also require such an employee to satisfactorily participate in a drug or alcohol abuse assistance or rehabilitation program.
- C. Any employee whose job duties require a valid state driver's license shall notify their supervisor when the state revokes or suspends the employee's driver's license for any reason.
- D. It is the employee's responsibility to maintain their minimum job qualifications as noted in their job description.
- E. Time spent during the employee's regularly scheduled shift to obtain/maintain required Commercial Driver License (CDL) will be considered time worked. Testing outside of the employee's regularly scheduled shift will not be considered time worked.
- F. .The medical examination required for a City employee to receive a CDL license from an approved health care provider. Any special referrals for other medical examinations by providers other than the approved occupational health provider will be the employee's responsibility – no reimbursement will occur.
- G. The City will pay for only one certification test for each re-certification period. If the employee does not pass the initial test, the employee will assume responsibility for the additional cost(s) involved. Additional testing will be on the employee's own time.

SECTION IV: ALCOHOL AND DRUG FREE WORKPLACE

5. REQUIRED NOTIFICATION OF MEDICATION USE.

- A. The City may require employees in positions affecting public safety to report when they are taking medication that may affect their ability to perform the essential functions of their jobs. The City may require such reports only when the City can demonstrate that an employee's inability or impaired ability to perform essential functions can reasonably be determined to pose a direct threat to the employee, to co-workers, or to the public.
- B. Any City department intending to require employees in positions affecting public safety to report medication use under this section shall consult with the City's designated representative prior to requiring such a report.

6. PRE-EMPLOYMENT DRUG SCREEN (ALL APPLICANTS).

- A. Job candidates who have met all other requirements for employment, may receive a conditional offer based upon successfully pass a drug test. This requirement does not apply to current employees pre-bidding on other City positions unless a 30-day lapse of continued employment occurred.
- B. The City hiring authority shall inform all job applicants of this Policy, including the pre-employment drug-testing requirement. Job applicants who apply for CDL positions must be informed of current federal drug and alcohol testing requirements for their position.
- C. All job offers shall be conditioned on candidate employees passing a pre-employment drug screen and acceptance of and willingness to abide by this policy as a condition of employment.
- D. The City shall withdraw a job offer of any candidate who fails to pass a pre-employment drug test. Such candidate employees shall be ineligible for a City employment offer for one year from the date of the failed screening test.

7. REASONABLE SUSPICION TESTING (ALL EMPLOYEES).

- A. An employee's appearance, performance, behavior, speech, or body odor may support reasonable suspicion that the employee is impaired by drugs or alcohol. In this event, a reasonable suspicion determination should be supported by one or more of the following:
 - (1) Observations by a second qualified observer, when one is available.
 - (2) Discovery or presence of illegal or suspicious substances or materials in an employee's possession or within the employee's control;
 - (3) Observations of an employee ingesting, injecting, smoking, or inhaling a prohibited substance;

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- (4) Odor of alcohol or residual odor peculiar to some chemical or controlled substances; or
- (5) Poor physical coordination, slow reactions, slurred speech, hand tremors, unsteady walking, dilated or constricted pupils, disorientation, or unusual restlessness.
- (6) Other events, actions, or admissions by the employee that may support a reasonable suspicion determination, include the following:
 - (a) Changes in work performance;
 - (b) Increased accidents or injuries;
 - (c) Repeated failure to follow instructions or operating procedures;
 - (d) Poor judgment and difficulty in concentration;
 - (e) Uncharacteristic inability to follow a series of consecutive directions in a predictable and/or logical manner;
 - (f) Changes in personal hygiene;
 - (g) Social withdrawal, including isolation, overreacting to criticism;
 - (h) Flagrant disregard of safety procedures;
 - (i) Abusive, loud, combative, aggressive, threatening, fearful, paranoid, or other uncharacteristic behavior;
 - (j) An accident or near-accident in which employee carelessness may be a contributing factor;
 - (k) Credible information received by a City supervisor or officer suggesting that an employee may be abusing alcohol, a controlled substance, or using illegal drugs;
 - (l) Unexplained or frequent absenteeism; or
 - (m) Arrest or conviction for violation of a criminal drug statute or an illegal act involving drug or alcohol abuse.
- (7) The City shall provide at least 60 minutes of training for all supervisors to detect the physical, behavioral, speech, and performance indicators of probable drug and alcohol abuse or misuse. All supervisors should be able to determine if an employee may be impaired in his or her job performance due to such abuse or misuse.

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- (8) If any supervisor or City official determines that reasonable suspicion exists for a drug or alcohol screen, the employee shall immediately be removed from his or her duties and be informed of the reasonable suspicion.
- (9) Any supervisors or City official who determines that reasonable suspicion exists for an employee drug and alcohol screen shall record the factors he or she relied on in making that determination. Such record shall also include: any witnesses, including their addresses and phone numbers; any reports by the employee of use of prescriptions medication or other explanation for his or her conduct; and whether the police were notified.
- (10) A City supervisor who makes the determination that reasonable suspicion exists shall not conduct the drug or alcohol test.
- (11) The City shall consider an employee who refuses to submit to a drug and alcohol test based on reasonable suspicion to be insubordinate.

8. POST ACCIDENT DRUG AND ALCOHOL TESTING.

- A. When any City employee at work is involved in a fatal accident the employee shall, if possible, within two hours of the accident submit to a drug and alcohol screen. If a test is not administered within two hours following the accident, the City shall prepare and maintain on file a record stating the reasons the test was not administered. If a test is not administered within eight hours following the accident, the City will cease attempts to administer a test and shall prepare and maintain a record stating the reasons the test was not administered.
- B. A City CDL driver shall within two hours of an accident involving a City vehicle submit to a drug and alcohol screen, when:
 - (1) Accident involves the loss of human life, or
 - (2) The CDL driver receives a moving traffic citation associated with the accident, and bodily injury to any person who, as a result of the accident, immediately receives medical attention away from the scene of the accident, or
 - (3) The CDL driver receives a moving traffic citation associated with the accident, and one or more motor vehicles have incurred disabling damage as a result of the accident, requiring the motor vehicle to be transported away from the scene by a tow truck or other motor vehicle.
- C. An employee who is subject to post-accident testing shall remain reasonably available for such testing or may be deemed to have refused to submit to testing.

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- D. When any City employee at work is involved in a non-fatal accident the employee's supervisor or City official may determine that reasonable suspicion exists to require the employee to submit to a drug and alcohol screen. In non-fatal accident cases, the supervisor may not conclude there is reasonable suspicion merely because an accident has occurred. Rather, the supervisor should consider the totality of the circumstances, including factors related to reasonable suspicion, as described in this Policy.
- E. Nothing in this section shall be construed to require the delay of necessary medical attention for injured people following an accident or to prohibit a vehicle operator from leaving the scene of an accident for the period necessary to obtain assistance in responding to an accident, or to obtain necessary emergency medical care.

9. RANDOM DRUG AND ALCOHOL TESTING (SAFETY SENSITIVE POSITIONS).

- A. The City may, per state and federal regulations, randomly select employees in safety sensitive positions for drug and alcohol tests. The random selection process shall be conducted independent of the City departments. The dates for testing shall be selected on a random basis. Each employee in a safety sensitive position shall have an equal chance of being selected each time a random screen is drawn. This process may result in some employees being selected more than once in a given period, while others may not be selected for testing.
- B. The City shall inform employees in safety sensitive positions that the random testing in this section is authorized by state and federal regulation.
- C. Once the City notifies an employee in a safety sensitive position the requirement to submit to a random test, the employee has a maximum of two hours to appear at the designated testing location for testing. Employees in safety sensitive positions may be tested for drugs or alcohol, or both.
- D. Any employee in a safety sensitive position who refuses to take any required test, or who fails to report when scheduled, shall be prohibited from performing or continuing to perform his/her safety sensitive job functions. Employees will also be subjected to disciplinary action, up to and including termination.
- E. If a Medical Review Officer reports a positive drug or alcohol test result, or the employee refuses to submit to testing, the City may refer the employee to a substance abuse professional. The initial meeting between the employee and the substance abuse professional should occur within three working days of the City being notified of the positive test result or the employee's refusal to be tested. At the time of the referral, the employee shall sign a release that will allow the substance abuse professional to report employee attendance at treatment or counseling sessions, and to discuss treatment recommendations with appropriate City officials.

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- F. If a random test of an employee in a safety sensitive position produces a positive drug or alcohol test result, or the employee refuses to be tested, the City shall place the employee on sick/personal leave and/or vacation leave. If the employee does not have paid leave available, the City shall place the employee on unpaid administrative leave pending the outcome of the substance abuse professional consultation.
- G. These provisions do not preclude unannounced testing of non-CDL employee or CDL drivers when such testing is required as part of a recommended after care/treatment program, which the City requires upon an employee's return to work after a positive test.

10. TESTING PROCESS.

- A. When an employee is required to be tested under circumstances of reasonable suspicion, the supervisor or City department must make arrangements for transportation of the employee to the testing facility or location.
- B. The testing procedures will meet the requirements of Utah Code Ann. § 34-41-101 et. seq. and the current medical practice and National Institute of Drug Abuse guidance, National Highway Traffic Safety Administration regulations, or comparable standards, including but not limited to analytic methodologies and procedures, sample documentation, storage, transportation, and results confirmation. The object of such procedures is to provide accuracy, validity, and reliability of test results.
- C. Testing procedures will conform with the following:
 - (1) the collection of samples will be performed under reasonable and sanitary conditions;
 - (2) the samples that are collected and tested:
 - (a) are collected and tested in a manner to ensure the privacy of the individual being tested; and
 - (b) in a manner reasonably calculated to prevent substitutions or interference with the collection or testing of reliable samples;
 - (3) The sample collection will be appropriately documented to ensure that:
 - (a) samples are labeled and sealed so as reasonably to preclude the probability of erroneous identification of test results; and
 - (b) employees, volunteers, prospective employees, or prospective volunteers have the opportunity to provide notification of any information that he/she considers relevant to the test, including identification of currently or recently used prescription or nonprescription drugs or other relevant medical information.

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- (c) the sample collection, storage and transportation is in compliance with the Americans with Disabilities Act of 1990;
 - (d) the sample collection, storage, and transportation to the place of testing are performed in a manner that reasonably precludes the probability of sample misidentification, contamination, or adulteration; and
 - (e) sample testing conforms to scientifically accepted analytical methods and procedures.
- (4) Before the result of any test may be used as a basis for any action the City, the City shall verify or confirm any positive initial screening test by gas chromatography, gas chromatography-mass spectroscopy, or other comparably reliable analytical methods and shall provide that the employee, prospective employee, volunteer, or prospective volunteer be notified as soon as possible by telephone or in writing at the last-known address or telephone number of the result of the initial test, if it is positive, and told of his option to have the 15 ml urine sample tested, at an expense equally divided between the donor and the employer. In addition to the initial test results, the test results of the 15 ml urine sample shall be considered at any subsequent disciplinary hearing if the requirements of Utah Code have been complied with in the collection, handling, and testing of the samples.
- (5) Any drug testing by the City shall occur during or immediately after the regular work period of the employee or volunteer and shall be considered as work time for purposes of compensation and benefits.
- (6) The local governmental entity or state institution of higher education shall pay all costs of sample collection and testing for drugs required under this policy, including the costs of transportation if the testing of a current employee or volunteer is conducted at a place other than the workplace.
- D. Urine collection shall not be observed, unless facts support a reasonable belief that the employee may alter or substitute the specimen. For example, urine collection may be observed when the person to be tested is a confirmed illegal substance abuser, is seen to have equipment or implements used to tamper with urine samples, or has recently been determined to have tampered with or altered a sample. In such cases, only a person of the same gender shall make observed collections.
- E. When an employee is tested for drugs other than alcohol, the City shall take and preserve a split sample. A split urine sample shall consist of at least 45 ml of urine. The urine shall be divided into two specimen bottles, with at least 30 ml in one bottle and at least 15 ml in the other. If the test results of the 30 ml urine sample indicate the presence of drugs, the donor of the test shall have 72 hours

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from the time the donor is so notified to request, at the donor's option that the 15 ml urine sample be tested for the indicated drugs, the expense of which shall be divided equally between the donor and employer. In addition to the test results of the 30 ml urine sample, the test results of the 15 ml urine sample shall be considered at any subsequent disciplinary hearing if the requirements of this Utah Code Ann. §§ 34-41-103 and 104 have been complied with in the collection, handling, and testing of these samples.

- F. All testing shall be conducted by an outside contractor or agency certified for employment drug testing by either the Substance Abuse and Mental Health Services Administration or the College of American Pathology.
- G. In case of a drug test, the employee's sample will be analyzed for the presence of marijuana, cocaine, opiates, phencyclidine, and amphetamines. Any trace above the threshold limit may be considered by the Medical Review Officer as a positive result; however, the Medical Review Officer shall determine whether the results indicate a need for further testing. The Medical Review Officer may also recommend to the City the need for possible removal of the employee from job duties.
- H. In the case of alcohol testing, if the employee's alcohol level does not exceed .04 Blood Alcohol Level (BAC), the results shall be recorded as negative. If the alcohol test results indicate alcohol level at or above .04 BAC, the Medical Review Officer may recommend that the employee be relieved of his or her job duties and reinstated only after consultation with a substance abuse professional.
- I. CDL drivers tested under this Policy who is found to have an alcohol concentration of .02 or greater but less than .04 shall conduct CDL operations until the start of the next scheduled duty period, but in no case shall the work period be less than twenty-four (24) hours following the administration of the test.
- J. To determine whether a sample is positive, the City will follow thresholds recommended by National Institute of Drug Abuse. For CDL drivers the thresholds are those specified under federal regulations.
- K. An employee who refuses to submit to a drug or alcohol test under this Policy shall be subject to all the same conditions as if they had tested positive.
- L. The Medical Review Officer shall report a positive test result to the City's designated representative.
- M. Any drug or alcohol testing of City employees shall be considered time-worked for purpose of compensation.
- N. The City shall pay all costs of testing for drugs and alcohol required by the City, except as otherwise provided herein.

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11. TREATMENT AND REHABILITATION PROGRAMS.

- A. The City encourages employees with drug or alcohol abuse/misuse problems to participate in treatment and rehabilitation programs.
- B. The City supports employee use of EAP services. EAP counseling is available to employees when an employee feels he or she needs help with a problem that is causing or might cause their job performance to decline or safety to be compromised. Employees seeking assistance may obtain the name, address, and phone number of EAP services by contacting the Mayor or Designee.
- C. Notwithstanding the City's support for EAP counseling, supervisors should not attempt to diagnose an employee's problem or direct employees to seek assistance. The supervisor's role is to monitor job performance, workplace safety, and overall efficiency of City operations.
- D. Nothing in this Policy shall be construed to require the City to offer or provide rehabilitation to employees.
- E. If an employee refuses to seek assistance or is unable to avoid drug or alcohol impairment in the performance of job duties, these circumstances will be considered in making employment decisions.
- F. The cost of drug or alcohol abuse treatment or rehabilitation is solely the employee's responsibility.
- G. Prevention of drug and alcohol abuse/misuse among employees will be addressed through ongoing educational programs available to all City employees.

12. RETURN TO WORK AND FOLLOW UP ACTIONS.

- A. The Mayor or Designee may require employees who test positive on a drug or alcohol screen to consult with a substance abuse professional. The City will request the substance abuse professional to recommend appropriate treatment and follow-up that would be advisable for the employee to fully and successfully perform his or her duties, without impairment from drugs and alcohol.
- B. An employee who, as a result of a reasonable suspicion determination, tests positive on a drug or alcohol screen may not return to work until:
 - (1) the City has received the written recommendation of a licensed physician or substance abuse professional, and
 - (2) the employee accepts any resulting terms and conditions of employment, which can include random testing.

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- C. The City shall record any follow-up care, including additional testing for drugs or alcohol, recommended by a physician or substance abuse professional. Such recommendations shall be considered terms and conditions of employment for that employee during an appropriate period of time, but not less than one year.
- D. A City CDL driver may not return to work until the driver undergoes a return-to-work alcohol test with a result indicating an alcohol concentration of less than .02 if the conduct involved alcohol, or a drug test with a verified negative result if the conduct involved drugs.
- E. CDL drivers who test positive for drugs or alcohol shall be subject to unannounced follow-up alcohol and drug tests following the operator's return to duty. The substance abuse professional shall recommend the number and frequency of such follow-up testing. However, such follow-up testing shall consist of at least six (6) tests within the first twelve (12) months following the driver's return to duty. In no case shall the follow-up testing for CDL drivers exceed sixty (60) months following the date of the operator's return to duty.

13. EMPLOYMENT STATUS AND ACTIONS, INCLUDING DISCIPLINE.

- A. Any employee who refuses to submit to a drug or alcohol test under this Policy may be found by a supervisor to be insubordinate and may be subject to appropriate disciplinary action.
 - (1) The City may: require the employee to enroll in rehabilitation, treatment or counseling and educational program as a condition of continued employment;
 - (2) Suspend the employee with or without pay for a period of time;
 - (3) Terminate the employment or voluntary services; and/or
 - (4) refuse to hire a prospective employee or use the services of a volunteer.
- B. Any CDL driver who refuses to be tested under this Policy shall be relieved of all duties involving CDL operations.
- C. Should an employee's supervisor determine that the employee cannot perform the functions of his or her job due to the suspected abuse or misuse of drugs or alcohol, or if the supervisor determines that an employee has used, possessed, sold, or transferred any illegal substance while on City time or on City property, the supervisor may take appropriate disciplinary or other action, including placing the employee on paid administrative leave pending appropriate testing, investigation, counseling, discipline, or other action.
- D. An employee's voluntary participation in a treatment or rehabilitation program will be considered as a mitigating factor in making disciplinary decisions.

SECTION IV: ALCOHOL AND DRUG FREE WORKPLACE

- E. Employees who dispense or sell illegal substances on City property or on City time will be subject to termination and criminal investigation.
- F. The fact that an employee tests positive for drug or alcohol use under this Policy does not mean the City recognizes or acknowledges the employee as disabled under the American with Disabilities Act or as a person with a handicap for purposes of the Utah Anti-discrimination Act.
- G. Contract employees and volunteers providing goods or services for or on behalf of the City shall also be subject to this Policy, including the cancellation or refusal of continued services or work of any volunteers or contract employees who are found to be in violation of this Policy.

14. CONFIDENTIALITY.

- A. City-required drug and alcohol test results, records relating to specific test methods, steps, and procedures are and shall remain property of the City. The City shall share such information with others only on a need-to-know basis. Such need-to-know may exist with respect to department heads, immediate supervisors, human resource consultants, and City attorneys.
- B. All information, interviews, reports, statements, memoranda, or test results received by the City under this Policy are confidential communications and shall be safeguarded and controlled, as required by law and regulation. The use and disposition of all drug test results are subject to the limitations of Title 63G, Chapter 2, Government Records Access and Management Act, and Americans with Disabilities Act of 1990, 42 U.S.C. 12101 through 12213.
- C. The City may use these confidential communications as a basis for disciplinary action or employment conditions relating to rehabilitation, treatment or counseling, which may include additional drug or alcohol testing.
- D. The confidentiality requirements of this Policy shall not restrict the right of the City to investigate any incidents or performance issues relating to an employee, take disciplinary action against an employee, notify professional licensing agencies of the employee's actions, or to otherwise act in support of the City's interests and protect the safety and health of its employees and the public.

15. APPEALS.

- A. Employees who are disciplined for violations of this Policy may appeal such disciplinary actions as specified by City policies.
- B. Employees who test positive for illegal substances or alcohol, but who are not disciplined, may request a hearing to challenge the basis for the testing or to challenge the test results. Such requests must be filed in writing with the Office of the City Recorder within 10 working days of the report to the employee of the positive test result.

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- C. Upon a request for a hearing hereunder, the Mayor or designee shall refer the matter an administrative law judge or hearing officer. That judge or officer shall hear the employee's appeal within twenty (20) working days of the date the employee files the appeal, unless the City and the employee agree to an extension of time.
- D. The judge or officer may consider all facts relating to the basis for testing of test results.
- E. Employees may be represented during hearings by an attorney or other person, consistent with City Policy or any collective bargaining agreement.
- F. The judge or officer shall issue written findings, based on a preponderance of evidence that address the issues raised by the employee and the City.
- G. The judge or officer shall submit findings and a recommendation to the employee's department head, who shall inform the employee of the department head's decision regarding the recommendation. The department head's decision shall be final.

SECTION V: HARASSMENT PREVENTION

1. GENERAL POLICY. It is the policy of Elk Ridge City that:

- A. Elk Ridge City is committed to maintaining a work environment free of discrimination and harassment based on a person's sex (including gender harassment, harassment due to pregnancy, childbirth, or related medical condition), race, color, age, religion, disability, ancestry, or national origin, consistent with applicable laws.
- B. All employees should respect the rights, opinions and beliefs of others.
- C. Employment decisions, such as promotions, performance evaluations, pay adjustments, disciplinary or corrective actions, or work assignments, will be based on merit, an employee's abilities and qualification, or on other job related criteria.
- D. Harassment of any person because of sex, sexual orientation, race, color, age, religion, disability, ancestry, or national origin is strictly prohibited, whether directed at an employee or a citizen. Any such harassment is prohibited by this policy whether or not it also violates the equal employment opportunity laws, except that those employees of Elk Ridge City under the direct control or supervision of the Elk Ridge City Council may be bound only by City ordinance and State and Federal equal opportunity laws.

2. PROHIBITED CONDUCT.

- A. Any deliberate, unwanted, or unwelcome behavior of a sex/gender based nature, whether verbal, non-verbal, or physical is prohibited.
- B. Two major categories of sexual/gender harassment are:
 - (f) Quid Pro Quo, or the granting or conditioning of tangible job benefits for the granting of sexual favors.
 - (g) Creating a hostile or unwelcome work environment, which could occur through any or all of the following general means:
 - (a) Level One: 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.

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(b) Level Two: Targeted or individual harassment.

[1] Intentional behavior predicated on gender or expressing sexuality which is directed at a specific group or individual.

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

(c) Level Three: Criminal touching.

[1] The intentional unwanted touching of the breasts, buttocks, or genitals of another.

[2] Forcible sexual abuse.

3. **INVESTIGATIVE PROCEDURE.** Preliminary reviews and formal investigations shall be conducted by the Mayor or designee. If the investigation finds the allegations to be sustained, the City shall take appropriate action under this policy. If an investigation reveals evidence of criminal conduct, the Mayor or designee may refer the matter to the appropriate law enforcement agency. At the conclusion of the investigation, the findings shall be documented and appropriate parties notified.

2. **TYPES OF CORRECTIVE ACTION.** Any employee who is being sexually harassed or who has personal knowledge of clearly offensive conduct may address the issue either through the formal or informal processes described below:

A. Informal Action.

(1) Employees who are experiencing an unwelcome or hostile work environment at Level One or Level Two as described above may, if they so desire, choose to 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 result in a formal complaint. Employees experiencing sexual harassment at this level are not required to use the informal process and may file a formal complaint if they so desire.

(a) This notification may be:

(b) Verbally, in person.

(c) In writing, signed or unsigned.

(d) Through a supervisor, verbally or in writing. The victim may:

[1] Ask the supervisor for assistance in determining what to say and how to approach the offending employee.

[2] .Request the supervisor to accompany the victim when the victim gives the offending employee notice.

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[3] Ask the supervisor to give notice to the offending employee, accompanied by the victim.

[4] Ask the supervisor alone to provide notice to the offending employee.

B. Formal Action.

- (1) Employees who are experiencing an unwelcome or hostile work environment which is clearly offensive or at Level Three as described above, or who have been subjected to quid pro quo type sexual harassment, should address that unwelcome behavior/conduct through the formal remedial process.
- (2) Formal complaints should be in writing and specify:
 - (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 as a result of the offensive behavior.
 - (f) How the victim would like the matter settled, or what the victim would like to see happen.
- (3) ..The victim will be allowed a reasonable amount of time during work to prepare a formal complaint.
- (4) The victim should submit formal written complaints to their immediate supervisor. If the immediate supervisor is the employee engaging in the offensive behavior, the formal complaint should be submitted to supervisor, the department head, the Mayor.

3. DISCIPLINARY ACTION. Employees found guilty of sexual harassment may face disciplinary action up to, and including, termination based on all the circumstances of the case, as well as the offending employee's work history.

6. MAINTAINING COMPLAINT FILES.

- A. Information related to any sexual harassment complaint, proceeding, or resolution shall be maintained in separate and confidential sexual harassment complaint files. This information shall not be placed or maintained in the any employee's personnel file.
- B. Information contained in the sexual harassment complaint files shall be released only with the written authorization of the victim and the Mayor.

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- C. Participants in any sexual/gender harassment proceeding/investigation shall treat all information related to that, proceeding/investigation as confidential.

7. VICTIM PROTECTION.

- A. Individual complaints, either verbal or written, are confidential.
- B. Victims of alleged sexual harassment 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.
- 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 consist of, but is not limited to, any of the following:
 - (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.

SECTION VI: EMPLOYEE CODE OF CONDUCT

1. **PROFESSIONALISM.** Elk Ridge City is a professional association whose purpose, among others, is to provide professional services to its citizens. Its employees must adhere to high standards of public service that emphasize professionalism, courtesy, and avoidance of even the appearance of illegal or unethical conduct. Employees are required to carry out efficiently the work items assigned as the responsibility, to maintain good moral conduct, and to do their part in maintaining good relationships with their supervisors and fellow employees, the public, and other member employees and officials.
2. **PRIVILEGED INFORMATION.** City employees who are involved with information of significant public interest may not use this privileged information for personal gain, nor to benefit friends or acquaintances. If an employee has an outside interest which could be affected by any City plan or activity, this situation must be reported to the Mayor immediately. Each employee is charged with the responsibility of ensuring that only information that should be made available to the general public is released as pursuant to the regulations found in the Government Records Access and Management Act.
3. **CONFIDENTIALITY.** Fellow employees have an unquestionable right to expect all personal information about themselves, their illness, their family and financial circumstances to be kept confidential. Every employee has an obligation to protect this confidence. Never discuss privileged information with others who are not authorized to receive it, either inside or outside the office.
4. **GIFTS AND GRATUITIES.** City employees are prohibited from soliciting or accepting any gift, gratuity, favor, entertainment, loan or item of monetary value from any person seeking to obtain business with the City, or from any person within or outside City employment whose interests may be affected by the employees' performance or nonperformance of official duties. City employees will not accept gifts or gratuities except under circumstances allowed by the Utah Public Officers' and Employees' Ethics Act 67-16-101 et seq.
5. **ATTENDANCE.** Regular attendance and punctuality are essential to providing high quality work, service to customers, and to avoid extra work for fellow employees. Therefore, when the employee is going to be late or will not be able to report to work, the employee must notify his/her Supervisor prior to the scheduled work time. If the employee is ill or has an emergency, he/she should notify a Supervisor (immediate Supervisor preferred) as soon as possible on each day of absence. An employee must report for work unless he/she is utilizing sick or vacation leave or is entitled to leave under federal or state code.
6. **APPEARANCE.** The City reserves the right to expect its employees to present a favorable impression during any contact with the public. All employees are expected to maintain a neat and clean personal appearance. Standards of dress shall be appropriate to the job and the tasks to be accomplished.
7. **SMOKING.** In compliance with the Utah Indoor Clean Air Act smoking is not permitted in City facilities.

SECTION VI: EMPLOYEE CODE OF CONDUCT

8. CITY OWNED OR LEASED VEHICLES.

A. Use. Only City employees may drive city owned or leased vehicles. All drivers shall comply with the following:

- (1) Drivers shall possess a valid Driver's License for the appropriate class of the vehicle being operated;
- (2) City vehicles may only be used for conducting City business;
- (3) Employees must comply with all laws and regulations relating to the operation of motor vehicles;
- (4) Employees are prohibited from operating City owned/leased vehicles while under the influence of alcohol or drugs;
- (5) Employees shall notify their supervisor if they are taking any prescription or other medication that may impair their ability to safely and properly operate a vehicle or equipment;
- (6) Employees must pay without reimbursement all fines or fees for citations for parking or traffic violations that are incurred while operating a city owned/leased vehicle;
- (7) Employees shall immediately report to their supervisor any unsatisfactory/unsafe vehicle conditions, including repairs that need to be made;
- (8) Elk Ridge City also prohibits smoking in City owned or leased vehicles;
- (9) Employees may permit persons that are not City employees to be passengers in City vehicles only if it is necessary to conduct City business; Any City employee who operates a city owned vehicle must notify their supervisor of any change in the employee's physical condition (such as a heart problem, diabetes, significant deterioration of hearing or sight) which may be a factor in operating a vehicle safely. Employees must notify their supervisor anytime their license is denied, suspended or revoked.

B. Driving Records:

- (1) City may conduct driving records checks for employees who drive City-owned/leased vehicles or where the position requires a valid operator's license.
- (2) Driving privileges of City vehicles shall be suspended for any City employee whose driving record reflects a denied, suspended, invalid or revoked driver's license.
- (3) The Mayor or Department Head may impose disciplinary actions for work related driving accidents or violations.

SECTION VI: EMPLOYEE CODE OF CONDUCT

9. PERSONAL USE OF ELK RIDGE CITY OFFICE ITEMS.

A. Computer Equipment.

(1) Personal use of City owned computer systems is permitted only when all of the following criteria are met.

- (a) The use offers an opportunity for the employee to increase the employee's job-related knowledge and skills.
- (b) The employee is not compensated for the work performed, unless the employee has received prior written approval by the City.
- (c) The employee pays for the cost of consumables and other attendant expenses (diskettes, paper, computer on-line and access charges, etc.).
- (d) The employee uses the computer system after hours, or on the employee's personal time.
- (e) The employee does not use the computer system for permanent storage of data.
- (f) The use does not conflict with the employee's City responsibilities or normal City business. And,
- (g) The use has been approved by the City.
- (h) Computers may not be used for pornography, explicitly sexual material or violence or threats of violence.

(2) Software, programs, databases, catalogs, lists, curriculum, systems, codes, and like items developed on City owned computer equipment is the property of the City.

B. FAX and Copying Machines. Any employee desiring to use City owned FAX or copying machines for items of a personal nature may do so on a de minimus basis. For large or excessive fax or copying projects of a personal nature, employees must pay for such use at the rate which is in effect at the time of use. Employees should get permission from the Supervisor for personal use of the fax or copy machine for large or excessive projects.

C. Telephone calls.

(1) Any employee desiring to use City telephones to make long distance, personal calls for items of a personal nature may do so on a de minimus basis. However, frequent or excessive personal, long distance phone calls are prohibited and employees will be billed for charges associated with such calls.

SECTION VI: EMPLOYEE CODE OF CONDUCT

- (2) It is expected that all employees will use City owned telephones and personal cell phones for personal calls judiciously. Telephone calls and cell phone use (calls, texting, web use etc.) is to be limited to necessity and must not disrupt the carrying out of employee responsibilities.
- (3) . Cell Phones. Individual City Departments shall be responsible for the administration, control, management and protocol for cell phone service within the respective departments.
 - (a) Elk Ridge City recognizes that allowing certain City personnel to use a cell phone is helpful to efficiently conducting City business. Section 16. Benefits 6. Cell Phones provides specific guidelines regarding the use of cell phones for business purposes and the methods available to accomplish this purpose.
 - (b) During work hours, personal calls shall be kept to a minimum. Whenever possible, personal calls should be limited to break time, lunch time and non-working hours.

D. E-mail/Internet.

- (1) Excessive personal use of e-mail and/or the internet is prohibited during regular office hours. Personal use of City owned e-mail and/or internet on the employees own time, i.e., before and after work or at lunch time, may be permitted, however, use must be regulated to avoid the encouragement of excessive incoming mail, as well a trash or spam mail. Personal use of e-mail and/or internet should not interfere with or distract an employee from the timely and diligent performance of his/her job responsibilities.
- (2) Inappropriate use of e-mail and/or internet is prohibited. This includes, but is not limited to, chat locations and sites of a sexual nature.
- (3) Spam and/or e-mails sent by unknown person should not be opened to avoid computer viruses.
- (4) There can be no expectation of privacy related to the use of City technology. Employees need to understand that the e-mail/internet programs are the property of the City. As such, incoming and outgoing e-mails as well as the history of internet usage is subject to inspection by City Management.
- (5) Misuse of City owned e-mail and/or internet by City employees may result in disciplinary action.

10. CREDIT CARDS. Elk Ridge City credit cards shall be used for official business only, and shall not be used for the personal convenience of an employee.

SECTION VI: EMPLOYEE CODE OF CONDUCT

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

- A. Pursue the outside, activity on the employee's own time;
- C. Pursue the outside activity away from the City offices;
- D. Discourage any phone, mail or visitor contact related to the outside interest at the City offices;
- E. Arrange for annual leave or compensatory time off to pursue the outside interest during business hours; and
- F. Except as provided in this policy, no use of data processing equipment, postage metering machines, copiers, other City-owned, equipment or supplies for the outside interest.
- G. Employees shall not use City equipment, including computers, telephones, email or internet, and other equipment for personal gain, such as other employment or self-employment.

12. POLITICAL ACTIVITY.

- A. An employee shall not be directly or indirectly coerced to support a political activity, whether funds or time are involved.
- B. Unless an employee is on approved leave, an employee shall not engage in political activity during work hours, including but not limited to engaging in political campaigning or soliciting political contributions.
- C. An employee shall not use City-owned equipment, supplies or resources, and other attendant expenses (diskettes, paper, computer online and access charges, etc.) when engaged in political activity.
- D. An employee shall not use, discriminate in favor of or against, any person or applicant for employment based on political activities.
- E. An employee shall not use the employee's title or position while engaging in political activity.
- F. In addition to the foregoing regulations and policies, City employees and officers shall abide by Utah Code Ann. § 10-3-1108, Political Activity of Municipal Officer or Employee.

SECTION VI: EMPLOYEE CODE OF CONDUCT

13. SECONDARY EMPLOYMENT.

(1) Elk Ridge City employment is primary and as such employees must meet the standards of conduct established in these policies.

(1) Employment with Elk Ridge City shall be the employee's primary employment. Elk Ridge City employees are permitted to engage in secondary or outside employment under the following guidelines. Outside employment must not be of a type that would reasonably give rise to criticism or suspicion of conflicting interests or duties.

(2) Employees are required to provide written notification to the department head, or City Manager, using the Employee's Notice of Secondary Employment (see Appendix Number 8 for details) before starting any secondary or outside employment. This notification should include the following information:

(a) The employer's name, business name, and business address.

(b) A general overview of the type of business engaged in by the secondary employer.

(c) The specific duties engaged in by the employee at their secondary employment.

(2) Notification of Secondary Employment and Elk Ridge City's Review Process.

(1) The Mayor or designee shall review the information contained in the Employee's Notice of Secondary Employment (see Appendix Number 8 for details) and determine whether the employee's secondary employment will interfere with the employee's ability to meet the City's work schedules, including standby assignments.

(2) An employee must submit an Employee's Notice of Secondary Employment (see Appendix Number 8 for details) before starting any secondary or outside employment. This notification should include the following information:

(a) The employer's name, business name, and business address.

(b) A general overview of the type of, business engaged in by the secondary employer.

(c) The specific duties engaged in by the employee at their secondary employment.

C. Elk Ridge City's Approval Process.

(1) The Mayor or designee, shall review the information contained in the Employee's notice of Secondary Employment (see Appendix Number 8 for details) and determine whether the employee's secondary employment is approved or denied. Factors to consider include, but are not limited to, the following:

(a) That the secondary employment reasonably articulates some factor or factors which could negatively impact their employment with Elk Ridge City. For example, that the secondary employment could reasonably be expected to be too physically or mentally draining on the employee.

SECTION VI: EMPLOYEE CODE OF CONDUCT

- (b) That the secondary employment could invoke a conflict of interest with their employment with Elk Ridge City.
 - (c) That the secondary employment should cause an employee to violate the City's policies.
- (2) This decision shall be communicated in writing to the employee. The employee:
- (a) Shall abide by that decision:
 - (b) May appeal the decision to the City Council, whose decision shall be final.
 - (c) May voluntarily resign their employment with Elk Ridge City.

SECTION VII: DISCIPLINARY ACTION

1. GENERAL POLICY.

- A. It is the policy of the Elk Ridge City that management will inform its employees about what is expected at work, what constitutes employee misconduct, what management and the employee may do to correct any misconduct, and what the employee's rights are if disciplined.
- B. It is the responsibility of all employees to observe rules of conduct necessary for the proper operation of City government. Administrative procedures have been established for the handling of disciplinary measures when required. All such measures shall follow the presentation of charges to the employee.
- C. Disciplinary action, up to and including termination, may be imposed for misconduct.
- D. Written documentation concerning employee disciplinary action imposed will become a permanent part of an employee's Personnel Record.

2. TYPES OF DISCIPLINARY ACTION.

- A. Verbal Warning.
 - (1) Whenever grounds for disciplinary action exist, the Mayor and appropriate Department Head determines that 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 proceed additional disciplinary action.
- B. Written Reprimand.
 - (1) The Mayor and, Department Head may reprimand an employee for cause. The Mayor, or appropriate Department Head shall furnish the employee with a written Employee Written Reprimand Notification (see Appendix Number 9 for details) setting forth the reason(s).
 - (2) A copy of the Employee Written Reprimand Notification, signed by the Mayor, Department Head, and the employee, shall be permanently placed in the employee's personnel file. If the employee refuses to sign the form, the Mayor, and/or Department Head will so state.
- C. Suspension.
 - (1) The Mayor or designee may suspend an employee with or without compensation (including restricting the use of sick, vacation, or compensation leave) for up to two days for cause.

SECTION VII: DISCIPLINARY ACTION

- (2) On or before the effective date of the suspension, the Mayor or appropriate Department Head shall furnish the employee with a written Employee Suspension Notification, (see Appendix Number 10 for details) setting forth the reason(s) for suspension.
- (3) A copy of the Employee Suspension Notification, signed by the Mayor and the employee, shall be permanently placed in the employee's personnel file. If the employee refuses to sign the form, the Mayor will so state.
- (4) An employee on suspension may be responsible for making full contributions to their employee medical insurance benefits.

D. Demotion.

- (1) The Mayor or designee may demote an employee for cause.
- (2) On or before the effective date of the demotion, the Mayor or Designee shall furnish the employee with a written Employee Demotion Notification (see Appendix Number 11 for details) setting forth the reason(s) for demotion.
- (3) A copy of the Employee Demotion Notification, signed by the Mayor or Designee and the employee, shall be permanently placed in the employee's personnel file. If the employee refuses to sign the form; the Mayor or Designee will so state.

E. Transfer.

- (1) The Mayor or designee may transfer an employee (with the exception of a probationary employee) by furnishing the employee with a written Employee Transfer Notification (see Appendix Number 12 for details).
- (2) A copy of the Employee Transfer Notification, signed by the Mayor or Designee and the employee, shall be permanently placed in the employee's personnel file. If the employee refuses to sign the form, the Mayor or designee will so state.

F. Termination.

- (1) The Mayor or Designee may terminate an employee by furnishing the employee with a written Employee Termination Notification (see Appendix Number 13 for details).
- (2) A copy of the Employee Termination Notification, signed by the Mayor or Designee and the employee, shall be permanently placed in the employee's personnel file. If the employee refuses to sign the form the Mayor or City Administrator will so state.

SECTION VII: DISCIPLINARY ACTION

3. CAUSES FOR DISCIPLINARY ACTION APPLICABLE TO NON AT WILL EMPLOYEES.

A. The Mayor, Designee, or appropriate Department Head may use his/her discretion to impose disciplinary action upon employees. Causes for disciplinary action, up to and including termination, may include, but are not limited to, the following:

- (1) violation of the laws of the State of Utah or the United States, other than minor traffic offenses.
- (2) violation of the code of personal conduct.
- (3) conduct which endangers the peace and safety of others or poses a threat to the public interest.
- (4) unjustified interference with work of other City employees.
- (5) misconduct.
- (6) malfeasance.
- (7) misfeasance.
- (8) nonfeasance.
- (9) incompetence.
- (10) negligence.
- (11) insubordination.
- (12) failure to maintain skills.
- (13) inadequate performance of duties.
- (14) unauthorized absence.
- (15) falsification or unauthorized alteration of records.
- (16) violation of City policies.
- (17) falsification of employment application.
- (18) discrimination in hiring, assignment, or promotion.
- (19) sexual harassment.

SECTION VII: DISCIPLINARY ACTION

- (20) violation of the Personnel Policies and Procedures.
 - (21) use of alcohol or drugs, other than medication prescribed by a physician, that affect job performance.
 - (22) Falsifying of City Records.
 - (23) Knowingly marking, the time slip of another employee, authorizing one's time slip to be marked by another employee, unauthorized alteration of a time slip.
 - (24) Unauthorized possession of firearms, weapons, or explosives on City owned property.
 - (25) Carelessness which affects the safety of personnel.
 - (26) Threatening, intimidating, coercing, or interfering with fellow employees on the job, or the public at large.
 - (27) Theft or removal of any City property or property of any employee from the work area premises without proper authorization.
 - (28) Gambling or engaging in a lottery at any City work area.
 - (29) Misusing, destroying, or damaging any City property or the property of any employees.
 - (30) Deliberately restricting output.
 - (31) Drinking any alcoholic beverage during the workday, or being under the influence of illicit drugs or alcohol during the workday.
 - (32) Sleeping during working hours, with the obvious exception of fireman employees.
 - (33) Fighting (verbal or physical) on City premises.
 - (34) Bringing firearms or weapons onto the City premises, with the obvious exception of police officer employees.
 - (35) Any act which might endanger the safety or lives of others.
- B. The Department of Transportation (DOT) has expanded the definition of events that require disqualification of CDL drivers from driving commercial vehicles. A driver will be disqualified from driving a Commercial Motor Vehicle (CMV) pursuant to current DOT rules and regulations.

SECTION VII: DISCIPLINARY ACTION

4. CONDUCTING AN INVESTIGATION.

- A. The Mayor or appropriate Department Head shall conduct an investigation into the allegations which form the grounds for disciplinary action.
- B. During an investigation to determine the facts upon which disciplinary action may be imposed, the Mayor or appropriate Department Head may place an employee on administrative leave.
- C. Disciplinary action shall not be imposed until a Loudermill hearing for non-at will employees, with appropriate written notice, has been completed by the Mayor or Designee. The investigation shall include an opportunity for the employee to respond to the allegations.

5. IMPOSING DISCIPLINARY ACTION.

- A. The Mayor or Designee shall conduct disciplinary action in a consistent manner.
- B. Each employee shall be afforded prior access to City rules, policies, and procedures.
- C. The employee shall receive timely notice of the pre-disciplinary meeting, overview of allegations, and potential disciplinary action.
- D. Prior to imposing the disciplinary action, the employee shall have the opportunity to review the disciplinary action with the Mayor or Designee. The employee shall have the opportunity to respond to the allegations. The employee's written response, if any, and other related documents shall be placed in the employee's personnel file.
- E. In determining the type and severity of the disciplinary action, the Mayor or Designee may consider aggravating and mitigating circumstances such as: the repeated nature of misconduct; prior disciplinary action imposed; the severity of the misconduct; the employee's work record; the effect on City operations; and/or the potential of the misconduct to harm person(s) or property.
- F. For disciplinary action other than a verbal reprimand, the Mayor or designee 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) The disciplinary action to be imposed.
 - (4) The effective date and duration of the disciplinary action.

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- (5) The corrective action necessary for the employee to avoid further disciplinary action.

- G. Suspension, demotion, transfers or termination of an. employee shall require the approval of the Mayor.

- H. The Mayor or Designee may note the disciplinary action on their personal notes at the time the disciplinary action is imposed and/or on the employee's performance evaluation form.

SECTION VIII: GRIEVANCE PROCEDURES

1. GENERAL POLICY:

- A. Employees who perceive that they have a grievance against Elk Ridge City should exhaust the administrative procedure set forth in the body of this policy before addressing their grievance through any other forum. An employee may file a grievance about any perceived work related injustice or oppression resulting from an act occurrence, omission, condition, or unfair labor practice. Issues addressable throughout the grievance process include, but are not limited to:
- (1) Employee-supervisor relationships.
 - (2) Duty assignments not affecting job classification.
 - (3) Shift and job location assignments.
 - (4) Working conditions.
 - (5) Practices affecting granting of leave.
- B. Grievances should be resolved at the lowest administrative level possible. Employees and supervisors shall attempt to resolve grievances informally by discussing the grievance issues before any formal written grievance is filed. Each employee pursuing a formal grievance must prepare and submit a separate written grievance/appeal. Written grievances shall contain, at a minimum, the following information:
- (1) Name of the employee.
 - (2) Date the occurrence or action underlying the grievance occurred.
 - (3) Nature of the grievance.
 - (4) Historical information related to the grievance.
 - (5) Requested Resolution.
 - (6) Signature of the employee filing the grievance and date filed.
- C. Employees will be allowed a reasonable amount of time during work to prepare written grievances. Employee grievances must be filed within ten (10) days of the occurrence or event giving rise to the grievance, or within ten (10) days of the employee's acquiring knowledge of the occurrence or event giving rise to the grievance
- D. At each level of the grievance process, after an administrator has received an employee grievance, the administrator shall have ten (10) working days to respond in writing to the grievance.

SECTION VIII: GRIEVANCE PROCEDURES

- E. If an administrator is unable to answer the grievance within the specified time period due to exigent circumstances, the administrator may take an additional ten (10) working days to answer the grievance if they notify the employee in writing of the exigent circumstances and that the extension is being exercised. If the grievance remains unresolved or the decision is considered unacceptable, the employee may appeal the decision to the next level of appeal.
- F. Absent exigent circumstances, if the supervisor fails to respond within the allotted time, the employee may proceed to the next level of appeal.
- G. Only the issues presented in the original grievance may be considered throughout the appellate process. A grievance and any necessary appeals shall be processed through the following chain of command, if applicable:
 - (1) Immediate supervisor
 - (2) Department head
 - (4) Mayor
 - (5) City Council
- H. The decision of the City Council constitutes the final level of administrative appeal and is final.

2. CONFIDENTIALITY.

- A. Written Grievance Forms (see Appendix Number 14 for details) shall be private data under the Government Records Access Management Act of the State of Utah. The Mayor or City Council may declare the grievance documents to be confidential and/or order the entire record, or any part of it, sealed.

3. FILING.

- A. No document relating to a grievance shall be placed in the employee's personnel file.
- B. If any disciplinary action against an employee is rescinded as a result of the grievance process, the Mayor, Personnel Director or City Administrator, shall remove the record of the disciplinary action from the employee's personnel file.
- C. If any disciplinary action against an employee is modified as a result of the grievance process, the unmodified record of the disciplinary action shall be removed from the employee's personnel file and the modified record of the disciplinary action shall be placed in the employee's personnel file.

SECTION IX: TERMINATION OF EMPLOYMENT

1. **TYPES OF TERMINATION.** Any involuntary termination or termination of an employee who may feel pressured into a "voluntary" termination, also known as constructive termination, should be reviewed with legal counsel before termination is pursued or a resignation is accepted to ensure the employee's "due process" property rights are not violated.
 - A. Retirement. Retirement is acceptable as long as it is truly voluntary. The purpose of Elk Ridge City's retirement program is to provide employees with income benefits upon completion of successful careers.
 - B. Voluntary Resignation. When an employee wishes to leave Elk Ridge City, they will complete a Notice of Voluntary Resignation Form (see Appendix Number 15 for details) and present it to the Mayor or Designee.
 - C. Resignation, in Lieu of an Involuntary Termination, Agreement. The Mayor or Designee, may conclude that an employee should be involuntarily terminated for no reason (for at will employees) or for cause. If involuntary Termination proceedings have begun, but have not been completed, and an employee suggests that they would like to voluntarily resign, the Mayor or Designee may agree to a Resignation, in Lieu of an Involuntary Termination, Agreement (see Appendix Number 16 for details).
 - D. Involuntary Termination. The Mayor or Designee may conclude that an employee should be involuntarily terminated. The Employee Termination Notification (see Appendix Number 16 for details) will be completed.
 - E. Reductions in Force/Layoffs. Whenever it is necessary to reduce the number of employees in Elk Ridge City because of lack of work or lack of funds, Elk Ridge City may attempt to minimize layoffs by readjustment of personnel through reassignment of duty in other work areas.
 - F. Medical. The American's with Disabilities Act (ADA) prohibits illegal discrimination by an employer against an otherwise qualified individual with a disability. Consequently, an employee should not be terminated for medical reasons without prior consultation with legal counsel.
 - G. Death. If an employee of Elk Ridge City dies, their estate receives all pay due and any earned and payable benefits (such as payment for compensation time, annual leave, and/or sick leave) as of the date of death.
2. **REQUIRED NOTICE PRIOR TO TERMINATION.**
 - A. All employees, including "at-will" employees, must notify Elk Ridge City at least two weeks before voluntarily resigning to be eligible:
 - (1) To receive pay for unused, accrued vacation leave (if applicable).
 - (2) For rehire.

SECTION IX: TERMINATION OF EMPLOYMENT

- B. Elk Ridge City is not required to give any notice to an employee before terminating that employee's employment with the City. When Elk Ridge City terminates their employment, Elk Ridge City will pay the terminated employee unused, accrued PTO leave (if applicable).
- C. Unused, accrued PTO leave (if applicable) will always be paid for terminations of employment involving Reductions in Force/Layoffs, Medicals and Deaths.

3. TERMINATION PROCEDURES,

- A. A Notice of Voluntary Resignation Form (see Appendix Number 24 for details), signed by the employee and the Mayor, City Administrator, Personnel Director or department head, may be utilized in Voluntary Resignations.
- B. Involuntary Terminations/Separations for Cause require Elk Ridge City to provide the terminating employees with written notification of due process. "At-Will" Involuntary Terminations (for at will employees) do not require Elk Ridge City to provide the terminating employee with written notification of due process.
- C. A Resignation In Lieu of an Involuntary Termination Agreement (see Appendix Number 15 for details), signed the employee and the Mayor or Designee may be utilized in negotiated terminations.
- D. The following steps should be taken for Voluntary Retirements:
 - (1) Employees who desire retirement should notify Elk Ridge City three months in advance.
 - (2) Elk Ridge City should communicate the status of each employee's retirement benefits. The employee is responsible for notifying Elk Ridge City, the administrator of the retirement program and the appropriate state and federal regulatory agencies of their intent to retire.
 - (3) Elk Ridge City should carefully explain to the employee what the options are (such as Cobra and Retirement Plan Options).
 - (4) Elk Ridge City should give the employee ample time to review the retirement plan.
 - (5) Elk Ridge City should have the employee sign a release or declaration statement to the effect that they are electing retirement of their own free will.
- E. The following steps should be taken for Reductions in Force/Layoffs:
 - (1) Determine whether Elk Ridge City is required to follow statutory guidelines related to the reduction in force/layoff. If Elk Ridge City is required to follow statutory guidelines; policy, procedure and actual practice must comply with said guidelines.

SECTION IX: TERMINATION OF EMPLOYMENT

In the selection of employees for Elk Ridge City's reduction in force/layoff, the following guidelines should be considered, but are not mandatory:

- (a) Selection should be based upon the employee's ability to perform the work assignments within the affected department.
- (b) Seniority should govern the selection when ability is equal.
- (c) Permanent employees should be the last to be laid off, when possible, in inverse order of their length of service.
- (d) Before any reduction in force/layoff, Elk Ridge City should determine whether it is subject to the requirements of the Worker Adjustment and Retraining Notification Act, 29 U.S.C. 2101, et. seq.
- (e) If Elk Ridge City cannot give advanced notice of a reduction in force/layoff to the employee, two weeks' severance pay may be given in lieu of notice for a bona fide reduction in force/layoff.

F. Outstanding Pay:

- (1) Arrange for distribution of any paychecks which may be due the employee, including pay for any hours worked but not paid; pay for unused, accrued PTO leave (if applicable).
- (2) Under Utah State law, the required timing of the final payment at termination is:
 - (a) A Voluntary Resignation. Wages become due on the next regular payday.
 - (b) An Involuntary Termination/Separation for Cause. Within one (1) workday of last day worked.

G. The terminating employee will return any supplies or equipment, which are the property of Elk Ridge City, to Elk Ridge City at termination.

4. **COBRA.** Any employee that is separated from Elk Ridge City is entitled to a continuation of insurance coverage per the mandates of the COBRA plan as stated in the Elk Ridge City's COBRA Notification, (see Appendix Number 17 for details).

SECTION X: RECORD KEEPING

1. **GENERAL POLICY.** Elk Ridge City maintains employee records that contain data about its employees.
2. **CONFIDENTIALITY.** Employee records are maintained in compliance with the law.
 - A. Confidentiality must be maintained at all times with access limited to employees and their supervisory chain.
 - B. Elk Ridge City's policy is that only relevant, job-related information is maintained on its employees, that such information is held in strict confidence, and that access is limited only to those who require it for legitimate business reasons.
 - C. Employees have the opportunity to review their own files in the presence of the Mayor or Designee on Elk Ridge City premises during regular business hours.
3. **PERSONNEL FILES REQUIREMENTS.**
 - A. General.
 - (1) Personnel files are maintained on each employee and kept by the City Recorder. The record copy (original) of all appropriate personnel information, as set forth hereafter, related to an employee shall be filed in the employee's personnel file.
 - (2) No information from any record placed in an employee's personnel file will be communicated to any person or organization except by the Mayor or their designated representative.
 - (3) Employees, or their representative designated in writing, may examine the employee's personnel file upon request during normal working hours at Elk Ridge City. When a Supervisor requires access to the personnel file of an employee under their supervision for the handling of personnel matters, the supervisor must obtain the file from the City Recorder.
 - B. Contents.
 - (1) An employment record, including the employee's job application, resume, interview forms; Employment Eligibility Verification (Form 1-9), Employee's Withholding Allowance Certificate (Form W-4), etc.
 - (2) A signed copy of the employee's acknowledgment of receiving a copy of the personnel policies and procedures manual and the performance standard for the position the employee currently occupies.
 - (3) Election form to disclose or keep confidential, the employee's home address and home telephone number.

SECTION X: RECORD KEEPING

- (4) All personnel action forms, including:
 - (a) Performance Evaluations
 - (b) Promotions or transfers
 - (c) Salary rate changes
 - (c) Disciplinary action taken. The employee will be asked to sign the disciplinary action form. If the employee refuses to sign this form, the Mayor or City Manager, will so state.
 - (5) Any information the employee wants included in response to any of the above actions.
 - (6) Records of citations for excellence or awards for good performance.
 - (7) Record of any other pertinent information having a bearing on the employee's status.
- C. Change of Employee Status. Employees are responsible for ensuring that personal employee information contained in their personnel files is current and accurate. Employee information (any change in number of dependents, marital status, address, educational degrees, etc.) should be updated by completing a Change of Status Form (see Appendix Number 28 for details) and giving it to the City Recorder or Personnel Director to file in their personnel file.
- D. Giving References. Elk Ridge City limits information given in a reference to the following:
- (1) Verification that the employee worked full or part- time for Elk Ridge City during a stated period.
 - (2) A description of the position held.
 - (3) Verification that the employee achieved a given salary range.
4. **OTHER FILES REQUIREMENTS.** Records related to the items listed below should be kept for a period of at least one (1) year. In addition, records should be examined annually to keep the files current and to save those records that the Mayor or Designee feels should be kept longer.
- 1. Job applications.
 - 2. Test papers completed by job applicants or candidates for any position.
- C Results of any pre-employment physical exam and mobility exams should be kept for a period of at least four (4) years.

SECTION X: RECORD KEEPING

- D. Any advertisements or notices relating to job openings, promotions, training programs, or opportunities for overtime work.
- E. Records of promotion, demotion, transfer, selection for training, layoff, rehire, or termination of any employee. These should also be signed by the employee.

5. FEDERAL LABOR STANDARDS ACT (FLSA) MINIMUM WAGE

REQUIREMENTS. Elk Ridge City should keep the following data on all non-exempt employees for a period of at least two (2) years.

- A. Employee's full name and social security number;
- B. Address, including zip code;
- C. Birth date, if younger than 19;
- D. Employees' sex and occupation;
- E. Time and day each work week begins;
- F. Hours worked each day;
- G. Basis on which employee's wages are paid (e.g. per hour, per week, piecework);
- H. Regularly hourly pay rate;
- I. Total daily or weekly straight time earnings;
- J. Total overtime earnings for the workweek;
- K. All additions to or deductions from the employee's wages;
- L. Total wages paid each pay period;
- M. Date of payment and the pay period covered by the payment.

6. OTHER REQUIREMENTS. There are record keeping requirements under other federal and state laws over which the personnel record keeping function has jurisdiction:

- A. OSHA record of work related injuries and illnesses.
- B. ERISA record of pensions and related information.
- C. IRCA requires verification of status forms to be kept for three (3) years after the person is *hired or for* one (1) year after employment is terminated, whichever is later.

SECTION XI: PERFORMANCE EVALUATIONS

1. GENERAL POLICY.

- A. Performance evaluations will consist of a review between the supervisor and the employee.
- B. It is the policy of Elk Ridge City that employee evaluations be conducted in a manner which will ensure fair treatment and an objective evaluation of employee performance.

2. PERFORMANCE PERIODS.

A. Probation.

- (1) Employees on probation shall have a performance evaluation at the end of the (90) day probationary period.
- (2) The performance evaluations may be used to provide information to both the employee and management regarding the employee's performance.
- (3) Probationary employees should understand that their performance evaluations and the results of such evaluations shall not obligate Elk Ridge City to a particular course of action relative to probationary employees, nor shall it create any property/due process rights for probationary employees relative to their jobs/positions.

B. Annual.

- (1) Performance evaluations will be completed annually.
- (2) Although a salary adjustment never automatically follows a performance evaluation, the performance evaluation will be included as a component of any future compensation increase.

4. CONFIDENTIALITY.

- A. Completed performance evaluations shall permanently remain in the employee's personnel file and become a part of the private information of that file.
- B. Performance evaluations may be used in decisions concerning advancement, future training needs, performance related salary adjustments and contested disciplinary actions.

SECTION XII: EMPLOYMENT CLASSIFICATION/COMPENSATION

1. **GENERAL POLICY.** Elk Ridge City will pay at least minimum wages and overtime to all employees except those who are specifically exempt from minimum wage and overtime under the Fair Labor Standards Act (FLSA) of 1938. Elk Ridge City will also provide equal pay to all employees doing similar work which requires substantially equal skill, effort, and responsibility and are performed under similar working conditions in accordance with the Fair Labor Standards Act of 1938 and the Equal Pay Act of 1963.
2. **EMPLOYMENT CLASSIFICATIONS.** There are five classifications of employees within Elk Ridge City:
 - A. Full-time. An employee hired for an indefinite period in a position for which the normal work schedule is greater than (30) hours per week. Full-time employees may or may not qualify for specific Elk Ridge City benefits.
 - B. Part-time Non Benefited. An employee hired for an indefinite period in a position for which the normal work schedule is less than thirty (30) hours per week. Part-time Non Benefited employees do not qualify for Elk Ridge City benefits.
 - C. Temporary. An employee hired for a position which is required for only a specific, known duration, usually less than six (6) months. Temporary employees do not qualify for Elk Ridge City benefits.
 - D. Seasonal. An employee hired for a position which is required less than five months, typically April through September. Seasonal employees do not qualify for Elk Ridge City benefits.
 - E. Volunteers. Those serving on various boards and committees in an unpaid capacity.
3. **EMPLOYMENT STATUS.** To facilitate provisions of the Fair Labor Standards Act, employees shall also be classified as either exempt or non-exempt, with respect to eligibility for overtime payment and shall be required to use time cards. They shall be defined as:
 - A. Exempt. Positions of a managerial, administrative, or professional nature, as prescribed by Federal and State Labor Statutes shall be exempt from minimum wage and mandatory overtime payment regulations.
 - B. Nonexempt. Positions of a clerical, technical, or service nature, as defined by Federal and State Labor Statutes, which are covered by provisions for minimum wage and mandatory overtime payment regulations.
4. **WORK WEEK.**
 - A. Begins on Saturday at 0001 hours.
 - B. Ends on Friday at 2400 hours.

SECTION XII: EMPLOYMENT CLASSIFICATION/COMPENSATION

5. WORK DAYS AND HOURS.

- A. All employees are required to work days and times as directed by his/her Supervisor, or Mayor. Work schedules and job requirements may vary and can be unpredictable. Employees may be required to work overtime, weekends, different shifts, or in other departments when needed.

6. ATTENDANCE.

- A. Employees shall be in attendance at their work stations during normal working hours. Employees who are going to be late, has an emergency, or is ill he/she should notify a Supervisor (immediate Supervisor preferred) as soon as possible on each day of absence. An employee must report for work unless he/she is utilizing PTO leave or is entitled to leave under federal or state code.

7. BREAKS AND LUNCH PERIODS.

- A. Breaks: Two (2) optional Ten (10) minute paid breaks during an eight hour work day, and one (1) optional (10) minute paid break during a four to seven hour work day. Employee break time will be taken at the discretion of employee's supervisor to ensure continuity in the flow of work.
 - (1) Breaks cannot be used to extend the lunch period or shorten an employee's work hours. In so far as practical, breaks shall be taken at the job site.
 - (2) If employees choose to work through their paid breaks, it is their decision to do so and no extra compensation will be given for the extra time worked.
- B. Lunch Periods: Lunch periods are to be taken at the time and duration designated by employee's supervisor. Lunch periods are not paid. Employee lunch periods will be taken at the discretion of employee's supervisor to ensure continuity in the flow of work.

8. COMPENSATION TIME.

- A. Compensation time may be given in lieu of overtime upon employee request and within the guidelines provided by law. The Mayor, or his/her designee, will schedule when an employee's compensation time will be used. Written employee requests to use their accumulated compensation time during specific dates and times must be approved by the Mayor, or his/her designee.
- B. All employees must sign a statement indicating whether such employee prefers comp-time or payment for qualified overtime. Employees may change preference for comp-time/payment upon signing another preference statement prior to the next regularly scheduled pay day.

SECTION XII: EMPLOYMENT CLASSIFICATION/COMPENSATION

- C. The law requires that after certain types of employees have accumulated specific maximum amounts of compensatory time during any work period, overtime must be paid.
 - (1) For employees not engaged in public safety activities; not more than forty (40) hours of compensatory time may accrue.
- D. Compensation time will be accumulated as provided in Section XII. 9 OVERTIME PAY.
- E. The Mayor, or his/her designee, and the appropriate department heads will determine who, when, and how many hours may be turned in for cash after hours have been designated as compensation time.
- F. Bonus Pay. Cash for exceptional performance.

9. OVERTIME PAY.

- A. Definitions:
 - (1) Emergencies: Plowing snow, sanding, or other road hazards occurring outside of normal work hours. Interruptions of utility services outside of normal work hours, including electrical power failure, sewer backup, culinary or irrigation water failures, or other situations demanding immediate attention as determined by the Mayor or his/her designee.
 - (2) Overtime rate: One and one-half (1 1/2) times the regular straight-time pay for eligible hours worked.
 - (3) Emergency overtime: All non-scheduled hours worked beyond work hours identified herein under XII.5 as determined by the Mayor or his/her designee in response to designated emergencies and other situations identified by the Mayor or his/her designee as emergencies.
 - (4) Scheduled overtime: All hours worked in excess of 40 hours per work week except those hours wherein employee is summoned by the Mayor or his/her designee to respond to emergency situations. All scheduled overtime must be approved by the Mayor or his/her designee.
 - (5) Compensatory time (comp-time): Time off during normal working hours in lieu of pay for hours accumulated under emergency or scheduled overtime.
- B. Overtime shall be allowed for all hours worked in response to defined emergencies regardless of the number of hours worked during the work week.
- C. Overtime shall be allowed for all scheduled hours worked in excess of 40 hours per work week, which work week is defined under XII.4.

SECTION XII: EMPLOYMENT CLASSIFICATION/COMPENSATION

- D. Holidays and vacation hours count towards 40 hour work week.
- E. Comp-time and sick leave do not count toward 40 hour work week.

10. ON-CALL PAY.

A. Elk Ridge City recognizes the need to respond to unforeseen, unplanned, or emergency situations. As such, the City has established an On-call program. On-call constitutes a program whereby qualified employees are available by telephone, pager, radio, etc. for the opportunity to return to work after hours. Department Supervisor will address its department's need for On-call service with regard to emergency or unforeseen demand for services.

- (1) After hours is defined as the time between the employees normal work days and times.
- (2) On-call coverage will be on a weekly rotation schedule as determined by the Department Supervisor.
 - (a.) Trading of On-call shifts is allowed, with approval from Department Supervisor
- (3) All employees On-call must respond within five (5) minutes of the initial notification and be within a thirty (30) minute driving distance of Elk Ridge City. Failure of On-call employee responding within the above times will result in disciplinary action.

B. Compensation.

- (1) Employees On-Call are compensated at the rate of \$1.25 per hour during the On-Call shift.
- (2) Employees On-Call during a holiday or holiday weekend (holiday falls on Friday, Saturday, Sunday, or Monday) are compensated at the rate of \$2.00 per hour during the On-Call shift.
- (3) When an On-Call employee is called back, they are compensated for a minimum of one (1) hour at one and one-half (1½) times their regular rate of pay unless employee has exempt status.
- (4) Once the employee is called back, the \$1.25 or \$2.00 On-Call compensation ends for the duration of call-back.

11. DAILY LOGS OR TIME SHEETS. Each non-exempt is required to maintain and sign, as verification of accuracy, daily logs or time sheets showing all hours worked, including overtime, and to submit the daily logs or time sheets to their immediate supervisor for examination.

SECTION XIII: SALARY PLANNING

1. MERIT INCREASE.

- A. The Mayor, or his/her designee, upon approval of the City Council, may adopt merit increases effective July 1 of each calendar year subject to funding in the approved budget.
- B. Full-time and part-time employees may be eligible to receive a merit increase.
- C. Temporary, seasonal, or probationary employees whose performance is rated less than successful, shall not be eligible to receive a merit increase.
- D. A part-time employee may be eligible to receive a merit increase in the same amount of elapsed calendar time on the job as a full-time employee.
- E. The Mayor, or his/her designee, may complete an employee's performance evaluation within thirty (30) days preceding the effective date of a merit increase.

2. SELECTIVE SALARY ADJUSTMENT.

- A. The Mayor, or his/her designee, may recommend a selective salary adjustment in order to mitigate an inequity caused by merit increase freeze or other similar circumstances.
- B. The Mayor, or his/her designee, may submit a written rationale supporting the recommendation to the City Council.
- C. A selective adjustment is subject to the availability of funds and guidelines established by the City Council.

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

4. DEMOTION. If an employee is demoted, either voluntarily or involuntarily, the Mayor, or his/her designee, may not reduce the employee's salary or may reduce the salary.

SECTION XIV: PAYROLL ADMINISTRATION

1. PAY PERIODS.

- A. Elk Ridge City's pay periods are Bi-Weekly and are paid every other Friday. Pay periods and Pay dates are posted yearly. See Mayor or designee.

2. PAY DAYS. The FLSA does not state when employees must be paid. Elk Ridge City's pay days are as follows:

- A. Elk Ridge City employees are paid Bi-Weekly except the Mayor, Councilmembers, and the Fire Chief, who are paid monthly.
- B. A holiday, or a day observed as a holiday when the holiday falls on Friday then pay checks will be distributed on the last working day prior to the holiday or observed holiday.
- C. An employee voluntarily terminating his employment with Elk Ridge City will receive his final pay check on the next normal pay day following the date of separation.
- D. An employee involuntarily separated from employment with Elk Ridge City shall receive his final pay check at the time of separation.
- E. Withdrawals in advance of salary or wages earned will not be permitted.

3. MINIMUM WAGE. The FLSA requires that Elk Ridge City pay an employee at least the minimum wage as a gross wage, minus the legally required pay deductions.

4. PAY DEDUCTIONS. Elk Ridge City is required by law to make certain deductions from employee's gross earnings, including income taxes and social security taxes. In addition, for certain benefit programs which require payments by participants, the City may specify payroll deductions.

5. TIME CARDS

- A. All non -exempt employees of Elk Ridge City are required to maintain an accurate and legible record of all their hours worked for the City on time cards.
- B. Time cards will be signed and dated by the employee, and forwarded to the Department head for review and payment.
- C. Exempt employees of Elk Ridge City are prohibited-from entering more than a total of eighty (80) hours per pay period.
- D. Time cards will be signed and dated by the Department Head or the City Administrator, and forwarded to the payroll clerk for payment.
- E. All employees will indicate on the appropriate day(s) the number PTO leave, holiday, etc. hours used together with totals for the pay period.

SECTION XIV: REIMBURSABLE TRAINING TESTING & TRAVEL EXPENSES

1. **GENERAL POLICY.** With prior approval, legitimate expenses will be reimbursed by Elk Ridge City to the employee. It is the general intent to reimburse employees for actual costs associated with travel for City business. Receipts should be required to reimburse the employee. Reimbursement may be in the form of petty cash, an addition to a paycheck, or a separate check. Records must be kept reflecting the amount of reimbursement each employee has received.

2. **TRAINING AND CONFERENCES.** Certain travel by city employees is necessary and useful for the accomplishment of municipal functions. It is the purpose of this policy to provide a reasonable, systematic means by which the cost of such travel may be estimated for budget purposes and controlled for purposes of economy and efficiency.
 - A. Travel expenses must be included in the annual budget for each department anticipating travel as part of the budget process. Responsibility for keeping within the travel budget lies within the department supervisor. Any trip involving expenses in excess of the amount budgeted for that purpose may be made only upon of the Mayor.
 - B. Travel expenses and training must be related to an employee's position and approved by the departmental supervisory to be eligible for reimbursement. Travel reimbursement for employees appointed to serve on committees, boards, or other organizations outside of his or her employment with Elk Ridge City must be approved by the Mayor.

3. **TESTING & CONTINUING EDUCATION.** Employees are encouraged to obtain continuing education through attendance at job related seminars. Requests for attendance must be approved in advance by the Mayor, or his/her designee.
 - A. Required by Elk Ridge City. When Elk Ridge City requires an employee to attend any education or training course, conference, seminar, or certification course, Elk Ridge City will provide the necessary time off with pay and will reimburse the employee for all associated costs including tuition or registration fees, authorized travel, meals, and lodging.
 - (1) Testing – Elk Ridge City will pay all associated costs for an employee to obtain mandatory certification, licensing, etc. If after testing two times employee is unsuccessful in obtaining certification, licensing, etc. employee will be required to pay all future costs (including but not limited to tuition, registration, travel, meals, lodging, and time off of work) to obtain such certification, license, etc.
 - B. Encouraged by Elk Ridge City. Employees are encouraged to further their education and training in areas that will enhance their job performance. Upon advance approval by the Mayor, or his/her designee, and upon successful completion of relevant training courses, employees shall be reimbursed for tuition fees, materials, and other necessary and approved expenses upon presentation of proper receipts. Proof of successful completion will include one of the following:

SECTION XIV: REIMBURSABLE TRAINING TESTING & TRAVEL EXPENSES

- (1) A certificate indicating successful course completion, if applicable.
- (2) A grade point average of 2.0 or higher on a 4.0 (A, B, C, D) scale.
- (3) A grade of pass on a pass/fail grading system.

4. TRAVEL AUTHORIZATION.

- A. Any travel including but not limited to requiring the use of overnight facilities or requiring attendance for more than one work day by city employees, volunteers, person serving in an advisory capacity, or other persons outside of regular officers and employees of Elk Ridge City shall be approved in advance by Mayor.
- B. With prior approval, legitimate expenses will be reimbursed by Elk Ridge City to the employee. Employees are encouraged to obtain receipts for all reimbursable expenses.

5. MODE OF TRANSPORTATION.

- A. Ordinarily, the most economical form of transportation will be used.
 - (1) For travel not requiring overnight lodging, a city vehicle should be used whenever possible. Travel reimbursement will be allowed for private cars used on city business and mileage must be approved by the Mayor.
 - (2) For travel outside the state of Utah, where air transportation is the most economical, the city will reimburse only the amount of the airfare and, where applicable, will require the employee to deduct the extra travel time from annual leave should the employee elect to travel by private car.

6. TRAVEL ALLOWANCES.

- A. The following allowances and reimbursements shall be made for authorized travel expenses.
 - (1) Travel by privately owned automobile (employee's personal automobile) will be made at the maximum rate allowed by the Internal Revenue Service.
 - (2) The cost of tuition and registration for authorized schools, workshops, conferences, trainings and conventions.
 - (3) The cost of out of state rental car expense when required by the particular circumstances and approved by the Mayor.
 - (4) Other miscellaneous travel related expenses as approved by the Mayor.

SECTION XIV: REIMBURSABLE TRAINING TESTING & TRAVEL EXPENSES

- (5) All hotel, motel or other sleeping accommodations and airline or other travel arrangements for overnight trips shall be made in advance and the cost of such paid through the purchase order process and with city check in order to receive appropriate discounts and avoid unnecessary taxes. If such payment in advance is not possible, the city shall reimburse to the employee the cash amount of the cost of sleeping and travel accommodations after receiving the appropriate receipts to verify that the employee has expended his/her own money for such purposes. Failure to produce a receipt in such circumstances may necessitate the withholding of reimbursement.
- (6) The amount of Forty Five dollars (\$45.00) shall be granted as the maximum daily per diem allowance for City employees engaged in travel on the City's behalf. Employee will not receive a per diem for any meals that are covered in the conference registration (continental breakfast is considered a meal), nor a breakfast per diem if hotel employee is staying at provides any type of free breakfast. One day travel events are exempt from any per diem allowances. The following are specific per diem allowances:
 - Breakfast \$10.00
 - Lunch \$15.00
 - Dinner \$20.00

7. WAGE TO TRAVEL.

- A. Week Day Travel. Employees will receive their regular work day pay for travel to, attendance at, and travel from training or conferences on Monday through Friday.
- B. Week End Travel. If an employee is required to travel out of town to attend a training, conference, briefing or to gather information, the employee must leave the training, conference, briefing or other meeting on Friday with sufficient time to enable the employee to return home within a forty hour work week. However, an employee may request permission from the Mayor to attend a training, conference, briefing or other meeting requiring weekend travel time that cause the employee to exceed a forty hour work week. If the employee obtains permission beforehand, the employee will be compensated at the rate of one and one-half (1 and 1/2) times his/her regular work day pay if hours worked exceed forty (40) hours in that week.
- C. Employees will not be compensated/reimbursed for expenses incurred that are not directly related to City business. For example, if an employee travels to attend a two day conference, but stays for five days, taking three PTO days, the City will not reimburse/pay expenses associated with the three PTO days.

SECTION XIV: REIMBURSABLE TRAINING TESTING & TRAVEL EXPENSES

8. TRAVEL ADVANCES.

A. Upon request of the official or employee, and with approval of the Mayor or designee, travel expense advancements may be made for the following purposes and amounts:

- (1) Full payment for transportation costs for air fare or other commercial transportation.
- (2) Seventy-five percent (75%) of the estimated mileage eligible for reimbursement.
- (3) Full payment for registration for any authorized school, workshop, conference, or convention.
- (4) Per Diem costs associated with qualifying meal reimbursements.

SECTION XVI: BENEFITS

1. WORKERS' COMPENSATION.

- A. All employees are covered by workers' compensation which provides medical reimbursement and disability benefits for job-related illness or injury. An employee does not accrue benefits while receiving workers' compensation payments. For exact compensation coverage check the workers' compensation contract on file with the Recorder.
- B. Medical Attention. An employee who sustains a bona fide, on-the-job injury may seek medical attention from the medical facility of their choice. They must tell the doctor, HOW, WHEN and WHERE the accident occurred. The doctor will complete a medical report (Physicians Initial report of Injury or Illness--Form 123) and copies of this report should be sent within seven (7) days to the insurance carrier, the Industrial Commission, and to the injured worker. (Do not submit doctor or hospital bills for on-the-job injuries or illness to the regular medical plan.)
- C. Initial Reporting of Illness or Injury. Reporting the accident or illness is critical to qualification for payment under workers' compensation. If an employee is injured while on the job, no matter how minor, the circumstances should be reported to their supervisor. After the Employer's First Report of Injury or Illness form (Form 122) is completed, a copy must be sent to the insurance carrier and a copy must be sent to the Industrial Commission within seven (7) days of the date of the injury.
- D. Reporting while off the Job. While on leave because of a bona fide, on-the-job injury or illness, an employee must contact their supervisor to report on their condition. Failure to provide the required medical status reports may result in revocation of the leave and/or immediate termination.
- E. Return to Service. All employees must return to work after the approval of the attending physician. A statement from the attending physician stating the employee is able to resume normal duties will be required before returning to work. Failure to return to work when directed may result in immediate termination. An employee who is able to return to work in light duty status may be required to work in a different department and perform duties not contained within their current job classification.
- F. At the time of final release or settlement of a workers' compensation claim, if no vacancy exists, and, if a reasonable effort, which has proven to be unsuccessful, has been made to place the employee in another position, they may be terminated and paid any accrued benefits due to them.

- 2. **SOCIAL SECURITY/FICA.** Employees are covered by the benefits of Old Age, Survivors and Disability Insurance as provided for by law. Contributions of the employee and Elk Ridge City will be made in accordance with the provision of the law.

SECTION XVI: BENEFITS

3. INSURANCE.

- A. Medical Health Insurance. It is the policy of Elk Ridge City to pay a portion of the cost of health insurance for each qualifying employee (full time employees) as per information listed in Section XII: EMPLOYMENT CLASSIFICATION/COMPENSATION 2.
 - (1) Full-time employees who elect to not enroll in Elk Ridge City's medical and/or dental health insurance the City will contribute seventy five percent of the medical and/or dental insurance premium for employee coverage (premium paid by the city after employee portion is deducted) into a 401K, 457, Roth IRA retirement plan or a Health Savings Plan. Proof of compliance to all federal and state health and/or dental mandates is required from the employee before contributions will be made.
- B. Life Insurance. A basic term life insurance policy is provided to each full-time employee.
- C. Long Term Disability Insurance – A basic long term disability insurance policy is provided to each full-time.
- D. Insurance Suspension, Termination, Transition, and Conversion.
 - (1) Suspended Employee.
 - (a) An employee suspended for disciplinary reasons shall continue to receive Elk Ridge City contributions to retirement, health, dental, disability and life insurance programs.
 - (b) The employee shall pay the employee portion of insurance premiums to continue coverage through the period of suspension.
 - (2) Termination. When an employee is terminated from employment with Elk Ridge City, Elk Ridge City will cease making contributions to the employee's insurance plans.
 - (3) Transition. In cases requiring longer than three months, arrangements may be made with the Recorder for the employee to pay the additional premiums required. Both Medical/Health Insurance and Life Insurance premiums may be converted on termination in accordance with the terms of the individual policies. This is, however, an individual responsibility that should be made by direct contact between the individual employee and Elk Ridge City.

SECTION XVI: BENEFITS

(4) Conversion.

(a) The Consolidated Omnibus Budget Reconciliation Act (COBRA) of 1985 is available for those employees who resign or are terminated from employment or if work hours are reduced which makes the employee no longer eligible to participate in the state group health insurance plans. Employees may have the right to continue to participate in a COBRA program through the state for up to eighteen (18) months at the employee's expense, subject to current state and federal law.

(b) Eligible dependents may also extend coverage, at their expense, for up to thirty-six (36) months in state health insurance plans in the event of the employee's death, divorce, legal separation, or entitlement to Medicare benefits, or when a child ceases to be eligible for coverage as a dependent under the terms of the plan, subject to current state and federal law.

(5) Notice to employees of coverage options under FLSA and Affordable Care Act. Under the Patient Protection and Affordable Care Act, health insurance coverage may be offered through a Health Insurance Marketplace along with premium tax credits to assist individuals in purchasing such coverage. (*See* appendix 31 for details).

4. **STATE AND FEDERAL UNEMPLOYMENT.** All employees are covered by the benefits of State & Federal Unemployment. Contributions of the employee and Elk Ridge City will be made in accordance with the provision of the law.

5. **RETIREMENT SYSTEM.** Additional details are available from the Mayor, or his/her designee.

A. All full time Elk Ridge City employees are covered by the Utah State Retirement Systems, unless otherwise authorized by the City Council according to State Law.

B. The cost of this program is paid for by Elk Ridge City and the employee in the percentages set by action of the City Council and the Utah State Retirement Systems.

6. **CELL PHONE REIMBURSEMENT.** Elk Ridge City recognizes that allowing certain City personnel to use a cell phone is helpful to efficiently conducting City business.

A. When the job duties of an employee require the frequent use of a cell phone to conduct City business, the Mayor may approve a city cell phone or authorize a monthly allowance for that employee to use his/her personal cell phone.

SECTION XVI: BENEFITS

- (1) Approved employees have a choice of a city cell phone (for city business only) or receive a monthly allowance for city business only to help defray costs related to their work as a City employee which are incurred under the employee's personal cell phone plan. Use of a city cell phone is restricted to city business only and will be monitored by the City Administrator.
 - (a) Any costs incurred in excess of the monthly allowance are the sole responsibility of the employee. Elk Ridge City will not give out personal cell phone numbers to the public but it will be listed on the personnel list.
 - (b) Equipment purchases are to be preapproved by the Mayor and any upgrade in addition to approval will be the responsibility of the Employee.
- (2) Employees who receive a city cell phone are responsible for:
 - (a) Maintenance of the equipment. Employees are responsible for any and all damage to city cell phone unless Mayor authorizes repair or replacement.
 - (b) Ensuring that the phone is fully charged and operable during business hours, including bringing the phone with them each day they are at work.
 - (c) Keeping the phone calls and/or text messages at a minimal.
 - (d) All costs associated with personal phone calls and/or text messages.
 - (e) Employee is required to return the City cell phone upon separation of employment with Elk Ridge City.
- (3) Employees who receive a cell phone allowance are responsible for:
 - (a) Purchase and maintenance of the equipment. Employees are responsible for any and all damage to cell phone unless City Administrator authorizes repair or replacement.
 - (b) Ensuring that the phone is fully charged and operable during business hours, including bringing the phone with them each day they are at work.
 - (c) Payment of bills and charges, including cost for any cosmetic or other extras associated with the phone and all voice, text, data and all other charges. .Notifying the City immediately if the phone is out of service. Upon request of the city, and after a documentable incident, providing recent billing statements reflecting all calls conducted during work hours.

SECTION XVI: BENEFITS

- B. Use of the cell phone in any manner contrary to local, state or federal laws constitutes misuse and will result in immediate termination of the city cell phone or cell phone allowance and, depending on the severity of the offense, may result in disciplinary action.

SECTION XVII: FAMILY AND MEDICAL LEAVE ACT

1. **GENERAL POLICY.** If, at any time, Elk Ridge City has at least 50 employees, this Family and Medical Leave Act (FMLA) policy will be in effect. The City will make available to all employees the Notice of Eligibility and Rights and Responsibilities (FMLA) form.
 - A. The Family and Medical Leave Act of 1993 entitles eligible employees of covered employers to take unpaid, job-protected leave for specified family and medical reasons with continuation of group health insurance coverage under the same terms and conditions as if the employee had not taken leave. Eligible employees are entitled to up to a total of twelve (12) work weeks of unpaid leave during any twelve (12) month period:
 - (1) For the birth of a child and to care of the newborn child within one year of birth;
 - (2) For the placement with the employee of a child for adoption or foster care and to care for the newly placed child within one year of placement;
 - (3) To care for the employee's spouse, child or parent who has a serious health condition;
 - (4) A serious health condition that makes the employee unable to perform the essential functions of his or her job; or
 - (5) Any qualifying exigency arising out of the fact that the employee's spouse, child or parent is a covered military member on "covered active duty."
 - B. Eligible employees are entitled to up to twenty-six (26) weeks of leave during a twelve (12) month period to care for a covered service member with a serious injury or illness if the eligible employee is the service member's spouse, son, daughter, parent or next of kin.
 - C. The FMLA defines employer to include "any public agency" as defined by the Federal Fair Labor Standards Act. Section 3(x) of the Fair Labor Standards Act defines "public agency" to include a city or a town.
 - D. A 'serious health condition' is an illness, injury, impairment, or physical or mental condition that involves inpatient care in a medical facility or continuing treatment by a health care provider. "Continuing treatment" for serious health conditions means:
 - (1) A period of incapacity of more than three consecutive, full calendar days plus treatment by a health care provider, twice or once with a continuing regimen of treatment;
 - (2) Any period of incapacity related to pregnancy or for prenatal care,

SECTION XVII: FAMILY AND MEDICAL LEAVE ACT

- (3) Any period of incapacity or treatment for a chronic serious health condition;
 - (4) A period of incapacity for permanent or long term conditions for which treatment may not be effective; or
 - (5) Any period of incapacity to receive multiple treatments (including recover from those treatments) for restorative surgery, or for a condition which would likely result in an incapacity of more than three consecutive, full calendar days absent medical treatment.
- E. "Intermittent leave" or a "reduced leave schedule" for medical reasons can be taken under this policy "when medically necessary". Intermittent leave or a reduced leave schedule to care for a newborn child or for the placement with the employee of a child for adoption or foster care unless the employee and the City mutually agree to that arrangement.
- (1) Intermittent leave is leave that is not taken consecutively.
 - (2) A reduced leave schedule is a leave schedule that reduces the usual number of hours per work week or hours per work day.

2. CITY NOTICE OF FMLA LEAVE.

- A. Absent extenuating circumstances, the City shall notify an employee of whether the employee is eligible to take FMLA leave (and, if not, at least one reason why the employee is ineligible) within five (5) business days of the employee requesting leave or the employer learning that an employee's leave may be for a FMLA-qualifying reason.
- B. At the same time the City provides an employee notice of the employee's eligibility to take FMLA leave, the City will also notify the employee of the specific expectations and obligations associated with the leave. Among other information included in this notice, the City should inform the employee whether the employee will be required to provide certification of the FMLA-qualifying reason for leave and the employee's right to substitute paid leave (including any conditions related to such substitution, and the employee's entitlement to unpaid FMLA leave if those conditions are not met). If the information included in the notice of rights and responsibilities changes, the City will inform the employee of such changes within five (5) business days of receipt of the employee's first notice of the need for FMLA leave subsequent to any change.

SECTION XVII: FAMILY AND MEDICAL LEAVE ACT

- C. The City will notify an employee whether leave will be designated as FMLA leave within five (5) business days of learning that the leave is being taken for a FMLA-qualifying reason, absent extenuating circumstances. The designation notice must also state whether paid leave will be substituted for unpaid FMLA leave and whether the employer will require the employee to provide a fitness-for-duty certification to return to work. Additionally, if the amount of leave needed is known, the City will inform an employee of the number of hours, days or weeks that will be counted against the employee's FMLA leave entitlement in the designation notice. Where it is not possible to provide the number of hours, days, or weeks that will be counted as FMLA leave in the designation notice (e.g., where the leave will be unscheduled), the City will provide this information upon request by the employee, but no more often than every 30 days and only if leave was taken during that period.
3. **ELIGIBILITY.** To be "eligible" for FMLA leave, an employee must:
 - A. Have been employed for at least twelve (12) months by the employer.
 - B. Have been employed for at least one thousand two hundred fifty (1,250) hours of service with that employer during the twelve (12) months prior to the start of the leave.
 - C. Be employed by an employer who employs at least fifty (50) people within a seventy five (75) mile radius around the worksite.
 4. **LEAVE OPTIONS.** At either the employee's or employer's option, certain kinds of paid leave may be substituted for unpaid leave.
 5. **NOTICE AND MEDICAL CERTIFICATION REQUIREMENTS.** The employee may be required to provide advanced leave notice and medical certification. FMLA leave may be denied if the following requirements are not met:
 - A. The employee ordinarily must provide thirty (30) days advance notice when the leave is "foreseeable". When this is not possible, the employee should provide such notice as is practicable.
 - B. When an employee seeks leave for the first time for a FMLA qualifying reason, the employee must provide sufficient information to make the City aware of the need for FMLA leave and the anticipated timing and duration of the leave. Such information may include that a condition renders the employee unable to perform job functions; that the employee is pregnant or has been hospitalized overnight; whether the employee or the employee's family member is under the continuing care of a health care provider; if the leave is to care for a family member, that the condition renders the family member unable to perform daily duties or that the family member is a covered service member with a serious injury or illness; and the anticipated duration of the absence if known.

SECTION XVII: FAMILY AND MEDICAL LEAVE ACT

- C. The employee may be required to provide the employer with medical certification to support a request for FMLA leave because of a serious health condition. If the employer requires a second or third opinion, they will both be at the employer's expense.
- D. A fitness for duty report is required before an employee returns to work with the City after being absent due to a serious health condition. The fitness for duty certification should address the employee's ability to perform the essential functions of his/her position. The City may require a fitness for duty certification up to once every 30 days for an employee taking intermittent or reduced schedule FMLA leave if reasonable safety concerns exist regarding the employee's

6. BENEFITS AND EMPLOYMENT STATUS.

- A. During the FMLA leave, the City must maintain the employee's health benefits coverage under any "group health plan" that the employee has with the City.
- B. The use of FMLA leave cannot result in the loss of any employment benefit that accrued prior to the start of an employee's FMLA leave. However, no seniority or other benefits will accrue during the FMLA leave.
- C. Upon return from FMLA leave, most employees must be restored to their original or equivalent positions with equivalent pay, benefits, and other employment terms.

SECTION XVIII: LEAVES OF ABSENCES

1. ABSENT WITHOUT LEAVE.

- A. Any unauthorized absence of an employee from duty shall be grounds for disciplinary action, up to and including termination, by the Mayor, or his/her designee.
- B. Any employee who is absent for three (3) or more consecutive work days without authorized leave shall be deemed to have resigned without notice. Where extenuating circumstances are found to have existed, however, such absence may be covered by the Mayor, or his/her designee, by subsequent grant of leave with or without pay as the circumstances dictate.

2. ANNUAL LEAVE.

- A. Each permanent full-time employee shall receive Personal Time Off (PTO) or annual leave at the following rate:

<u>Service</u>	<u>Accrual</u>
1 yr.	12 days/yr. or 96 Hours per year
2 yrs.	12 days/yr. or 96 Hours per year
3 yrs.	14 days/yr. or 112 Hours per year
4 yrs.	14 days/yr. or 112 Hours per year
5 yrs.	18 days/yr. or 144 Hours per year
6 yrs.	18 days/yr. or 144 Hours per year
7 yrs.	18 days/yr. or 144 Hours per year
8 yrs.	18 days/yr. or 144 Hours per year
9 yrs.	18 days/yr. or 144 Hours per year
10 yrs.	22 days/yr. or 176 Hours per year
11 yrs.	22 days/yr. or 176 Hours per year
12 yrs.	22 days/yr. or 176 Hours per year
13 yrs.	22 days/yr. or 176 Hours per year
14 yrs.	22 days/yr. or 176 Hours per year
15-25 yrs.	22 days/yr. or 176 Hours per year

- B. New employees shall accrue annual leave from the date of hire, but they shall not be eligible to use accrued leave until satisfactorily completing the probationary period (90 days) and have been promoted to permanent status, unless otherwise specified.
- C. Persons hired on an emergency, part-time non-benefited, seasonal, temporary or contract basis shall not accrue annual leave.
- E. Individual department heads will issue approval or disapproval on all leave requests. . All leave requests should be submitted in a reasonable time in advance of the desired time off. If an excessive (being the number of requests if granted that would render the department or organization ineffective) amount of employees request leave for the same time period it shall be granted in order of application (first-come-first-served) at the discretion of the Mayor or Designee.

SECTION XVIII: LEAVES OF ABSENCES

- F. The maximum PTO leave which can be accrued and carried forward from calendar year to calendar year is forty (40) hours. Any accrued leave in excess of forty (40) hours shall be forfeited on December 31 in which the leave was accrued. An employee may turn in up to Forty (40 PTO Hours per year for pay.)
- G. A holiday which falls during an employee's leave shall be counted as a paid holiday and not as annual (PTO) leave.
- H. An employee who is separated from employment shall be compensated for all accrued leave.
- I. Official vacation records will be maintained and kept current by the Mayor or Designee.

3. HOLIDAY LEAVE.

- A. Holidays which apply to permanent full time employees are:

(1)	New Year's Day	January 1st
(2)	Human Rights Day	3rd Monday in January
(3)	President's Birthday	3rd Monday in February
(4)	Memorial Day	Last Monday in May
(5)	Independence Day	July 4th
(6)	Pioneer Day	July 24th
(7)	Labor Day	1st Monday in September
(8)	Veteran's Day	November 11th
(9)	Thanksgiving	4th Thursday in November
(10)	Day After Thanksgiving	4 th Friday in November
(11)	Christmas	December 25th

- B. If any of the above holidays fall on Saturday, then the preceding Friday shall be the holiday. If any of the above holidays fall on Sunday, then the following Monday is the holiday.

4. SICK LEAVE.

- A. Purpose. Sick leave is to be used with accrued PTO Hours. These hours are regulated under the annual leave section of this manual.
- B. Eligibility. Sick leave is accrued under the Annual Leave (PTO) and shall be available to all full time employees, Sick leave (PTO) will not be granted to employees during their first ninety (90) calendar days of employment, except for emergency circumstances.

SECTION XVIII: LEAVES OF ABSENCES

5. MATERNITY LEAVE.

- A. An employee who becomes pregnant may continue working until such time as she can no longer satisfactorily perform her duties. An employee will be given six (6) weeks of time off with or without pay. During maternity leave employee is to use accrued PTO leave. Upon recommendation of the Mayor, or his/her designee, and approval of the City Council, an employee may be granted leave without pay for a specified period of time, not to exceed one (1) year. Elk Ridge City may fill vacancies created by such leave with temporary or provisional appointments. At the expiration of a leave without pay, the employee shall return to the same position, where feasible, or to a similar position. Failure of the employee to report promptly at the expiration of such leave without pay shall be considered a resignation without notice.
- B. Regulations governing sick leave, annual leave, and leave-without-pay will apply.

6. INJURY LEAVE. Any employee injured on the job, however slightly, must report the fact immediately to their Department Head or Mayor. It shall be the duty of the injured employee's supervisor to obtain information regarding the accident or injury and to complete and submit such reports as are required. Unused annual (PTO) leave may be granted in accordance with applicable rules and regulations. During injury leave periods, annual (PTO) leave or time toward yearly performance evaluation shall not accrue, unless an exception is granted by the Mayor, or his/her designee, with approval of the City Council. However, injury leave for periods greater than six (6) months shall in no case be granted. Furthermore, eligibility for such leaves requires conformance with all workmen's compensation regulations.

7. EMERGENCY LEAVE. The Mayor allow a permanent or probationary employee reasonable time off, not to exceed three (3) working days with pay, in case of an emergency. Time will be charged annual (PTO) leave. The City Council shall have the authority to grant longer leaves in unusual circumstances in which an emergency exists. During emergency leave period in excess of thirty (30) calendar days, annual (PTO) leave, or time toward yearly evaluation shall not accrue.

8. MILITARY LEAVE. A permanent employee shall be granted leave with compensation for the difference in salary for active duty, for service in the National Guard or in the Armed Forces reserves for the purpose of fulfilling annual field training. Paid military leave shall not exceed ten (10) working days in any one (1) calendar year. (Utah State Code 39-3-1 & -2). Any compensation, including travel and expense allowance, received by the employee must be turned back to Elk Ridge City.

SECTION XVIII: LEAVES OF ABSENCES

9. **JURY LEAVE.** Full-time employees who have completed their Initial Employment Period will be granted leave with full pay when performing jury duty or when required to serve as a witness in any municipal, county, state, or federal court, or before an administrative tribunal. Any compensation, including travel and expense allowance, received by the employee must be turned back to Elk Ridge City. Part-time employees and full-time employees who have not completed their Initial Employment Periods do not qualify for paid jury leave. Employee who do not qualify for paid jury leave may retain their jury/witness fees. Paid leave will not be granted when the employee is serving as his own witness in financial and related suits which he has initiated.
10. **ADMINISTRATIVE LEAVE.** A permanent or probationary employee may be granted administrative leave with pay to perform authorized duties in connection with City business, to attend trade or professional meetings which relate to official duties, or to participate in recognized and authorized training programs.
11. **FUNERAL LEAVE.** The Mayor, or Department Head shall grant an employee up to three (3) days of funeral leave with pay to attend the funeral of the employee's spouse, child, step-child, daughter or son-in-law, parent, step-parent, grandchild, mother or father-in-law, sister or brother-in-law, grandparent, spouses' grandparent, brother or sister.
12. **LEAVE WITHOUT PAY.**
 - A. Upon recommendation of the Mayor, or his/her designee, and approval of the City Council, an employee may be granted leave without pay for a specified period of time, not to exceed one (1) year. At the expiration of a leave without pay, the employee shall return to the same position, where feasible, or to a similar position. Failure of the employee to report promptly at the expiration of such leave without pay shall be considered a resignation without notice.
 - B. A leave without pay shall not constitute a break in service. However, during leave without pay in excess of thirty (30) calendar days, Annual (PTO) leave, and time toward annual performance evaluation shall not accrue.
 - C. Leave without pay shall be granted for education purposes when the employee's course of study will be of direct benefit to Elk Ridge City, their absence will not be a hardship for their department, and the employee agrees to return to work at the end of the leave without pay.
 - D. To attend funerals not covered by the funeral leave policy.
 - E. To attend to an ill or injured member of the employee's immediate family.
 - F. Employees are expected to apply for absences in advance and in writing, giving as much detail about the absence as is necessary so that the Mayor may decide whether the leave without pay is warranted.
 - G. Must have one (1) hour minimum increments.

SECTION XVIII: LEAVES OF ABSENCES

13. **DOCUMENTATION OF LEAVE.** Some of the above absences must be supported by a copy of the official paperwork causing the absence. Such paperwork must be submitted to the Mayor, as soon as possible. In some cases where official paperwork is not available, the Mayor, or his/her designee, or their designated representative, may request that the employee supply additional information in writing to support the absence.

SECTION XIX: GENERAL SAFETY

1. **SAFETY AND ACCIDENT PREVENTION MANUAL.** Employees are responsible to read, know, understand and comply with the policies set forth in Elk Ridge City's Safety and Accident Prevention Manual (a separate document issued to all employees on first day of employment with Elk Ridge City). The Safety and Accident Prevention Manual is to prevent accidents to employees, persons and property. Violation to this manual may lead to immediate disciplinary action.
2. **GENERAL POLICY.** The following general safety rules will apply in all agency work places. Each work unit may prepare separate safety rules applicable to the specific nature of work in their area but not in conflict with these rules.
 - A. Proper licensing and extreme caution are required by all employees operating any type of power equipment.
 - B. Employees will use safety equipment appropriate to the job, such as safety glasses, gloves, toe guards, back supports, and hard hats, if required or appropriate to the work performed.
 - C. Employees will avoid wearing loose clothing and jewelry while working on or near equipment and machines. Long hair will be properly secured.
 - D. All accidents, regardless of severity, personal or vehicular, shall be reported immediately to the supervisor/manager.
 - E. Defective equipment will be reported immediately to the supervisor or Mayor, or his/her designee.
 - F. Employees will not operate equipment or use tools for which licensing and training has not been received.
 - G. In all work situations, safeguards required by State and Federal Safety Orders will be provided.
3. **PROPER USE OF ELK RIDGE CITY EQUIPMENT AND TOOLS.** The use of Elk Ridge City equipment or tools for private purposes is strictly prohibited. However, reasonable use of Elk Ridge City tools and equipment to protect property and preserve life is authorized.
 - A. Employees must receive the proper training including an explanation of job hazards, safety procedures and training on all equipment, tools, etc., necessary for the accomplishment of the employee's job description.
 - B. A commercial driver's license (CDL) is required for operators of commercial motor vehicles. No individual shall be allowed to operate such vehicles unless they have a current commercial driver license in their possession. This license is required pursuant to the Commercial Motor Vehicle Safety Act, signed into law on October 27, 1986. Employees must renew their commercial driver license at four year intervals.

SECTION XIX: GENERAL SAFETY

- C. Operators and passengers in a business-use vehicle equipped with seat belts must wear them when the vehicle is in operation, and all employees operating vehicles shall observe all local traffic laws.

- D. Employees shall keep the agency vehicles which are used by them clean, presentable, and serviceable. Employees receiving car allowances shall also keep their vehicles clean, presentable, and serviceable.

SECTION XX: UOSHA REQUIREMENTS

1. **GENERAL POLICY.** It is Elk Ridge City's policy to maintain an environment which is free from any recognizable hazard which is likely to cause death or serious injury to any employee through open communications with employees.
2. **POSTING UOSHA NOTICES.** Elk Ridge City will post all required UOSHA notices conspicuous places (such as employee bulletin boards or where similar notices are usually posted). Employees may obtain additional information from Mayor or Designee when they have questions about any of the standards which are provided under UOSHA.
3. **INSPECTION PROCEDURES.** All employees should follow the procedures listed below in the event an inspector from UOSHA presents themselves on the job site.
 - A. If an inspector arrives on the job site, an employee should understand that they are not authorized to offer any information requested by the inspector.
 - B. The employee will inform the inspector that the employee will contact the Department Head or Supervisor, who will accompany the inspector during any inspection.
 - C. The Department Head or Supervisor should make sure that all employees know who they are required to contact in the event an UOSHA inspector shows up on the job site.
 - D. If the UOSHA inspector does not reveal the appropriate credentials at the outset of the inspection, the Department Head or Supervisor should ask the inspector to reveal his credentials and should then examine them before allowing an inspection of the job site.
 - E. The Department Head or Supervisor should not refuse an inspection of the job site where the inspector does not have a warrant to inspect. The inspector will usually have no trouble obtaining a warrant for inspection. Refusing to allow an inspection may create a negative atmosphere which may be more harmful to Elk Ridge City. This may result in harsher penalties if violations are discovered by the inspector.
 - F. If the credentials are appropriate, and before beginning the inspection, the Department Head or Supervisor should ask the inspector the reason for the inspection. If it is routine, no further requests are required. If the inspection was due to an employee complaint, the Department Head or Supervisor should request a copy of the complaint. This will help Elk Ridge City correct any safety problems. Under no circumstances should the information received on an employee complaint be used for disciplinary action toward an employee as this type of action is prohibited by law.
 - G. The Department Head or Supervisor should accompany the inspector during the entire inspection of the job site.

SECTION XX: UOSHA REQUIREMENTS

- H. The Department Head or Supervisor should take notes throughout the inspection. The Department Head or Supervisor should note comments and observations made by those participating in the inspection. The Department Head or Supervisor accompanying the inspector should not volunteer any unsolicited information.

4. ACCIDENT REPORTING PROCEDURES.

- A. Employees who are injured in connection with employment, regardless of the severity of the injury, must immediately notify the Department Head or Supervisor, who will ensure prompt and qualified medical attention is provided and all required UOSHA reports are completed.
- B. The Department Head or Supervisor will investigate the job related injury to determine the cause of the injury.
- C. Elk Ridge City shall contact UOSHA within eight hours of the occurrence of any job related death, disabling, serious or significant injury, and or/any occupational diseases. The Supervisor should contact UOSHA by calling 801-530-6901.
- D. Elk Ridge City shall file the required report with UOSHA within seven (7) days after first knowledge or notification of an injury or occupational disease resulting in medical treatment, loss of consciousness, loss of work, restriction of work, or transfer of another job. Minor injuries such as scratches and cuts do not need to be reported to UOSHA if they require only minor first aid treatment.
- E. Elk Ridge City shall keep a copy of the UOSHA report in its UOSHA file.
- F. Elk Ridge City shall give the employee a copy of the UOSHA report and explain the employee's rights and responsibilities concerning the work related injury or occupational disease.
- G. If an employee later dies as a result of work related injury or disease, Elk Ridge City shall file a report with UOSHA within seven (7) days of first knowledge or notification of death.

SECTION XXI: INFORMATION TECHNOLOGY RESOURCES

1. **GENERAL POLICY.** The purpose of information technology resources (e.g. e-mail, electronic voice, video communication, facsimile, internet/intranet/extranet related systems and like technologies) provided by the City is to support City operations and improve City government effectiveness and efficiency.
2. **GENERAL USE AND OWNERSHIP – PRIVACY OF RECORDS.** Elk Ridge City is committed to respecting the rights of its employees, including their reasonable expectation of privacy. However, it is also responsible for servicing and protecting its electronic communication networks. The City has the right to access and disclose the contents of electronic files, as required for legal, audit, or legitimate operational or management purposes. Do not transmit personal information about yourself or someone else using corporate resources without proper authorization. The confidentiality of such material cannot be guaranteed. E-Mail and other electronic files may be accessible through the discovery process in the event of litigation. Each of these technologies may create a “record” and therefore are reproducible and subject to judicial use or a Government Records Access and Management Act (GRAMA) request for information.
3. **RETENTION/DISPOSITION OF ELECTRONIC RECORDS.** Just as with any other government record, electronic records are retained or disposed of in accordance with GRAMA. Refer to GRAMA or ask the City Recorder’s Office if you need additional information or guidance in this area.
4. **CITY EMPLOYEES RESPONSIBILITIES.** City employees shall:
 - A. Access only files, data and protected accounts that are your own, that are publicly available, or to which you have been given authorized access.
 - B. Use City resources efficiently and productively. Refrain from monopolizing systems, overloading networks with excessive data, playing computer games or wasting computer time, connect time, disk space, printer paper, or other corporate resources.
 - C. Be responsible for the use of your accounts. Under no circumstances shall you give your passwords to another person. Guard yourself against unauthorized access to your accounts.
 - D. Seek the advice of the authorized supervisor responsible for any City resource if you are in doubt concerning your authorization to access that resource.
 - E. Conduct yourself as a representative of both the City agency and Elk Ridge City Corporation as a whole.
 - F. Effective use of computer resources is important to Elk Ridge City Corporation. To help improve the effectiveness of your use of these resources, incidental and occasional personal use is permitted, as long as such use does not:

SECTION XXI: INFORMATION TECHNOLOGY RESOURCES

- (1) Disrupt or distract the conduct of city business;
- (2) Involve solicitation;
- (3) Involve a for-profit personal business activity;
- (4) Have the potential to harm the city; or
- (5) Involve illegal activities.

Note: Any resources used for personal use that incurs a cost must be reimbursed to Elk Ridge City.

5. UNACCEPTABLE USE OF INFORMATION RESOURCES. Any use of City resources for inappropriate purposes, or in support of such activities, is prohibited (unless authorized through job responsibilities). The following list provides examples of activities that are currently considered unacceptable uses of City resources:

- A. **Illegal Use.** Any use of City resources for illegal purposes or in support of such activities. Illegal activities shall be defined as any violation of local, state or federal laws.
- B. **Commercial Use.** Any use for commercial purposes, product advertisements, or “for profit” personal activity.
- C. **Sexually Explicit.** Any sexually explicit use, whether visual or textual. You should not view, transmit, retrieve, save, or print any electronic files which may be deemed as sexually explicit.
- D. **Religious or Political Lobbying.** Any use for religious or political lobbying, such as using email to circulate solicitations or advertisements.
- E. **Copyright Infringement.** Duplicating, transmitting or using software not in compliance with software license agreements. The unauthorized use of copyrighted materials or another person’s original writings.
- F. **Unnecessary Use of Resources.** Wasting resources by intentionally:
 - (1) Storing information or software on City resources which are not authorized.
 - (2) Printing unnecessary amounts of paper.
 - (3) Disrupting the use or performance of City resources or any other computer system or network.
 - (4) Viruses or other malicious programs. Introduction of malicious programs into the network server. This includes knowingly or inadvertently spreading computer viruses.

SECTION XXI: INFORMATION TECHNOLOGY RESOURCES

- (5) Junk Mail or Spam. Distributing junk mail, such as chain letters, advertisements, or unauthorized solicitations. This includes unauthorized and/or unsolicited mass mailings or “spam” email.
- (6) Confidential Information. The distribution of information prohibited without proper authorization. When authorized, transmitting classified information requires proper security.
- (7) Security Breaches. Effecting security breaches or disruptions of network communication. Security breaches include, but are not limited to, accessing data of which the employee is not an intended recipient or logging into a server or account that the employee is not expressly authorized to access, unless these duties are within the scope of regular duties.
- (8) Port Scanning or security scanning is expressly prohibited without prior permission from City Administrator or designee.
- (9) Executing any form of network monitoring which will intercept data not intended for the employee’s host server or database, unless this activity is part of the employee’s normal job duties.
- (10) Using any program/script/command or sending messages of any kind, with the intent to interfere with network and server operations.

SECTION XXII: ELECTRONIC COMMUNICATIONS PROCEDURE

1. **GENERAL POLICY.** The City encourages the appropriate use of all methods of communicating internally and with the public. This includes the use of both internal technologies such as email, instant messaging, web pages, and teleconferencing, as well as external technologies such as Facebook, Twitter and others.
2. **PRIVACY.** Employees are not entitled to any expectation of privacy associated with the use of any communications technology used to conduct City business. This includes:
 - A. **COMPUTERS.** Computers whether owned by the City, the employee or a third party used to conduct City business and any and all City business related information on the computer may be subject to human resource personnel matters, litigation disclosure, forensic analysis, and information requests under GRAMA. This includes desktop computers, notebook computers, tablets, netbook computers, any other device used to conduct City business.
 - B. **EMPLOYEE OWNED COMPUTERS.** Computers or computing devices used to conduct City business and owned by employees may not be searched, analyzed, or examined for any purpose other than human resource personnel matters, litigation disclosure or information requests under GRAMA. Written authorization from the City Administrator must be obtained prior to conducting any research or analysis of employee owned computers or computer devices. The City Administrator will consult with the City Attorney prior to giving authorization.
 - C. **CELL PHONES.** Whether owned by the City, the employee or some third party, including smart phones, such as BlackBerrys, iPhones, Treos, Windows Mobile devices, or any other mobile communication device used to conduct City business and any and all information contained thereon may be subject to human resource personnel matters, litigation disclosure, forensic analysis, and information requests under GRAMA. .
 - D. **PERSONAL DIGITAL ASSISTANTS (PDAs).** Personal digital devices, whether owned by the City, the employee, or third party such as Palm Pilots, iPads, etc. and any and all information on the device may be subject to human resource personnel matters, litigation disclosure, forensic analysis, and information requests under GRAMA.
 - E. **PERSONAL EQUIPMENT USED FOR CITY BUSINESS.** Personal equipment, regardless of the type of equipment is subject to the same policies and procedures as City owned equipment.
3. **PERSONAL USE.** Except for de minimus use, employee use of City electronic communication technology not directly related to City business is prohibited. Personal communication sent or received on City technology may be reviewed by City staff.
4. **STANDARDS OF CONDUCT.** Employees should be respectful and professional in all communications related to City business. Employees should not use profane, vulgar, inflammatory, disrespectful or derogatory language in all communications related to City business.

SECTION XXII: ELECTRONIC COMMUNICATIONS PROCEDURE

5. **EMAIL.** Employees are encouraged to use email where appropriate when conducting City business. Employees should check for new email messages regularly.
6. **INSTANT MESSAGING/TEXT MESSAGING.** Employees are permitted to use instant messaging and texting where informal communication is appropriate.
7. **SOCIAL MEDIA.** Social media, including Facebook, MySpace, Twitter, YouTube etc. may be an effective way to communicate with the public and employees may participate in these services where appropriate. Information posted to a City related social medial site by an employee must first be approved by the City Administrator and/or his designee. Information posted on social media websites may be subject to human resource personnel matters, litigation disclosure, forensic analysis, and information requests under GRAMA.

Appendix Number 1

POLICY STATEMENT AND ACKNOWLEDGMENT FORM

I have received my copy of the Personnel Policies and Procedures Manual which outlines the policies, practices and benefits of Elk Ridge City. I accept responsibility for informing myself about these policies by reading them and, if necessary, by asking that they be explained to me.

Since the information in this Personnel Policies and Procedures Manual is necessarily subject to change, it is understood that the information that I have received may be changed or replaced by other policies and procedures which Elk Ridge City may adopt in the future. I understand and acknowledge that no one has promised me that Elk Ridge City will not change these policies, and understand that Elk Ridge City has reserved the right to change these policies in the future.

For Probationary Employees and Department Heads, I understand and agree that my employment with Elk Ridge City is terminable at-will, meaning that either myself or Elk Ridge City may terminate the employment relationship at any time for any reason. I understand that either myself or Elk Ridge City has 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 particular reason, or will only be terminated through some particular process or procedure above, beyond, or in addition to such due process as may be required by Federal or State constitutional and statutory requirements.

I understand and agree that no one at Elk Ridge 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 Elk Ridge City is authorized by Elk Ridge City to promise in the future that the terms of my employment will be different from what is stated in this manual.

Signature of Employee

Date

Appendix Number 2

INDEMNITY PROVISION AGREEMENT

Whereas [Company Name] desires to enter into a contract with Elk Ridge City in consideration for the City's willingness to contract with [Company Name], the compensation set forth below and other good and valuable consideration, I [Company Representative's Name] , as the duly authorized agent of [Company Name] herewith agree to indemnify and hold the Elk Ridge City, its officers, agents, officials and employees, harmless from any action, causes of action, claims for relief, demands, damages, expenses, costs, fees, or compensation, whether or not said actions, causes of action, claims for relief, demands, damages, costs, fees, expenses and/or compensations are known or unknown, are in law or equity, and without limitation, all claims of relief which can be set forth through a complaint or otherwise that may arise out of the acts or omissions, negligent or otherwise of Elk Ridge City or its officers, officials, agents, or employees, or any person or persons.

I further agree and bind [Company Name] to conduct and be financially responsible for any and all environmental testing and cleanup measures required by any state or federal law or regulatory agency in connection with the use of said property.

I acknowledge that I have been advised to consult legal counsel and have had the opportunity to consult with legal counsel prior to entering into this Hold Harmless / Release of Liability Agreement.

I understand and agree that, by signing this Hold Harmless / Release of Liability Agreement, I relinquish all rights or claims to adjudication or recourse which I may be entitled to in relation to any damages or injury that may arise out of the above described activities.

I warrant that I enter into this agreement with full knowledge of the meaning and future effect of the promises, releases and waivers contained herein.

I warrant that I have entered into the releases and waivers contained in this Agreement voluntarily and that I make them without any duress or undue influence of any nature by any person.

I agree to assume all risk, chance or hazard that any loss sustained by me may be greater or more extensive than is known, anticipated or expected.

Company Representative's Name

Date

Supervisor

Date

Appendix Number 3

PRE-EMPLOYMENT INQUIRY GUIDE

Any inquiry is improper which, although not specifically listed below, is designed to elicit information as to race, color, gender, age, religion, marital status, national origin, or Handicap. The prime consideration for any job is the ability to perform it.

1. Name.
 - A. Proper Pre-Employment Inquiries: First, Middle, and Last Name and any other name used for prior employment.
 - B. Improper Pre-Employment Inquiries: Inquiry into original name cannot be used for discriminatory purposes. Inquiries concerning specific questions about the name which would indicate applicant's lineage, ancestry, national origin, or descent; or to require prefix to applicant's name, (Mr., Mrs., Miss, Ms.); or to inquire into marital status unless based on legitimate bona fide occupational qualifications or prior employment history are considered improper.
2. Address.
 - A. Proper Pre-employment Inquiries: Applicant's place of residence.
 - B. Improper Pre-employment Inquiries: Inquiry into foreign addresses which would indicate national origin.
3. Birthplace.
 - A. Proper Pre-employment Inquiries: Proof of citizenship may be requested prior to hiring in accordance with the Immigration Reform and Control Act of 1986 (IRCA).
 - B. Improper Pre-Employment Inquiries: Inquiry into birthplace of applicant, or birthplace of applicant's parents, spouse, or relatives. Require prior to hiring, birth certificate, naturalization or baptismal record.
4. Race or Color.
 - A. Proper Pre-Employment Inquiries: None.
 - B. Improper Pre-Employment Inquiries: Any inquiry which would indicate race or color is prohibited.
5. Age.
 - A. Proper Pre-Employment Inquiries: Are you under the age of 18? If there is a question as to applicant being of legal working age, proof may be requested in form of work permit.
 - B. Improper Pre-Employment Inquiries: Requesting an individual's date of birth prior to employment is prohibited, unless relative to whether the individual is a minor.
6. Handicap.
 - A. Proper Pre-Employment Inquiries: Have you any disability which would prevent, you from performing the duties of the job for which you are applying? If yes, explain.
 - B. Improper Pre-Employment Inquiries: Any other inquiry which would indicate handicap and not related to the job
7. Sex.
 - A. Proper Pre-Employment Inquiries: Where a bona fide occupational qualification is reasonably necessary to the normal operation of that business or enterprise

- B. Improper Pre-Employment Inquiries:
Any other inquiry which would indicate sex or related conditions such as pregnancy or plans to have children. Inquiry into sex of applicant.
- 8. Photographs.
 - A. Proper Pre-Employment Inquiries: Photograph may be requested only after hiring and then only for legitimate business purpose.
 - B. Improper Pre-Employment Inquiries: Any request for photograph prior to hiring is prohibited.
- 9. Religion-Creed.
 - A. Proper Pre-Employment Inquiries: None.
 - B. Improper Pre-Employment Inquiries: Inquiry into an applicant's religious denomination, religious affiliations, church, parish, pastor, or religious holidays observed prior to hiring is prohibited.
- 10. Relatives.
 - A. Proper Pre-Employment Inquiries: Inquiry into name and address and relationship of persons to be notified in case of emergency. For a minor it must be a parent or guardian.
 - B. Improper Pre-Employment Inquiries: Names and addresses of any relatives other than those listed as proper.
- 11. Organizations.
 - A. Proper Pre-Employment Inquiries: Inquiry into organization memberships including professional, scientific and civic groups, but excluding any organization, the name or charter of which indicate the race, religion, color, sex, and national origin of its members.
 - B. Improper Pre-Employment Inquiries: Requirement that applicant list all organizations, clubs, societies, and lodges to which he belongs. Unlawful to inquire into organizations which may indicate race, religion, color, sex, and national origin of their members.
- 12. Notice in Case of Emergency.
 - A. Proper Pre-Employment Inquiries:
Name and address and relationship of "Persons" to be notified in case of accident or emergency.
 - B. Improper Pre-Employment Inquiries:
Name and address of all others except those listed as proper.
- 13. References.
 - A. Proper Pre-Employment Inquiries:
Persons willing to give references.
 - B. Improper Pre-Employment Inquiries:
Request of name of applicant's bishop, pastor, or religious leader.
- 14. Military Experience.
 - A. Proper Pre-Employment Inquiries: Inquiry into applicant's military experience or duties in United States Armed Forces.
 - B. Improper Pre-Employment Inquiries: To require copy of military discharge paper or type of discharge, unless such inquiry is based upon a bona fide occupational qualification.
- 15. Experience.
 - A. Proper Pre-Employment Inquiries:
Inquiry into work experience.
 - B. Improper Pre-Employment Inquires:
Any inquiries into work history which are not work-related.
- 16. Character.

- A. Proper Pre-Employment Inquiries: Permissible to ask applicant for character references.
 - B. Improper Pre-Employment Inquiries: Questions about applicant's sexual preferences or economic status.
17. Number of Dependents.
- A. Proper Pre-Employment Inquiries: This information may be requested only after hiring for legitimate purposes.
 - B. Improper Pre-Employment Inquiries: Asking an applicant's number of dependents prior to employment is prohibited.
18. Color of Hair or Eyes.
- A. Proper Pre-Employment Inquiries:
None. Asking questions regarding hair color and eye color are not job relevant.
19. Height and Weight.
- A. Proper Pre-Employment Inquiries:
None.
 - B. Improper Pre-Employment Inquiries: It is unlawful for an employer to set minimum height or weight requirements for hiring unless based on a bona fide occupational qualification.
20. Education.
- A. Proper Pre-Employment Inquiries:
Inquiry into what academic, professional, or vocational schools attended.
 - B. Improper Pre-Employment Inquiries:
It is unlawful to ask specifically the nationality, racial, or religious affiliation of a school attended by, the applicant.
21. Prior Arrest Record
- A. Proper Pre-Employment Inquiries:
None. It is not proper to ask about arrest records.
22. Criminal Record
- A. Proper Pre-Employment Inquiries:
Have you ever been convicted of a felony? It is proper to ask about a felony conviction.
 - B. Improper Pre-Employment Inquiries:
Inquiry advisable only if job related.
23. Economic Status.
- A. Proper Pre-Employment Inquiries:
None.
 - C. Improper Pre-Employment Inquiries:
It is generally prohibited to inquire as to bankruptcy, car ownership, rental or ownership of a house, length of residence at an address, or past garnishment of wages as poor credit ratings have a disparate impact on women and minorities.

Appendix Number 4

INTERVIEW GUIDE

Applicants Name: _____ Date: _____

Position Applied For: _____ Interviewed By: _____

1. Qualifications.

- A. Education: _____
- B. Experience: _____
- C. Does Applicant meet minimum qualifications:
(Please circle one) Yes No

2. Work Experience.

- A. How much work experience is similar to that for which Applicant is applying?
None 3 to 5 years
Less than 1 year 5 to 10 years
1 to 3 years Over 10 years
- B. How related is the experience to the position for which Applicant is applying:
Unrelated
Performed similar work 25% of the time
Performed similar work 50% of the time
Performed similar work 75% of the time
- C. Which best describes Applicant's prior work experience:
None Supervised 1 to 3 individuals
Worked independently Supervised 4 to 6 individuals
Worked under supervision Supervised over 6 individuals
- D. How would you rate Applicant's work experience to do the job:
Inadequate _____ Adequate _____ Very Good _____ Excellent _____

3. Job Stability.

- A. Number of Employers in the last five (5) years:
None ___ One ___ Two ___ Three ___ Four ___ Five ___ Six ___
- B. Average length or time in previous full-time positions:
_____ years
- C. Reason Applicant left previous jobs:
No previous jobs _____ Difficulty with supervisor _____ Pay
Working conditions _____ Difficulty with subordinates _____ Laid off
No chance for advancement _____ Other _____
- D. How would you rate Applicant's job stability:
Not Good _____ Good^e _____ Very 'Good _____ Excellent

4. Education:

- A. Applicant's highest level of education:
 Less than high school Some graduate work
 High school graduate Holds masters in:
 Less than college degree Graduate work beyond masters
 College degree in: Ph. D. in:
- B. Applicant's best grades were in: _____
- C. Applicant's worst grades were in _____
 Applicant's average grade at highest level of study:
 (Please circle one) A B C D
- E. Applicant's relationship between education and position applying for:
 No relationship Closely related
 Very remotely related Directly related Moderately related
- F. How would you rate Applicant's education to do the job:
 Inadequate ___ Adequate ___ Very Good ___ Excellent ___

5. Motivation and Goals:

- A. What would Applicant like to be doing one year from now:
 B. What would Applicant like to be doing five years from now:

- C. What would Applicant like to be doing ten years from now:
 D. Applicant's goals are compatible with opportunities offered by this position:
 (Please circle one) Yes No
- E. Why does Applicant want the position:
 Likes that type of work
 Wants higher salary and/or more fringe benefits
 Wants more chance for advancement
 Feels they are underutilized in their present position
 Other: (Please explain)
- F. Can Applicant's motivation and goals be met in this position:
 (Please circle one) Yes Possibly No

6. Considering the factors in 1 through 5 above, do you recommend hiring Applicant:
 (Please circle one) Yes Possibly

 Interviewer's Signature

 Date

Appendix Number 5

APPLICANT'S CONSENT TO RELEASE INFORMATION STATEMENT

I [Name of Applicant] authorize Elk Ridge City to contact any or all of my former employees or any or all of the references I have supplied to Elk Ridge City, for the purpose of verifying any of the information I have provided to Elk Ridge City, and/or for the purpose of obtaining any information, whether favorable or unfavorable, about me or my employment with any former employer.

Appendix Number 6

TELEPHONE REFERENCE CHECK QUESTIONNAIRE

Applicant's Name: _____

Previous Employer's Name: _____

Phone: _____

Previous Employer's Address: _____

Name and Title of Person Contacted: _____

I am [Your Name] with Elk Ridge City and we are verifying the work history of [Name of Applicant], who has made application for employment with us. [Name of Applicant] has indicated that he/she was previously employed with your agency.

Please take just a moment to answer a few questions regarding [Name of Applicant]'s past employment with your agency. Attached is a signed Consent to Release Information Form authorizing release of the following information:

1. Was he/she employed by your
company?

2. What were the dates of his/her employment?

From: To: _____

3. What type of work did he/she do for

you?

4. Would you consider him/her to have been a satisfactory
employee?

5. What was his/her final salary when he/she

left?

6. What was the reason he/she

left?

7. Did he/she get along well with his/her fellow workers and
supervisors?

8. Would you rehire him/her, and

why?

9. Is there anything else that would be helpful for us to know about him/her?

Mr./Ms. [Name of Previous Employer], I sincerely appreciate your comments. This information will, of course, be kept in strict confidence. Thank you very much,

Checked by:

Date:

Appendix Number 7

WRITTEN REFERENCE CHECK QUESTIONNAIRE

[Previous Employer]
[Street Address]
[City, State, Zip Code]

[Date]

Dear Mr./Mrs. [Name of Previous Employer],

[Name of Applicant] has applied for employment with Elk Ridge City, and has indicated that he/she was previously employed with your agency.

Please take just a moment to answer a few questions regarding [Name of Applicant]'s past employment with your agency. Attached is a signed Consent to Release Information Form authorizing release of the following information:

1. Was he/she employed by your company? _____
 2. What were the dates of his/her employment? From: _____ To: _____
 3. What type of work did he/she do for you? _____
 4. Would you consider him/her to have been a satisfactory employee? _____
 5. What was his/her final salary when he/she left? _____
 6. What was the reason he/she left? _____
 7. Did he/she get along well with his/her fellow workers and supervisors? _____
 8. Would you rehire him/her, and why? _____
-
9. Is there anything else that would be helpful for us to know about him/her? _____

Mr./Ms. [Name of Previous Employer], I sincerely appreciate your comments. This information will, of course, be kept in strict confidence.

Thank you very much,

Appendix Number 8
EMPLOYEE'S NOTICE OF SECONDARY EMPLOYMENT

Elk Ridge City Employee's Name: _____

1. Secondary Employer's Name: _____

Secondary Business's Name: _____

Secondary Business's Address: _____

2. General overview of the type of business engaged in by the Secondary Employer:

3. Specific duties the Elk Ridge City employee will be engaged in at their secondary employment:

Employee's Signature _____

_____ Date Submitted

Circle one: Approved

Denied

Elk Ridge City Representative or Official _____

_____ Date

Appendix Number 9

EMPLOYEE WRITTEN REPRIMAND NOTIFICATION

To (Name of Employee): _____

Date of Notice: _____

Date of Violation: _____

Location of Violation: _____

Nature of Violation: _____

Previous Related Violation(s)/Date(s): _____

Desired Change/Improvement: _____

Elk Ridge City Representative or Official

Date

I have reviewed and received a copy of this form.

Employee's Signature

Date

Appendix Number 12

EMPLOYEE TRANSFER NOTIFICATION

To (Name of Employee): _____

Date of Notice: _____

Reason(s) for Transfer: _____

Effective Date of Transfer: _____

Elk Ridge City Representative or Official

Date

I have been informed and understand that if I am a merit employee (i.e., non at-will employee) pursuant Utah Code Ann. § 10-3-1105, I may appeal this disciplinary action, within ten (10) days, to Elk Ridge City's City Council. I have also been informed and understand that during the appeals process I may appear in person, be represented by legal counsel, have a public hearing, present and confront witnesses and examine evidence. I have reviewed and received a copy of this form.

Employee's Signature

Date

Appendix Number 13
EMPLOYEE TERMINATION NOTIFICATION

To (Name of Employee): _____

Date of Notice: _____

Date of Violation: _____

Location of Violation: _____

Nature of Violation:

Previous Related Violation(s)/Date(s)

Disciplinary Action to be Imposed:

Effective Date of Termination: _____

Elk Ridge City Representative or Official

Date

I have been informed and understand that if I am a merit employee (i.e., non at-will employee) pursuant Utah Code Ann. § 10-3-1105, I may appeal this disciplinary action, within ten (10) days, to Elk Ridge City's City Council. I have also been informed and understand that during the appeals process I may appear in person, be represented by legal counsel, have a public hearing, present and confront witnesses and examine evidence. I have reviewed and received a copy of this form.

Employee's Signature

Date

Appendix Number 14

GRIEVANCE FORM

1. _____ Employee Filing Grievance:

2. _____ Date Grievance Occurred:

3. Nature of Grievance: (Please give specific details of what happened)

4. Historical Information Related to the Grievance:

5. Requested Resolution:

Employee's Signature
Supervisor's Signature

Date Filed
Date Received

Appendix Number 15

NOTICE OF VOLUNTARY RESIGNATION FORM

I, [Name of Employee] herewith resign my position and employment as [Title/Position] with Elk Ridge City effective [Date].

I acknowledge that I have been advised to consult legal counsel and have had the opportunity to consult with legal counsel prior to submitting this notice of resignation or have voluntarily waived same.

I understand and agree that, by tendering my resignation, I relinquish all rights or claims to due process, adjudication or recourse which I may be entitled to in relation to my employment with Elk Ridge City and or any damages or injury that may arise out of the above described employment or resignation therefrom.

I warrant that I tender this resignation with full knowledge of the meaning and future effect of the promises, releases and waivers contained herein.

I warrant that I have tendered my resignation and have entered into the releases and waivers contained in this Notice of Resignation voluntarily and that I make them without any duress or undue influence of any nature by any person.

I agree to assume all risk, chance or hazard of any loss that I may sustain as the result of my resignation even if such loss sustained by me may be greater or more extensive than is known, anticipated or expected.

Employee's Signature

Date

Appendix Number 16

RESIGNATION IN LIEU OF AN INVOLUNTARY TERMINATION AGREEMENT

[Name of
Employee]
[Address]
[City, State, Zip Code]

Dear [First Name of Employee]:

This letter sets forth the substance of our conversation held on [Date]

I told you that Elk Ridge City has initiated disciplinary proceedings against you for violation of the following:

On [Date] you submitted your voluntary resignation to be effective [Date}.

Please be advised that Elk Ridge City herein accepts your resignation, in lieu of an involuntary termination, based on your submission of the attached notice of voluntary resignation.

Mayor

Date

Appendix Number 17

COBRA NOTIFICATION

Dear [Name of Employee],

1. Federal Public Law 99-272 (which became effective July 1, 1986 and is known as COBRA) requires that all employers of 20 or more full time employees offer a continuation of group insurance coverage to individuals who fall under one of the following "qualifying events". The qualifying event that has made you eligible for this continued group insurance coverage is:

Termination of employment (other than for gross misconduct), for a maximum continuation period of eighteen (18) months.

Reduction of work hours below eligibility requirement, for a maximum continuation period of eighteen (18) months.

Dependent coverage terminated due to death of employee, for a maximum continuation period of thirty six (36) months.

Divorce or legal separation from employee, for a maximum continuation period of thirty six (36) months.

Spouse or dependent of Medicare eligible employee, for a maximum continuation period of thirty six (36) months.

Dependent child who ceases to be a dependent under the generally applicable requirements of the group plan, for a maximum continuation period of thirty six (36) months.

2. Under the Act, a qualifying individual is entitled to continued group insurance coverage identical to that which is provided to similarly situated beneficiaries to whom a qualifying event has not occurred. Individuals who are entitled to continued benefits under COBRA guidelines are required to pay the entire premium required under the policy during the entire period of the continued coverage. The premium you will be required to pay may not exceed one hundred and two percent (102 %) of the applicable premium, for any period of continued coverage. Failure to pay the monthly premium will result in a cancellation of the insurance.

3. The insurance benefits offered under the COBRA guidelines will be terminated if and when any of the following occur:

A. You fail to pay the premium at the time it is required.

B. You become eligible for coverage under any other group insurance plan due to employment or remarriage.

C. At the expiration of the maximum continuation period.

4. The offer of continued insurance coverage under COBRA is made independently of any other offer to continue insurance that may be required under any applicable state law.

5. You have sixty (60) days from the termination date of your current coverage to decide whether to continue your insurance coverage under this plan. If you decide to apply for the continued coverage, all due and owing premiums must be paid before coverage will be granted. If you fail to apply for coverage within the sixty (60) days, you will have waived your rights to continuation of coverage under the COBRA guidelines. You are not required to apply for or accept coverage under COBRA.

6. My signature below signifies that I have been given a copy of the COBRA application for continued insurance coverage and that I understand the rights and responsibilities set forth in that application document. I further understand that failure to return the application within sixty (60) days from the termination date of my current insurance coverage shall constitute a waiver of

my rights under COBRA for continuation of insurance coverage.

Signature of Qualified Beneficiary Date

Signature of Employer/Designee Date