



G R E A T E R S A L T L A K E

Municipal Services
District

PERSONNEL POLICY

Table of Contents

PURPOSE OF MANUAL	1
Not a Contract.....	1
Equal Employment Opportunity and Workplace Accommodations.....	1
Filing a complaint of Discrimination or Failure to Reasonably Accommodate	4
Hiring and Job Assignments General Policy.....	4
Online application System and Selection Process.....	4
Veteran’s Preference	5
Ranked position Roster	5
Offers of Employment.....	5
Background Screening and Investigations	5
Employee Classifications, Independent Contractors and Volunteers	8
Employee Employment Status.....	8
Independent Contractors.....	9
Volunteers.....	10
Corrective Action, Discipline and Separation	10
Layoffs/Reduction in Force	14
Voluntary Resignation.....	15
Final Paycheck.....	15
Nepotism.....	15
Work Schedules and Attendance.....	16
Attendance and Punctuality.....	16
Job Abandonment.....	17
Coordination of Leave.....	18
Rest and Meal Periods	18
Compensation	18
Holiday Pay.....	23
Overtime Pay.....	23
Compensatory Time (Comp-Time).....	24
Overtime	25
Call-Out Premium Pay	26
FLSA Exempt Employees’ Compensation.....	27
Pay Advancements.....	27
Work Period and Workday.....	27
Pay Day.....	28
Approving Pay Changes.....	28
Time Report (Timecard) and Recording Hours	28
Direct Deposit	28
Employee Verification of Paycheck Accuracy	29

Performance Reviews	29
Records.....	30
Computer Systems, Internet and Electronic Mail (E-Mail)	30
Property Ownership, Privacy and Monitoring.....	30
District Websites	33
District Use of Social Media	33
Employee Personal Use of Social Media.....	34
Grievance	35
Outside Employment	37
Voluntary Participation in Political Activity	38
No Harassment and No Retaliation	38
Sexual Harassment.....	39
Discriminatory Harassment.	40
Workplace Violence.	41
Not Harassment	41
Retaliation.....	42
Management Responsibility to Enforce and Act	43
Employee Responsibility to Report.....	43
Drug and Alcohol-Free Workplace.....	45
Consequences of positive drug/alcohol tests or policy violation.....	49
Workers Compensation Coverage	51
Occupational Safety and Health	54
Jury and Witness Duty	55
Administrative Leave	55
Holidays.....	56
Annual Leave (Vacation)	57
Beginning Accrual for Sick and Vacation.....	58
Sick Leave	58
Funeral Leave	61
Family and Family Medical Leave Act.....	62
District Approved leave of Absence.....	69
Military Leave.....	71
Benefits	71
Health Insurance	76
Retirement Notification	78
Gifts, Prizes and Awards.....	78
Educational Reimbursement.....	80
Federal Social Security	82
Travel.....	83
Loss of Property or Funds	86

Personal Use of District Resources	86
Purchases and Reimbursements.....	87
Use of Vehicles.....	87
Right to Add or Change.....	92
Limitations.....	92
Separability Clause.....	92

PURPOSE OF MANUAL

The policies and procedures that comprise this manual have been prepared to comply with posting and notice requirements pertaining to various employment laws, to provide information regarding employment with The Greater Salt Lake Municipal Services District (“GSLMSD,” “MSD,” “the District”), and to communicate many of The Greater Salt Lake Municipal Services District’s desired goals and expectations relating to our workforce.

Employment with The Greater Salt Lake Municipal Services District is subject to District policies, practices, and procedures as well as state law, federal law, and constitutional limitations on the District as a governmental entity. This manual does not limit, affect, or alter any legal or constitutional rights the District or its employees may have.

This manual cannot and does not address all circumstances and situations in which The Greater Salt Lake Municipal Services District employees might find themselves, nor does it describe all policies, procedures, and practices that might affect the employment relationship.

Not a Contract

Employees have no contractual rights, either express or implied, except by a written contract signed by the employee and the Board Chair.

Employees Responsibility to be familiar with Manual

Employees are responsible for reading and being familiar with the contents of this manual. Various methods are used to keep employees informed of changes to this manual including, but not limited to posting the policies on the District website, e-mailing notices of changes, and/or disseminating revised copies. Employees are encouraged to reference The Greater Salt Lake Municipal Services District website at <https://msd.utah.gov/> for the most current version.

Equal Employment Opportunity and Workplace Accommodations

Equal Employment Opportunity

The Greater Salt Lake Municipal Services District’s goal is to foster a workplace culture that values diversity and provides equal opportunities in all aspects of employment. To help achieve this, all employees are expected to comply with:

- A. Title VII of The Civil Rights Act of 1964, as amended, the Age Discrimination Act, as amended, and the Utah Antidiscrimination Act, as amended, and not discriminate in employment opportunities or practices on the basis of: race, color, religion, sex, (including pregnancy, childbirth, pregnancy-related condition, breastfeeding, or medical condition related to breastfeeding);



- B. The Equal Pay Act. The right of employees to be free from discrimination in their compensation. Pay decisions are not based on the basis of race, color, religion, sex, national origin, age, or disability. The Greater Salt Lake Municipal Services District policies provide that employees be compensated on the basis of equal pay for equal work;
- C. The American's with Disabilities Act of 1990 (ADA), as amended, and the Utah Antidiscrimination Act, as amended. The Greater Salt Lake Municipal Services District will not discriminate against any individual with a disability in the admission or access to, employment, work programs, or activities;
- D. The Genetic Information Nondiscrimination Act of 2008 (GINA), The Greater Salt Lake Municipal Services District will not use genetic information of an individual in the hiring process or to affect the terms, conditions, privileges, benefits, or termination of employment unless there is a legitimate job related need that is consistent with business necessity or as otherwise mandated by law. The Greater Salt Lake Municipal Services District will not require collection or disclosure of genetic information prior to a conditional offer of employment. "Genetic information" is information about genes, gene products or inherited characteristics that may derive from the individual or a family member;
- E. The Uniform Services Employment and Reemployment Rights Act. The Greater Salt Lake Municipal Services District will not deny initial employment, reemployment, promotion, or any benefit of employment to a person who is obligated to perform in a uniformed service, to the extent required by law;
- F. Titles VI and VIII of the Civil Rights Act of 1964. Greater Salt Lake Municipal Services District will not exclude individuals from participating in, be denied the benefits of, or be otherwise subjected to discrimination on the grounds of race, color, or national origin, under any program or activities for which The Greater Salt Lake Municipal Services District has received any federal financial assistance;
- G. The Greater Salt Lake Municipal Services District will adhere to any other applicable law that provides for non-discrimination or equal opportunity.

Workplace Accommodations

The Greater Salt Lake Municipal Services District provides reasonable workplace accommodations in the following circumstances:

- A. Religious Accommodation. The Greater Salt Lake Municipal Services District respects the sincerely held religious beliefs and practices of all employees and will make, upon request, reasonable accommodation(s) for such observances when reasonable accommodation is available and does not create an undue hardship for the District. *Title VII of the Civil Rights Act and the Utah Antidiscrimination Act.*



- B. Disability Accommodation. The Greater Salt Lake Municipal Services District recognizes some qualified individuals with disabilities (meaning the employee has a mental or physical impairment substantially limiting one or more major life activities) may need reasonable accommodation to perform the essential functions of his or her position, to make the workplace readily accessible and usable for the employee; or to otherwise allow the employee to enjoy equal benefits and privileges of employment. The Greater Salt Lake Municipal Services District will make, upon request, reasonable accommodation when doing so does not create an undue hardship to the District. *Americans' with Disabilities Act, and the Utah Antidiscrimination Act.*
- C. Pregnancy Accommodations. The Greater Salt Lake Municipal Services District will make, upon request, reasonable accommodation(s) to qualified individuals related to pregnancy, childbirth, or related conditions when reasonable accommodation is available and does not create an undue hardship for the District. *Utah Antidiscrimination Act.*
- D. Breastfeeding Accommodations. The Greater Salt Lake Municipal Services District will, upon request, for at least one year, after the birth of a public employee's child, provide reasonable breaks (see the section entitled "Work Schedules," for information regarding paid vs. unpaid break) for each time the public employee needs to breast feed or express milk, a room or other location, other than a bathroom or toilet stall, that is clean and sanitary, provides privacy shielded from view of and intrusion from coworkers or the public, and that has an outlet, and a reasonable means of storage. The District is not required to permit an employee to have the employee's child at the workplace for purposes of the accommodation. *Utah Antidiscrimination Act.*
- E. To request an accommodation consideration, employees should discuss the circumstances with his or her supervisor or contact the District's Human Resources to begin the discussion/interactive process. This may include discussing specific needs, limitations, and possible accommodations that may be needed. The Greater Salt Lake Municipal Services District reserves the right to require documentation or more information to assist us in evaluating accommodation requests including, but not limited to, verification from religious leaders or medical providers; guidance from job accommodation consultants and advocates; and tools available under the Family and Medical Leave Act.

Federal Contracts

In employing persons to carry out a federal contract, The Greater Salt Lake Municipal Services District, while contracting with the United States, will take affirmative action to employ and advance in employment qualified disabled individuals and qualified disabled veterans and veterans of the Vietnam era.



Filing a complaint of Discrimination or Failure to Reasonably Accommodate with The Greater Salt Lake Municipal Services District

An employee who believes he or she has been discriminated against or that the District has failed to provide a reasonable accommodation in violation of this Section or the law may file a discrimination complaint with The Greater Salt Lake Municipal Services District pursuant to The Greater Salt Lake Municipal Services District's Grievance Procedure indicated in this manual; or,

- A. An employee who believes that the nature of the complaint is harassment or retaliation, may instead choose to file a complaint pursuant to The Greater Salt Lake Municipal Services District's No Harassment Policy indicated in this manual.

Hiring and Job Assignments General Policy

- A. The Greater Salt Lake Municipal Services District reserves the right to hire, fill vacancies, and otherwise make job assignments at management's discretion to meet changing business conditions and staffing needs.
- B. When vacancies occur, The Greater Salt Lake Municipal Services District generally prefers to give first consideration to current The Greater Salt Lake Municipal Services District employees who meet the minimum qualifications for the vacant position by opening a preferential internal posting. The General Manager may authorize waiving the preferential internal posting when it is deemed necessary or beneficial. AAs required by Utah Code Ann. Sec 35A-2-203, with the sole exception of "in-house" hires, all job openings will be advertised on a website maintained by the Department of Workforce Services. Although this is not an exclusive list, preferential internal postings may be waived:
 1. When a voluntary lateral transfer is desirable between two employees and their respective department heads.
- C. A position may be filled by transferring an employee from one position to another provided that both are of the same salary grade. Transfers fall into two categories: voluntary and involuntary. A voluntary transfer is deemed to be acceptable by the effected employee and department head(s) and may be initiated at either the employee's or the District's request. An involuntary transfer is made by the District with or without the employee's consent as deemed necessary to meet the needs of the District.

Online application System and Selection Process

In general, applicants apply online. Hiring supervisors shall follow all employment laws and regulations pertaining to the selection process. Numeric rating or a ranking, general job criteria, or other job-related criteria should be used in the selection process. In addition, examinations or other tests may be administered when such tests are valid and reliable predictors of an individual's ability to perform the job.



Veteran's Preference

In accordance with Title 71, Chapter 10 of the Utah Code Annotated, 1953, as amended, The Greater Salt Lake Municipal Services District grants veterans preference upon initial hiring with The Greater Salt Lake Municipal Services District to a preference eligible veteran or preference in interviewing and hiring, generally by extending a first interview.

Ranked position Roster

Once the selection process has been completed, applicants may be held on a roster for future consideration. This roster may, at the hiring manager's discretion, be reused for a one-year period following the date the first offer for employment was made.

Offers of Employment

All offers of employment are made in writing generally by the human resource office.

Background Screening and Investigations

In most circumstances the results of pre and post offer screenings and investigations are not made available to the applicant or employee. Information obtained from the background screening or investigation is deemed confidential and shared only with individuals involved in employment decisions.

Screening - Pre-Offer. The Greater Salt Lake Municipal Services District may conduct a pre-offer screening to assist in the selection process.

The pre-offer screening may include, but is not limited to:

- A. Verifying past employment and rehire eligibility;
- B. Evaluating the applicant's past employment performance and recommendations from prior employers/supervisors/associates;
- C. Contacting references or other individuals with knowledge of the applicant's performance or suitability for the position;
- D. Verifying the validity and accuracy of an individual's education, certifications, and training; or,
- E. Verifying the validity and accuracy of information provided by the applicant in written or oral communications.

Background Investigation – Post-offer. The Greater Salt Lake Municipal Services District may conduct further background investigation after a conditional offer of employment has been made. Based on the job requirements, a post-offer background investigation may include, but is not limited to:



- A Driving Records. Reviewing driving records for jobs with driving responsibilities to determine the applicant's insurability and risk level;
- B Credit Reports. Reviewing personal credit reports for jobs with access to District bank accounts or other highly responsible financial matters;
- C Sex Offender Registries. Reviewing sex offender registries or other public databases for jobs working in positions of trust or proximity to children to verify that the individual does not appear in the database of persons who have been convicted of certain sex crimes;
- D Web Based Information. Reviewing information available via the internet, social networking sites, trade association sites, or other web based sites to determine whether information publicly available to the general public via electronic means may be perceived as being derogatory to a protected class, sexually objective, offensive, violent, threatening, criminal, illegal, harassing, discriminatory, or as having other publicly available information may have the potential to compromise the applicant's credibility, present an unprofessional image for the District, compromise the public's confidence in the individual as a District employee, or be contrary to position for which the applicant is being considered. These types of inquiries may be made for jobs with the following types of responsibilities:
 - 1. Senior and mid-level management such as department heads and supervisors;
 - 2. Representing the District in a position that is highly visible including positions that serve as first point of contact for the public;
 - 3. Responsibility for the care, safety, or security of people including children and minors;
 - 4. Working in a position of trust or in proximity to children and minors;
 - 5. Having access to private residences, yards, buildings, or other properties not otherwise accessible to the general public;
 - 6. Working in a position with access to controlled substances, drugs, paraphernalia, restraint systems, or other safety sensitive materials; and/or,
 - 7. Criminal History Records. Reviewing the applicant's criminal history records obtained from various sources, including but not limited to, the Utah Bureau of Criminal Identification, other state criminal records, and prosecution and court records, for all District jobs.

Criminal History Record Guidelines

- A. Generally, only criminal convictions, guilty pleas, pleas of no contest and deferred adjudication will be considered in determining an applicant's suitability for employment or reassignment. Detention or arrest without conviction typically do not constitute valid grounds for employment decisions.
- B. In determining an individual's suitability for employment or reassignment where the individual has criminal convictions, a committee comprised of Human Resources,



District's attorney, and the department head (or substitutes if deemed necessary or prudent) evaluates such factors as: the specific duties of the position, nature and seriousness of the crime; the relationship of the conviction to the requirements of the job; all circumstances relative to the crime, including mitigating circumstances; the age at the time of the crime; the time elapsed since the crime; and all other competent evidence of rehabilitation and fitness for duty, including but not limited to, letters or references by persons who have been in contact with the applicant since the applicant's conviction. The General Manager makes the final determination regarding approval to hire or reassign the applicant.

C. The following instances could be triggering events in determining an individual's suitability for employment or reassignment. This list is not inclusive:

1. Felony convictions within the past seven (7) years for the following crimes, including convictions for attempt or conspiracy to commit the following crimes, will make an individual ineligible for hire:
2. Murder;
3. Arson;
4. Criminal sexual conduct where the victim's failure to affirmatively consent is an element of the crime, such as sexual assault, or felonies involving the sexual or physical abuse of children, the elderly or the infirm, such as sexual misconduct with a child, making or distributing child pornography, or using a child in a sexual display, or incest involving a child;
5. Robbery whether simple or aggravated;
6. Burglary;
7. Federal or State civil rights convictions; or,
8. Felony controlled substance crimes where intent to distribute is an element of the crime.
9. Other convictions within the past seven (7) years for the following crimes, including convictions for attempt or conspiracy to commit the following crimes, are considered serious concerns for any position but generally do disqualify an individual from hiring or reassignment:
 - a. Crimes of violence;
 - b. Theft;
 - c. Drug convictions without successful completion of post-rehabilitation program;
 - d. Alcohol convictions;
 - e. Weapons violations;
 - f. Other sexual convictions not listed above;
 - g. Fraud;
 - h. Financial crimes; or
 - i. Falsification in official matters.
10. Regardless of the time period, other convictions for certain types of crimes generally preclude hiring or reassigning an employee into certain positions. For



example:

- a. Individuals with convictions for theft, embezzlement, identity theft, or fraud cannot be hired into positions with fiduciary responsibilities; or,
- b. Individuals with convictions for child molestation and other sex offenses cannot be hired or reassigned to positions that involve direct unsupervised contact with minors and children.

When disqualification occurs because of criminal conviction information obtained from a third party vendor or other consumer report, The Greater Salt Lake Municipal Services District will notify the individual in writing of their disqualification within five (5) business days and provide the individual with reasonable time to contest the validity of the information.

Employee Classifications, Independent Contractors and Volunteers

The proper classification of District employees, independent contractors, and volunteers is important in administering District personnel policies and procedures including, but not limited to, benefit and compensation plans, eligibility for grievance and appeal rights, and employment law compliance. This Section provides guidelines for such classification.

Employee Employment Status

Regular – Regular status employees are considered the District’s core workforce. Work assignment is expected, but not guaranteed, to exist for a period of more than 1 year and, after completing the applicable probationary period, regular status employees are provided additional rights pertaining to benefits, discipline, or grievances, as outlined in this manual.

Regular status employees are subcategorized as follows:

1. *Newly Hired Probation Period Employee.* A newly hired regular status employee who has not yet successfully completed 6 months of service from their date of hire. The newly hired employee probationary period may be extended for up to 6 calendar months at the supervisor’s discretion. The supervisor should document reasons for any extension and discuss them with the employee. The employee may be dismissed at any time during the probation period or extension except for reasons prohibited by law.
2. *Contingent.* Contingent status employees serve at-will and have no expectation of continued employment or employment rights under merit protection principles, except as required by law or as provided for in this manual. The Greater Salt Lake Municipal Services District maintains the at-will status of contingent employees and any discrepancies or conflicting interpretations will be regarded under the Utah at-will doctrine. For various administrative purposes, contingent employees are subcategorized as:
 - a. *Temporary Employee.* Work assignment is typically short-term, is



- generally expected to be less than 120 workdays per year (approximately 6 months) and includes an anticipated termination date.
- b. *Seasonal Employee.* Work assignment is typically consistent with a recognized seasonal work period that is generally expected to be less than 150 workdays per year (approximately 7 months) and incurs an “off season” with prolonged periods of layoff due to complete lack of work or very limited, incidental work. Examples of seasonal assignments include spring/summer landscape maintenance, winter snow removal.
 - c. *On-call Employee.* Work assignment is established to have intermittent work hours with periods of prolonged lack of work, except that if the period exceeds 18 months, the on-call employee is generally removed from active status on payroll. Examples of on-call employees include those placed on substitute rosters or those placed on rosters that can be called upon to assist the District in meeting limited staffing needs associated with special events or a special program.
 - d. *Appointed.* Department Head/Special Appointment - A department head or other employee in a position which is filled through appointment by the General Manager with consent from the District Board. Appointed employees have no expectation of continued employment and serve at the pleasure of the General Manager unless specified otherwise.
 - e. *District Board Appointment.* An employee in a position which is filled through appointment by the District Board majority. Board appointed employees have no expectation of continued employment and serve at the pleasure of the District Board.

Employee Schedule Status

- A. *Full-time.* At the time of assignment to position, schedule is contemplated to be at least 30 hours per week.
- B. *Part-time.* At the time of assignment to position, Schedule is contemplated to be fewer than 30 hours per week. Part-time employees are subcategorized as:
 - 20 to 29.75 hours per week; or,
 - Less than 20 hours per week.
- C. *Temporary.* Schedule will exceed 20 hours per week and no benefits will be offered.

Independent Contractors

- A. Independent contractors are not District employees.
- B. In general, this manual does not apply to independent contractors. Independent contractors should have general liability insurance appropriate for their business, a business license appropriate for the services rendered, and Worker’s Compensation coverage or a Worker’s Compensation Statutory Exclusion (waiver) policy, whichever is applicable. The Fair Labor Standards Act (FLSA) and the Internal Revenue Service (IRS) specify that independent contractors should in general also:



1. Offer their services to the general consumer base rather than exclusively to The Greater Salt Lake Municipal Services District;
2. Have an opportunity for profit/loss;
3. Cover their own overhead and related operational expenses; and,
4. Have a written agreement for results rather than specifying how the work is to be done and while doing so the independent contractor should be independent of The Greater Salt Lake Municipal Services District in all that pertains to the execution of the work.

Volunteers

- A. Volunteers are not District employees.
- B. In general, this manual does not apply to volunteers.
 1. Volunteers perform service for civic, charitable, or humanitarian reasons and without promise, expectation, or receipt of compensation for services rendered. Members of advisory, review, and appeal boards, or similar bodies, volunteers in police services, and firefighters are examples of volunteers.
- C. At the District's discretion, volunteers may be reimbursed for expenses, provided reasonable benefits, a nominal fee (as defined by FLSA guidelines, nominal fee may not exceed 20% of what would be paid to a District employee providing the same or similar service), and/or a stipend to perform the services for which the individual volunteered.
- D. The Utah Volunteer Government Workers Act, Title 67, Chapter 20 of the Utah Code provides regulation for the authorized use of volunteer government workers and applicable insurance including Worker's Compensation, and general liability and indemnification.

Corrective Action, Discipline and Separation

- A. Although the Greater Salt Lake Municipal Services District seeks to use progressive principles to address workplace concerns, the District reserves the right to initiate corrective action or discipline at any stage as deemed by management to be appropriate. Temporary, seasonal, on-call, appointed, or employees completing their probation period have no expectation of continued employment and may be terminated at any time with cause or without cause and with or without following progressive discipline.
- B. The Greater Salt Lake Municipal Services District believes it is important to bring matters or concerns needing correction to the attention of employees so that employees may realize success.



- C Corrective action measures are deemed prudent management principles relating to the ongoing performance management processes and are non-punitive.
- D For records classification purposes corrective actions are not considered formal disciplinary actions.
- E Corrective action measures may include, but are not limited to:
 - 1. Verbal notices;
 - 2. Written notices of correction;
 - 3. Notation of significant incidents;
 - 4. Meeting with the employee for counseling, discussion, or additional training;
 - 5. General memos;
 - 6. General orders or directives;
 - 7. Indications on annual and other performance evaluations; or,
 - 8. Corrective action plans.

Discipline/Disciplinary Action

Sometimes corrective action measures are not successful or are deemed by management to be inappropriate for the given circumstances. In such cases, disciplinary action may be warranted.

- A. In no specific order, disciplinary action may include, but is not limited to:
 - 1. Written reprimand;
 - 2. Suspension (time off) without pay for up to 80 hours;
 - 3. Involuntary demotion;
 - 4. Reduction in salary; or
 - 5. Termination.
- B. Prior to issuing discipline the supervisor and/or department head should meet with the employee to discuss the concern and provide the employee with the opportunity to respond and present his/her side of the story.
- C. The supervisor and/or department head should take under advisement the information provided by the employee and other relevant information, and issue discipline deemed appropriate for the severity, consistent with policy guidelines, and consistent with discipline issued to other employees for similar severity.
- D. The disciplinary record is to be documented and delivered to the employee for a signature of acknowledgment of receipt and returned to Human Resources. In circumstances where the employee is not available for signature, other notation should be made on the record showing how the employee was notified of the discipline. Investigations files, notes, or other supplementary materials should be kept in a file



separate from the personnel file. It is recommended that these be forwarded to Human Resources or kept in locked or confidential files by the supervisor.

- E. Employee may appeal certain disciplinary actions via The Greater Salt Lake Municipal Services District grievance procedure, in this manual.
- F. Disciplinary actions remain in the employee's personnel file and may not be expunged once the grievance period relating to the original issuance of the discipline has passed.

Examples of Offenses and Appropriate Disciplinary Action

The following examples of causes for disciplinary action serve as a guideline. These examples are not intended to cover every possible type of misconduct or violation and do not preclude the recommendation of disciplinary action for specific action or inaction that is detrimental to the efficient operation of the District.

- A. Grounds for Immediate Dismissal. The following types of offenses warrant dismissal upon first occurrence:
 - 1. Disobedience or insubordination to constituted authorities, including refusal or deliberate failure to carry out or follow lawful and safe directives and orders from any supervisor or person of authority; or challenging the authority of any supervisor or person of authority;
 - 2. Conviction of any criminal offence which in the opinion of management adversely affects the employee/employer relationship, whether on- or off-duty;
 - 3. Conviction of any felony crime, any sexual crime, any crime involving violence (i.e. domestic abuse, assault, etc.), any crime of dishonesty (i.e. theft, forgery, etc.), or any crime directly related to the employee's ability to perform his or her job (i.e. DUI when the job requires driving);
 - 4. Misappropriating or misusing public funds, credit cards, p-cards or gas cards;
 - 5. Engaging in disorderly or indecent (lewd, sexual, etc.) conduct while on duty;
 - 6. Engaging in acts of workplace violence or threats, whether on or off duty, whether direct or implied;
 - 7. Using profane, obscene, or demeaning language toward others while on duty;
 - 8. Engaging in conduct which has the potential to endanger the health or safety of others while on duty;
 - 9. Inducing or attempting to induce any employee in the service of the District to commit an unlawful act in violation of law or District policies, procedures, or regulations;
 - 10. Using, threatening to use, or attempting to use personal or political influence in an effort to secure special consideration as a District employee;
 - 11. Offering or accepting a bribe or other valuable consideration with a view of corrupting the behavior of a person;
 - 12. Recklessness (when a person knows or should have known that an action would cause a certain result) or negligence (when a person disregards the potential risks



- of committing an action) with District monies or property;
13. Theft or the wrongful borrowing, loaning, selling, giving away or appropriating any District property for the personal use of the employee or any unauthorized person;
 14. Falsifying any work-related records, the making of misleading entries or statements which can reasonably be inferred to be done so with malicious intent or intent to deceive, or the willful and unauthorized destruction and/or mutilation of any District records, book, paper, or documents;
 15. Failing to disclose, or misrepresenting material facts, or the making of any false or misleading statement either verbally or in writing form including, but not limited to, examinations, official documents, report forms, or during the course of any work-related investigation;
 16. Refusing to cooperate or provide information during an internal investigation;
 17. Engaging in deliberate acts of discrimination or harassment or instructing or aiding someone to commit an act of discrimination, harassment, or victimization in breach of the Equal Opportunities and Harassment policies in this manual;
 18. Retaliating against an employee who has engaged in a legally protected right;
 19. Violating a serious safety rule or practice such as driving recklessly, operating equipment employee is not authorized to operate, removing safety devices from equipment, horseplay and other related kinds of conduct that has the potential to put other's safety in jeopardy;
 20. Sleeping while on duty;
 21. Failing to obtain or maintain - any certification, license, or other qualification necessary to perform the job. Any certification, license or other necessary qualification lost due to a temporary disability must be regained within a reasonable time, as determined by the supervisor or department head, upon the disability being removed; or,
 22. Other reasons deemed valid by the General Manager to have the potential to bring the District into disrepute or to disrupt the workforce.

B. Grounds for Dismissal Following Two Notices. The District believes the following types of offenses warrant progressive discipline and may result in dismissal if the employee has received a first disciplinary action for the same or different offenses of the following list within a twelve-month period:

1. Failing or refusing to properly perform the assigned functions and duties;
2. Violating attendance policies or universally understood expectations such as poor attendance, poor punctuality, quitting work early, or leaving the work premises without authorization from the appropriate supervisor;
3. Unsatisfactory work performance, including but not limited to, poor quality work, failing to perform assigned tasks, incompetence, inefficiency or delay in performing and/or carrying out proper instructions, work assignments or directions of supervisors without reasonable and bona fide and acceptable reason;
4. Being inattentive to work, wasting time, or inefficiently using District time including but not limited to, excessive time on a telephone, e-mail, or text



messaging; excessive visiting for non-District business; driving longer distances than necessary to get from one location to another; and loitering in others' work areas for non-District business;

5. Being careless with or improperly using equipment, such as at fault vehicle or equipment accidents deemed to be minor, leaving tools unattended, and failure to report damage to vehicles or equipment;
6. Failing to follow dress and grooming standards;
7. Failing to report a work-related accident within 24 hours unless it was impractical to do so;
8. Violating a minor safety rule or practice such as failure to wear protective clothing or use required safety equipment;
9. Smoking in posted or unauthorized areas;
10. Vending, soliciting, or collecting contributions on the District's time or premises without proper authorization.
11. Continued incompetency and inefficiency in the performance of job duties despite prior disciplinary action;

Dismissal of Employees who have not Completed their Probationary Period

Employees who have not successfully completed their Probationary period may be dismissed from employment at any time with or without cause. The dismissing supervisor or department head should document the circumstances of the dismissal and provide that documentation to Human Resources. Employees who have not completed their probationary period may not appeal a dismissal through The Greater Salt Lake Municipal Services District Grievance Procedure, in this manual.

Layoffs/Reduction in Force

- A. When circumstances such as lack of funds, restructuring, or lack of work dictate the need for a reduction in force, the necessary number of employees may be laid off.
- B. The selection of employees to be laid off is based on the ability to perform the duties of the job being kept on staff either as it exists or as it is expected to exist due to restructuring or other changes in task assignments. As a minimum, applicable experience and qualifications for the remaining job, performance reviews for current and past jobs, and certifications/licenses applicable to the remaining job may be reviewed and evaluated. Seniority in the department serves as a tiebreaker when review of such factors indicates that employees' abilities are similar. For purposes of this Section, seniority will be calculated first by the credited service time as a benefit eligible employee in the Department, and will then take into consideration credited service time as a benefit eligible employee for the District, and then will take into consideration credited service time as a seasonal, and then credited service time as a temporary employee.
- C. Once an employee has been identified for lay-off, the District may make reasonable efforts to maintain the job security of such employees by considering the following alternatives, if available and practical, in no particular order of priority:



1. Demoting employee(s) to previous position within the same department or demoting to other open position;
2. Promoting employee (s) based on merit and qualifications;
3. Transferring employee(s) to an open position; or
4. Replacing employee(s) within the District with lower qualifications for the remaining position and less seniority in favor of employees with better qualifications for the remaining position and more seniority.

Voluntary Resignation

An employee who resigns from employment is encouraged to provide their supervisor with written notice at least fourteen (14) calendar days prior to their last day of work. It is also appropriate to notify Human Resources.

Credited Service Time and Benefit Reinstatement if Rehired

An employee who is rehired within twelve (12) months of their separation date receive credit for prior service (not including the break in service). An employee who is rehired after twelve (12) months of their separation date is not entitled to any reinstatement of prior service or benefits except for any legally required benefits. Respective sections in this manual address reinstatement of benefits

Separation Notice and Exit Interview

An employee's department head, or supervisor should complete a Separation Notice form, and when possible an exit interview, and return it to Human Resources.

Final Paycheck

When an employee resigns voluntarily, the final paycheck is issued with the regular pay period. When an employee is separated involuntarily, the final paycheck is issued within 24 working hours of notification of separation.

Nepotism

No relative or household member of an employee or Trustee will be employed by the District in violation of the Utah Anti-Nepotism Act, Utah Code Ann. Sec 52-3-1 et seq., as amended from time to time. A relative means a father, mother, husband, wife, son, daughter, sister, brother, grandfather, grandmother, uncle, aunt, nephew, niece, grandson, granddaughter, first cousin, mother-in-law, father-in-law, brother-in-law, sister-in-law, son-in-law, or daughter-in-law. A "household member" means a person who resides in the same residence as the public officer. No public officer may employ, appoint, or vote for or recommend the appointment of a relative or household member in or to any position or employment when the salary, wages, pay or compensation of the appointee will be paid from public funds and the appointee will be directly supervised by a relative or household member.



Work Schedules and Attendance

The purpose of this Section is to communicate The Greater Salt Lake Municipal Services District's policy regarding work schedules and to provide employees with notice of some of their responsibilities relating to attendance and punctuality. This Section does not identify every schedule or attendance related matter that may arise. The Greater Salt Lake Municipal Services District reserves the right to otherwise address such matters in a manner that best meets the District's needs.

The Greater Salt Lake Municipal Services District recognizes that time off work is unpaid unless the District has established a policy to provide paid leave benefits such as annual leave, sick leave, funeral leave, etc. The respective Section in this manual should be referenced when determining if an absence may be paid or unpaid.

A. Work Schedules.

1. Work schedules may vary and are set by the department head and/or supervisor, with concurrence from the General Manager, to meet the needs of The Greater Salt Lake Municipal Services District and the general public.
2. The Greater Salt Lake Municipal Services District complies with federal regulations and limits work hours for employees under age 16 as follows:
 - a. Outside of school hours;
 - b. not more than 40 hours in any one week when school is not in session;
 - c. not more than 18 hours in any one week when school is in session;
 - d. not more than 8 hours in any one day when school is not in session;
 - e. not more than 3 hours in any one day when school is in session; and,
 - f. between 7 a.m. and 7 p.m. in any one day, except during the summer (June 1 through Labor Day), when the evening limit is 9 p.m.
3. Employees age 16 to 17 may work any hours for unlimited hours as long as the time worked is outside of school hours.

Attendance and Punctuality

Reliable and predictable attendance is expected of all employees. Attendance encompasses not only being at work, but also being punctual and being ready to work. Although this is not an exclusive list, employees have the following responsibilities:

- A. Be on time and begin working at the scheduled start time.
- B. Be at the workstation ready for work by the scheduled start time. Begin working at the scheduled start time. In order to be "ready" employees should arrive to work with sufficient time to attend to personal needs such as hanging up coats, storing food items, visiting restrooms, obtaining a morning drink, etc. prior to the beginning of their



scheduled start time.

C Leave as Scheduled.

D Do not leave prior to the scheduled end time unless approved to leave earlier. Leave no later than 7 minutes past the end time. The Greater Salt Lake Municipal Services District recognizes that exceptions may be approved such as when given advance approval from the supervisor to work longer or when staying later is appropriate to assist a customer or assist with an emergency situation. In such cases, the supervisor should be notified of the circumstances in a timely manner.

E Give Proper Notice of the Need to be Absent or Tardy.

1. Pre-Scheduled Absence.

- a. When the need to be absent is known, submit an absentee request in a timely manner.
- b. An employee (or designee) is expected to contact his/her supervisor within 10 minutes of the scheduled start time. Notification does not excuse the absence or tardy but simply notifies the supervisor so that appropriate adjustments can be made.
- c. Chronic absenteeism is unacceptable. Chronic absenteeism is frequent or repetitive absences from the workplace for one or a multiplicity of reasons. This does not include pre-scheduled absences or absences protected through legal rights such as the FMLA or ADA.

2. Be at the assigned workstation.

3. Be at the assigned workstation as scheduled unless excused, on break, or the needs of the job require being elsewhere.

4. Return from breaks and/or meal periods in a timely manner.

5. Take only the time allowed for breaks and meal periods and return at the appropriate time.

6. Obtain Proper Approval for Leave without Pay.

7. For benefit eligible employees, ensure that adequate paid leave is available prior to requesting to be absent. If adequate paid leave is not available, receive advanced approval for leave without pay or reduced pay.

8. Attendance violations are grounds for corrective and/or disciplinary action.

Job Abandonment

In the event an employee is absent for three or more consecutive workdays, without prior notice or approval, such absence is viewed as job abandonment. The employee is then considered to have abandoned their job and the District may process separation paperwork as a voluntary resignation. Exceptions to this may include: critical hospitalization, travel without access to communication, or other legitimate reasons for non-notification.



Coordination of Leave

The Greater Salt Lake Municipal Services District reserves the right to coordinate absences with any other applicable leave policies, legal rights, or benefits.

Verification

The Greater Salt Lake Municipal Services District reserves the right to require an employee to submit verification for reasons such as chronic absenteeism, a reasonable belief that the employee has misrepresented his/her need for leave, and except for approved FMLA-protected leave, for medical reasons exceeding three days.

Rest and Meal Periods

Rest and meal periods are scheduled by the immediate supervisor or work lead, with concurrence from the department head, to meet the needs of the District. Employees may not perform any work during their meal periods (example, may not answer phones while eating at their desk). Supervisors should ensure that employees are relieved of duty during their meal period. If not, the meal period is considered hours worked and must be recorded on their timecard.

- A. Special Provision for Employees Age 17 or younger. Utah State law requires that employees age 17 or younger be provided with a 30-minute meal period not later than five hours after beginning of his/her shift. Supervisors must ensure that these employees take the required meal period and are relieved of duty during their meal period.
- B. Rest Periods will not be accumulated (banked) to be counted as worked time to justify leaving early.

Compensation

This Section:

- Establishes and communicates The Greater Salt Lake Municipal Services District's compensation program;
- Establishes consistent compensation practices for common compensation matters within The Greater Salt Lake Municipal Services District's workforce; and,
- Promotes compliance with the Fair Labor Standards Act and other laws.

This Section does not identify every compensation-related matter that may arise. The Greater Salt Lake Municipal Services District reserves the right to otherwise address such matters in a manner that best meets the District's needs and complies with applicable laws.



A. Definitions

1. *Demotion.* Demotions can be involuntary or voluntary. An involuntary demotion is a reassignment of an employee to a job which is classified at a lower salary grade than their present job. A voluntary demotion is reassignment of an employee to a job due to the employee relinquishing his/her current job to accept a new job at a lower salary grade.
2. *Downgrade - Reclassification* of a job that results in reassignment to a lower salary grade.
3. *FLSA Exempt.* An employee that is excluded from record keeping and overtime provisions of the Fair Labor Standards Act (FLSA). An exempt employee is paid on a salary basis, is not required to be paid for overtime hours worked and does not have the same record keeping procedures for hours worked. Questions regarding FLSA exemption status may be directed to Human Resources.
4. *FLSA Non-exempt.* An employee that is subject to record keeping and overtime provisions of the Fair Labor Standards Act (FLSA).
5. *Green Circled.* An employee whose rate of pay is below the minimum step of their job's salary grade. Employees who are green circled may be eligible for larger or more frequent pay increases as determined by the department head with approval from the General Manager until their pay reaches step one (1) of their job's salary grade. Examples of when employees may be green circled include, but are not limited to under filled positions, budget constraints, and disciplinary actions.
6. *Job Description.* A job description (class specification or position description) is a document that specifies the characteristic duties, responsibilities, and minimum qualification requirements to successfully perform the job. Each job description is descriptive but not exclusive or restrictive. A job description describes the more typical duties and responsibilities that may be assigned to an employee performing the job; however, it does not contain an exclusive list of duties or restrict the assignment of other duties. Other duties may be assigned to any job at any time. Job descriptions are subject to change at any time as needed to meet the changing needs of the District.
7. *Lateral Transfer.* A move from one job at a salary grade to another job at the same salary grade regardless of whether the lateral transfer is within or between departments. A lateral transfer may be voluntary or involuntary.
8. *Promotion.* A move from a job at a salary grade to another job at a higher salary grade regardless of whether it is within or between departments. Promotions may occur by selection or by advancement through a career ladder. Career ladder promotions are not guaranteed to any employee. The supervisor retains the discretion to determine whether the employee meets the minimum qualifications for the higher level, whether the employee possesses the required knowledge, skills, and abilities, and whether the employee will be assigned the duties associated with the higher level.
9. *Red Circled.* An employee whose rate of pay exceeds the maximum step of their job's salary grade or for other purposes has been "frozen" until certain



conditions have been met. An employee who is red circled is ineligible for further pay increases of any kind until the maximum pay for the assigned salary grade is equal to or exceeds the employee's current rate of pay.

10. *Transfer*. A move from one department, or one job, to another. Transfers may be lateral transfers, demotions, or promotions. Transfers may be voluntary or involuntary.
11. *Under fill*. Assignment of an employee to a lower salary grade than their job's classification while the employee obtains necessary training and/or experience to meet the minimum qualifications for the job with the goal of being fully assigned to the job.
12. *Upgrade*. Reclassification of a job that results in the job being assigned to a higher salary grade.

Compensation Objective and Job Classification

- A. The Greater Salt Lake Municipal Services District's goal is to maintain a compensation program that balances the District's ability to attract and retain qualified employees with the District's fiscal goals.
- B. A salary schedule specifies the minimum and maximum salary, broken into steps, for each salary grade. In most circumstances, jobs are assigned a salary grade.
 1. *Not on Scale*. Jobs that are designated as "Not on Scale" represent highly unique circumstances or market factors impacting salary where placement on the salary schedule is not reasonable due to the competitive market.
 2. *Grade Assignment for Contingent Positions*. Contingent jobs (temporary, seasonal, and on-call) are not assigned a salary grade. Pay plans for such jobs are established to meet the unique recruitment and retention needs and are generally reviewed each fiscal year.
 3. If duties and responsibilities of a job change significantly, the department head may submit a request for job reclassification to the General Manager as part of the annual budget preparation. Reclassification requests submitted after the budget has been approved are generally held for consideration with the next budget year. The Greater Salt Lake Municipal Services District may deny, delay, or withhold reclassification requests due to budget limitations or other reasons deemed appropriate by the General Manager.
 4. Final salary grade classification or reclassification is recommended by the requesting department head and the director of human resources. The General Manager approves and/or determines the final classification or reclassification.

C. Longevity Bonus.

1. When approved in the District's budget, a longevity bonus may be granted for employees who reach milestones in their careers with the District.



2. The milestones and bonuses are \$50 for each 5 years of service. For instance, 5 years award is \$50; 10 years award is \$100 etc.

D. Appointed Employees' Compensation.

1. Compensation for appointed employees is set through compensation studies, approved by the General Manager. Appointed employees are eligible for the same benefits as regular employees.
2. The General Manager' salary is established by the District Board.
3. District Board members' salaries, stipends and/or periderms are established by the District Board and subject to IRS regulations.

- E. *Cost of Living*. Cost of living increases (COLA) are considered in the annual budget proposal to the District Board. All regular, salaried and appointed employees whose salaries are not red-circled are eligible for an approved cost of living increase. Generally, the salary schedule is adjusted to reflect cost of living adjustments. Cost of living adjustments do not affect an employee's salary review date.

F. Promotion.

1. Promoted employees receive a minimum of a 5% pay raise and are placed at a minimum of step one (1) or the step next closest to the calculated
2. The General Manager may approve assignment to a higher step if the qualifications of the employee selected for the job exceed the minimum requirements, and the employee can be expected to perform at a level equal to that of other employees being paid at the same or higher step. They General Manager may also approve assignment to a higher step if the position is an FLSA exempt position and the calculated promotion pay does not meet the legally required minimum wage for FLSA exemption.

G. Temporary Promotion.

3. With approval of the General Manager, an employee who is temporarily promoted for one consecutive month (160 consecutive hours) or longer may receive an adjustment in pay to reflect the temporary promotion. Such adjustment is reversed to the employee's pre- promotion salary when the temporary promotion ends. Temporary promotions do not affect the employee's regularly scheduled review date. The conclusion of a temporary promotion is not considered a demotion.

H. Demotion.

1. Involuntary demotion due to:
 - a. Reduction in Force. An employee who is demoted due to a reduction in force will be assigned the new job's salary grade and at the step the employee would have been at had he or she been employed in that grade since his or her most



recent hire date, up to the maximum step. The employee retains his or her current salary review date.

- b. **Disciplinary Demotion.** An employee who is demoted due to disciplinary reasons will have his or her pay adjusted as determined appropriate by the department head but will include a minimum of a 5% reduction or assignment at step zero of the grade, whichever is less. The pay may not exceed the maximum step for the grade. The salary review date is reset to one year after the effective date of the demotion.
- c. **Other Reasons.** Pay may be adjusted at the discretion of The Greater Salt Lake Municipal Services District. Consideration should be given as to the reason for the demotion and internal equity.

2. *Voluntary. (Requested).* An employee who is voluntarily demoted will have his or her pay adjusted as follows:

- a. As a minimum, the employee's pay is reduced by 5% per grade demoted; and
- b. The employee's pay may not exceed the combined average step, rounded up, of all current full-time regular employees in the same salary grade of the new job; and
- c. The employee's pay may not exceed the maximum step of salary grade of the new job; and
- d. The employee will retain their current salary review date.

OR

- c. If the voluntary demotion is to move back to the exact job that the employee previously occupied and there has been less than a three year period since the employee occupied that job, the employee's pay will revert back to the pre- promotion grade and step, and is adjusted to account for step increases and COLA adjustments received during the three year period. The employee will retain his or her current salary review date.

Reclassification

A. *Upgrade.* When a job is upgraded, the employees in the job receive a minimum of a 5% pay raise and are assigned to the step closest to the calculated adjustment. The salary review date is reset to one year following the effective date of the job's upgrade. An exception is when a job is upgraded, and an employee is still completing his or her probationary period. In such cases, the employee maintains his or her original six-month probationary salary review date and is eligible for a step increase one year from that date. If the departmental budget cannot be adjusted to encumber the pay change, the employees may be green-circled, and a plan may be developed to bring the affected employees' pay in line.

B. *Downgrade.* When a job is downgraded, the employees in the job are assigned to the new appropriate salary grade at the step closest to their current salary with no



decrease in current pay. If their salary exceeds the maximum step for the grade, the employee is red-circled. The employee retains his or her current salary review date. An employee may not grieve a downgrade.

- C. *Market Based Salary Range Reclassification.* – Market based salary range reclassifications are considered with the annual budget. When a job is approved for reclassification to a new salary range due to a market comparison, the job is generally reclassified to the new salary grade and adjusted as an upgrade or downgrade. The Greater Salt Lake Municipal Services District recognizes that in very rare circumstances, individual pay determinations and varied effective dates may be necessary to reflect the targeted market comparison or to adjust for internal equity issues among existing employees. In such cases, discretion is given to the General Manager to approve pay adjustments and deviate from the upgrade or downgrade pay calculation. Employees' salary review dates may be reset as deemed necessary to account for the market-based adjustment and or internal equity among employees.
- D. Lateral Transfer. No change in pay is granted for lateral transfers. An employee maintains his or her salary review date.

Holiday Pay

- A. Holiday Off
- B. For eligible employees, paid holiday hours off are equal to the employee's hourly rate multiplied by the number of hours regularly scheduled to work per day.
- C. For eligible part-time employees, paid holiday hours off are prorated. Proration is based on the average hours worked, plus accrued paid leave used, during the pay period in which the holiday occurred.
- D. Paid holiday hours off are counted in the calculation of hours worked for overtime purposes.
- E. Holiday Worked. Eligible employees who are required to work on a recognized holiday are paid at a premium rate of 1½ times the employee's hourly rate of pay for the hours worked or are accrued as earned comp-time off in lieu of monetary compensation pursuant to comp-time policy.
- F. Hours worked on a holiday are not included in calculation of hours worked for overtime purposes because they are already paid at an over-time rate.

Overtime Pay

General Workforce. An FLSA non-exempt employee is paid at 1½ times the employee's regular rate of pay for each hour worked in excess of 40 hours per week (unless paid



compensatory time off in lieu of overtime.)

- A. For purposes of calculating overtime, hours worked includes hours paid for jury duty and holiday pay. It does not include any other time not worked including sick leave, annual leave (vacation), comp-time, funeral leave, or third-party sick pay.

Compensatory Time (Comp-Time)

- A. For FLSA non-exempt employees, each department head or designee has the discretion to approve or designate accrual of compensatory time (comp-time) off in lieu of monetary overtime pay or in lieu of other monetary premium pay that is calculated at 1½ times the employee's regular rate of pay. Supervisors may approve or designate any combination of comp-time and overtime pay as long as the principle for "time and one-half" is maintained.
- B. Comp-time will accrue at a rate of 1½ hours of comp-time for each hour of overtime worked or each hour otherwise paid at a monetary premium pay.
- C. When deemed necessary to meet unique work requirements, the General Manager may authorize the accrual of comp-time hours, regardless of the number of hours worked.
- D. Acceptance of comp-time off in lieu of overtime is often a condition of employment due at those times that departments may not be allocated overtime budgets, or the budget allocated may not be sufficient to meet business needs.
- E. Requests to use comp-time follow the same procedures for requesting to be absent except that employees who request to use comp-time should be permitted to use the time off within a "reasonable period" after making the request if it does not "unduly disrupt" the workforce. Supervisors may schedule the employee off on comp-time.
- F. Comp-time must be exhausted prior to using any sick leave, annual leave, or leave with reduced or no pay.
- G. Employees may carry over a maximum of 80 hours. Hours in excess of the carry over limit must be used by the last day of the pay period that includes December 31 of each year; except that:
- H. All accrued compensatory time shall be paid based on the regular rate earned by the employee at the time the employee receives such payment.
- I. Employees are encouraged to use compensatory time quickly and shall be permitted to use such time off within a reasonable period after making a request if the use of the compensatory time does not unduly disrupt the operations of the department.
- J. Employees are expected to use accrued compensatory time before using accrued vacation time. Exceptions may be made by the General Manager upon request of the department



head.

- K. Upon separation from employment, remaining comp-time is paid to the employee. Comp-time hours are not forfeited by the employee.

Overtime

Overtime is defined as hours worked in excess of forty (40) hours during any one work week. The number of hours worked over two or more work weeks cannot be averaged to avoid payment of overtime.

- A. In emergency situations or under very unusual circumstances only, department heads may assign and authorize an employee to perform extra work on an overtime basis.
- B. All overtime worked must have the above described supervisory authorization before the work is performed, when not an emergency situation.
- C. Department determination of overtime needs is subject to review and change by Human Resources, finance and approval by the General Manager.
- D. There is no guarantee of overtime work and supervisors may manage and limit overtime scheduled based on operational need.
- E. The amount of time accounted by paid leave, holidays, or on-call status will not be included in calculating hours for overtime pay.
- F. Overtime shall be paid at the rate of time-and-one-half the regular hourly rate of pay for the employee. However, compensatory time off at time-and-one-half may be granted in lieu of overtime pay. The employee may designate the desired compensation option; however, the department head determines the compensation option to be applied.
- G. Overtime time should be taken off as soon as is practical but should be used within one year of accrual. All overtime hours worked in excess of the maximum accrual must be paid when worked.
- H. Employees promoted from non-exempt positions to positions considered exempt from the overtime provisions of the Fair Labor Standards Act, as amended, shall be paid out for all remaining officially accrued compensatory time at their regular hourly rate of pay in the nonexempt position. Additionally, employees laterally transferring to another department may be paid for all or a portion of the balance of officially accrued compensatory time by the department from which the employee is transferred.
- I. Justification of Overtime.
 - 1. All overtime will be justified and approved by department head or designee.
 - 2. Employees must receive approval from their supervisor prior to working overtime. Employees who work unapproved overtime are subject to progressive discipline.



- J. Overtime is based on hours worked in a 40-hour week. Sick and Vacation hours do not count as hours worked when determining overtime.

Call-Out Premium Pay

Full-time regular status, FLSA non-exempt employees are eligible to receive call-out premium pay when called-out.

- A. Called-out or call-out means a supervisor's or authorized individual's request or requirement for an employee to:
- B. Return to work after he or she has left work and less than 24-hours advance notice has been given;
- C. Work at a time not otherwise scheduled and less than 24-hours advance notice has been given;
- D. Respond to a call-out while on-call rotation for the division; or
- E. Perform certain defined weekend/evening tasks as part of the on-call rotation for the division.
- F. Called-out or call-out *does not* refer to:
1. Requirement to modify a work schedule or work a different work schedule and at least 24-hours advance notice has been given;
 2. An employee, who at the request of another employee, voluntarily covers such employee's shift, regardless of the advance notice given;
 3. A mutual agreement between a supervisor and employee to modify a work schedule in exchange for a schedule concession (i.e. come into work early in exchange for leaving early on the same day) regardless of the advance notice given;
 4. Any situation where an employee provides incidental assistance while present in the workplace for non-work purposes such as when an employee is golfing and while waiting for his t-time shows a co- worker how to ring in a concession sale;
 5. A requirement to stay in the workplace and work additional hours at the end of the workday; or
 6. An employee responding to inquiries via telephone or other electronic communications or remote access when doing so does not requiring the employee to physically return to the workplace.
- G. Call-out premium pay is equal to 1½ times the employee's hourly rate of pay or is paid to the employee as accrued comp-time.
- H. When called out, an employee is paid a minimum of 2 hours at the premium rate for the first call-out event in a single day, even if the actual time worked is less. If an employee receives several calls within the two-hour time frame or while in route home at the conclusion of the last call, it is considered one call-out. If an employee returned home and received another call-out it is considered two call-outs.
- I. Travel time when called out is included in the 2-hour minimum. The exception to



The Greater Salt Lake Municipal Services District limits is when responding to a site outside of The Greater Salt Lake Municipal Services District limits such as water wells, wastewater treatment plant, etc., in which case if the call-out assignment actually required more than 2 hours of work, the employee may be paid for up to 15 minutes for travel each way.

- J. If an employee is absent from work and using paid leave (i.e. comp-time, annual leave, or sick leave) and is called out to work, the approved absence and paid leave is cancelled. There is no duplication of paid leave and hours worked.

FLSA Exempt Employees' Compensation

FLSA exempt employees are paid on a salary basis. Exempt employees are expected to work an agreed upon schedule, generally consisting of at least forty-hours within the workweek, which may be modified as necessary. FLSA exempt employees are entitled to the same benefits as regular employees.

A. Deductions from a FLSA exempt employee's salary are permitted as follows:

1. Accrued sick or annual leave benefits are reduced in less than full day increments for less than full day absences.
 - a. Exempt and appointed employees who are "salaried" (FLSA exempt) shall calculate their use of sick or vacation using a two-week look back basis. At the end of the pay period, if they have not "worked" 80 hours, that employee will use sick or vacation time, in addition to worked time, to total 80 hours.
2. If the employee hires or separates employment mid-week, the salary is prorated;
3. Any other purpose permitted by law.
4. Safe Harbor Rule. Improper pay reductions are prohibited. If an exempt employee believes that his or her pay has been improperly reduced, he or she must file a written complaint with the Human Resources. Human Resources will review the complaint and issue a finding. If the employee's pay was found to have been improperly reduced, The Greater Salt Lake Municipal Services District will correct the error and will make a good-faith commitment to prevent such error from reoccurring.

Pay Advancements

An employee may not receive an unearned pay advancement.

Work Period and Workday

General Workforce. The normal work period for employees is 40 hours in a 7 calendar-day period. The standard work period begins at 12:01 a.m. Sunday and ends at midnight



the following Saturday.

Pay Day

Employees are paid every two weeks, on or before the Friday following the end of the pay period.

Approving Pay Changes

Any change in pay is made requires the authorizing signature of the department director, human resources and the General Manager. Any action will be considered invalid until the appropriate signatures are obtained indicating approval of the change. Global pay adjustments, such as COLA adjustments, do not require the use of additional forms.

Time Report (Timecard) and Recording Hours

- A. A time report is an invoice to The Greater Salt Lake Municipal Services District for hours worked.
- B. Ensuring that time is accurate is the responsibility of each employee and his or her supervisor. All time reports need to be approved and ready for payroll by 12:00 p.m., Monday, following the end of the pay period unless called for earlier due to a holiday or other circumstance. Reports received after that time may be processed the following pay period. In the event an employee is unavailable or unable to complete a timecard or approve a time report, it may be completed for the employee by the department head, supervisor, or Human Resource or payroll. Attempts should be made to obtain the employee's approval when available.
- C. Electronic time keeping systems are used in the District and are the preferred method for collecting and reporting hours worked. When such systems are not working or unavailable, paper timecards should be used.
- D. Working without clocking in ("off the clock work") is prohibited.
- E. Buddy punching is prohibited. Other than the supervisory staff members or authorized payroll administrators, no one may clock in or out for another individual under any circumstance. Such an action is a violation of District Policy, is dishonest, and is a falsification of time records. Employees are expected to not ask another employee to put in his or her employee number to clock him or her in. Employees have the opportunity to make a correction later or have his or her supervisor make entries under the supervisor's login.

Direct Deposit

Receiving payroll via direct deposit is a condition of employment. Employees need to complete a direct deposit authorization form prior to the District processing their first paycheck. Exceptions include payment for the first pay period, when a change or pre-



notice may be necessary for an employee. When it is determined that issuing a check is in the best interest of the District, issuing a check is a *one-time only* payment to an individual.

Employee Verification of Paycheck Accuracy

Employees are responsible for reviewing their pay checks and information on the paycheck for accuracy. Any discrepancies or concerns should be reported to payroll by the pay period following that in which the change was to have been effective. The Greater Salt Lake Municipal Services District reserves the right to decide what, if any retroactive adjustments will be made, and as a general rule the District does not make retroactive adjustments outside of the current fiscal year.

Performance Reviews

Performance criteria are established for each full-time and part-time regular job. Seasonal employees may be given a performance review at the discretion of the department head or supervisor. Performance criteria may change as positions change and the official criteria may be obtained from Human Resources or by accessing the electronic performance evaluation system and clicking on “jobs.” Employees are evaluated at the following time periods:

- A. Each employee completing his or her probation period is evaluated at the completion of the probationary period or more frequently as deemed necessary by the department head or supervisor.
- B. Employees should be evaluated at least once during a full year of service with The Greater Salt Lake Municipal Services District. They may also be evaluated at the department head or supervisor’s discretion, especially as some noteworthy incident occurs, either positive or negative that should be noted in the employee’s file for future reference.
- C. Attempts should be made to evaluate an employee who changes jobs outside of a natural progression series (i.e. Inspector I to Inspector II) upon conclusion of the prior job.
- D. Performance reviews will determine if employee qualifies for a merit increase, if approved in the budget.
- E. Merit increases, if approved in the budget, will be given at the first of the year, at the same time as COLA increases, if given.
- F. Employees may attach their own supplemental statement to the review.



Records

Supervisors meet with the employee to discuss the review and to obtain the employee's signature on the review. Employees sign the review to acknowledge receipt but not necessarily agreement. The completed performance review and any attachments, including any employee generated supplemental statement, are forwarded to Human resources for inclusion in the employee's personnel file.

Computer Systems, Internet and Electronic Mail (E-Mail)

This policy has been developed to:

- Provide for efficient operation of The Greater Salt Lake Municipal Services District's comprehensive computer systems;
- Help maintain the integrity of the District's computer systems; and,
- Provide guidelines to employees.
- Due to changes in technology and harmful viruses and programs, The Greater Salt Lake Municipal Services District reserves the right to announce temporary or immediate changes to this Section.

Property Ownership, Privacy and Monitoring

- A. The District's computer systems are District property provided to facilitate District business.
- B. Employees have no expectation of privacy in use of the District's computer systems. Any use or communications, whether District-related or personal, may be monitored and reviewed by the District or designee at any time. The District is authorized, but not obligated, to monitor and review employee use or communications.
- C. When necessary to conduct District business or as permitted or required by law, the District may disclose the contents of and copy data from any component of the District's computer systems, without the employee's consent.

Hardware, Software and Licenses

- A. The District has invested significant time and money to secure its computer systems from intrusion of harmful viruses and programs. Some hardware is not compatible with the District's computer systems. Employees may not use or install software or hardware without approval from the IS division. Employees may be held responsible for any damages caused by unauthorized software or viruses they introduce into the computer system.
- B. The District purchases, owns, and or administers the hardware, software, and licenses installed on District computer systems. Employees may not rent, copy, or loan the software, licenses, or documentation.
- C. Requests for new hardware or software are submitted to the department head for



approval. Each department head discusses such requests with the Information Services (IS) for compatibility, pricing, and other recommendations.

- D. To maintain the integrity of the District systems and license agreements, employees should not install District-owned software for personal use or on employee-owned devices without approval from their department head and IS.

Passwords and Computer Systems Security

A. Passwords are an important aspect of computer security. They are the front line of protection for user accounts. A poorly chosen password may result in the compromise of the District's computer systems. Access gained by a non-authorized entity can cause loss of information, confidentiality, trust, integrity, and availability that may result in loss of revenue, liability, or embarrassment to the District.

B. The following safeguards may be implemented:

1. A 4-digit PIN password *may* be required for all District smart phones, tablets or devices. This also applies to personal devices if they are used to store or access District data, social media, or e-mail.
2. Employees may use IS-approved software to store all passwords, which would allow employees to keep all passwords in one place, without having to remember them or write them down.
3. Use of confidential passwords or pins does not suggest that employees have an expectation of privacy or property right in any aspect of the District computer systems.

Personal Use-Allowed and Prohibited

The Greater Salt Lake Municipal Services District's computer systems, in general, may not be used for personal use. The Greater Salt Lake Municipal Services District does recognize that incidental/occasional personal use may occur while working and such incidental/occasional use is allowed, provided it is not for one of the following:

- A. Any illegal activity;
- B. Viewing or downloading pornographic material;
- C. Potential SPAM generators or use of network sniffer or hacker software;
- D. Downloading, copying, or pirating software or electronic files that are copyrighted or without authorization;
- E. Use for personal gain such as business ventures, or solicitations.
- F. Use to endorse, support, oppose or contradict any social issue, cause or religion;



- G. Introducing malicious software onto the District's network and or jeopardizing the security of the District's electronic communications systems;
- H. Use that violates The Greater Salt Lake Municipal Services District's Equal Employment Opportunity, No-Harassment and Anti-Retaliation polices;
- I. Use that discourages productivity such as group or mass mailings of jokes, chain letters, and non-business-related photographs, and computer games;
- J. Accessing or participating in non-work-related chat rooms;
- K. Use by family or non-District employees;
- L. Any other use that may compromise the integrity of the District computer systems.
- P. Email Guidelines
 - 1. E-mail should be used with the same level of professionalism as any other written communication.
 - a. E-mail could be classified as a public document and disclosed.
 - b. E-mail should not be used to transmit sensitive materials, such as personnel decisions and other similar information that may be more appropriately communicated in writing or personal conversation.
 - c. E-mails are relatively insecure communications and can be easily intercepted and viewed. Users should use caution in the transmission and dissemination of messages outside of the District.
 - d. Passwords should not be communicated through e-mail.
 - e. E-mails often include links to websites or advertisements that are set up with the intent to trick users into installing software that will hijack a computer. Employees are reminded to be very cautious of e-mails opened with District computers and to NOT click on the link or open attachments of suspicious e-mail.
 - f. The Greater Salt Lake Municipal Services District understands that employees may involuntarily receive or inadvertently open e-mails containing material that is listed as prohibited.
- Q. Use of Personal Devices.
 - 1. Department head permission is required when employees use personal devices, such as smart phones, I Pads, etc., for work-related duties. If the personal device is stolen or lost, employees are to contact IS and their department head immediately.
 - 2. The employee is ultimately responsible for proper operation and functionality of any personal devices. The IS division may assist the employee with personal devices used for District business with the understanding that they are doing so



in good faith and within their own level of expertise. The District is not responsible for the functionality of the personal device even if worked on by the IS Department. Circumstances may necessitate resetting devices and may result in data loss. Employees are responsible for backing up or securing their data prior to requesting assistance from IS.

3. Employees are reminded that using personal devices for District business may subject those devices to search and discovery in legal proceedings which may require the device to be taken for a period of time. The District is under no obligation to provide a replacement.

District Websites

District websites, and specific department websites, may be used to enhance communications subject to the following rules and guidelines:

- A. All the Greater Salt Lake Municipal Services District websites are to be approved by the General Manager.
- B. Examples of prohibited postings include:
 1. Classified advertisements;
 2. Advertisements that endorse, support, oppose or contradict any social issue, cause or religion (unless they are local events open to the public); or
 3. Commercial business advertisements that are not of global public interest or are not for District-sponsored projects.
 - a. Only employees designated as webmasters are authorized to post information to District websites.
 - b. All content created or posted on a District social media site belongs to The Greater Salt Lake Municipal Services District.
 - c. The General Manager makes all final decisions about information posted to District websites.

District Use of Social Media

District social media, including the District's Facebook page and specific department social media efforts, may be used to enhance communications with citizens and program participants subject to the following rules and guidelines:

- A. All the Greater Salt Lake Municipal Services District social media sites are approved by the General Manager.
- B. The Greater Salt Lake Municipal Services District social media sites are generally used for:
 1. Marketing or promotional channels which increase the District's ability to broadcast its messages to the widest possible audience;



- C. Public information updates; and
- D. The dissemination of time sensitive information (i.e. emergency information.)
- E. Content posted to The Greater Salt Lake Municipal Services District social media sites are expected to portray a professional image of The Greater Salt Lake Municipal Services District.
- G. District social media sites may be used only for communication of District-related information and may not be used for personal purposes.
- H. Examples of prohibited articles and comments include:
 - 1. Comments in support of or opposition to political campaigns or ballot measures;
 - 2. Profane or obscene language or content;
 - 3. Content that violates The Greater Salt Lake Municipal Services District's Equal Employment Opportunity, Anti-Harassment and Anti-Retaliation policies, including sexual content or links to sexual content;
 - 4. Content that markets or promotes other businesses, unless such business is a sponsor of a District event or program, or is a business partner with The Greater Salt Lake Municipal Services District for public services;
 - 5. Conduct or encourage illegal activity;
 - 6. Information that may tend to compromise the safety or security of the public or public systems; or
 - 7. Comments not typically related to the particular social media article being commented upon, including random or unintelligible comments.
- I. The Greater Salt Lake Municipal Services District reserves the right to restrict or remove any content that is deemed to be in violation of this Section, has the potential to bring discredit to the District, violates any law, or is contrary to the public interest. A copy of any content removed based on these guidelines must be retained, including the time, date, and identity of the poster when available for a period of time determined by the District records officer consistent with state retention schedules.
- J. All content created or posted on District social media sites belongs to The Greater Salt Lake Municipal Services District.
- K. Final decisions about information posted to social media are approved by the General Manager.

Employee Personal Use of Social Media

Employees' personal use of social media may create workplace implications. Therefore, the following guidelines and reminders are provided to employees:



- A. Workplace Implications. The same principles and guidelines found in The Greater Salt Lake Municipal Services District's policies and procedures apply to social media activities. Conduct that adversely affects job performance, the workplace, the performance of fellow associates or otherwise adversely affects members, citizens, suppliers, people who work on behalf of The Greater Salt Lake Municipal Services District may be job-related. Employees are responsible for what they post online and are encouraged to consider some of the risks and rewards that are involved with social media activities.
- B. Employees are expected to carefully respect and adhere to the EEO, No-Harassment and No-Retaliation, and Disciplinary Sections of this policy to ensure that postings are consistent with these policies. Employees are specifically expected to refrain from social media activities that reasonably could be viewed as malicious, obscene, and threatening or intimidating, that disparage citizens, members, associates or suppliers, or that might constitute harassment or bullying. Examples of such conduct might include offensive posts meant to intentionally harm someone's reputation or posts that could contribute to a hostile work environment on the basis of race, sex, disability, religion or any other status protected by law.
- C. Be Respectful. Employees should be fair, courteous, and respectful to fellow employees, citizens, suppliers or people who work on behalf of The Greater Salt Lake Municipal Services District.

Storage and Retention of Electronic Records

- A. Retention schedules follow the Utah Municipal General Records Retention Schedule.
- B. Electronic records generated or received on the District systems may be public records and may be subject to public inspection. This includes, but is not limited to:
 - 1. E-mails;
 - 2. Social media;
 - 3. Deleted files;
 - 4. Data on personal devices used for District business; and,
 - 5. District's computer systems.
- C. Public requests for electronic records will be handled in compliance with GRAMA.

Grievance

Normal day-to-day discussions between an employee and a supervisor regarding working conditions and employment-related matters are the most constructive and expeditious means of developing and enhancing favorable and effective work relationships. The Greater Salt Lake Municipal Services District encourages employees and supervisors to attempt resolution of a situation by using informal problem-solving techniques before filing a grievance pursuant to this Section.



This Section outlines the policy and procedures to be used if an employee declines to use informal means to resolve certain eligible grievances or has done so, but the concern was not resolved to the employee's satisfaction.

The following may be grieved pursuant to this Section:

- A. Issues of violation of law, committed by the District that adversely affects the grieving employee. This includes, but is not limited to, issues of illegal discrimination, illegal pay practices, illegal retaliation, etc.;
- B. Issues of differences of interpretation or violations of the policies and procedures set forth in this manual, committed by the District, that adversely affect the grieving employee;
- C. Regular-status employees may also grieve an adverse employment actions that affects him or her if the adverse action occurred after the employee successfully completed his or her probationary period. Adverse employment actions are defined as:
 - 1. Involuntary separation or dismissal;
 - 2. Written reprimand;
 - 3. Suspension without pay;
 - 4. Involuntary transfer to a position of less remuneration. "Less remuneration" is defined as a reduction in the employee's current hourly equivalent rate of pay and does not include any premium pay, differential pay, or overtime pay. Movement to a lower salary grade or red circle pay status does not constitute less remuneration for purposes of this Section;
 - 5. Involuntary demotion to a position of less remuneration; or,
 - 6. For purposes of this manual, a significant incident record, verbal warning, or a written corrective action plan, in and of itself, is not considered an adverse employment action.

The grievance procedure

- A. *Filing Procedure.* An employee may initiate a formal written grievance, to human resources and to an employee's immediate supervisor within 20 working days after the act or occurrence or the date the employee became aware of the act or occurrence that caused the employee to be aggrieved. In an extenuating circumstance, human resources may consider a grievance received after the deadline if extenuating circumstances exist except that, for purposes of this Section, an employee may not grieve matters that occurred more than one year prior.
 - 1. If the grievance relates to the employee's immediate supervisor, the grievance can be filed with the next level of supervision and human resources.



- B. *Decision.* As soon as possible, but no later than 15 working days after receipt of the grievance, human resources must work with the supervisor, to arrive at a decision regarding the grievance. Human Resources will inform the employee in writing of the decision and the reasons behind the decision.
- C. This time limit may be extended for good cause, provided Human Resources advises the employee that the decision will be delayed and the expected date of the decision.
- D. If the supervisor receiving the grievance does not resolve the matter to the grieving employee's satisfaction, the employee may request further consideration of the grievance by submitting a written request to the General Manager.
- E. *Decision.* As soon as possible, but no later than 15 working days after receipt of the grievance, human resources must work with the General Manager, to arrive at a decision regarding the grievance. Human Resources will inform the employee in writing of the decision and the reasons behind the decision.
- F. This time limit may be extended for good cause, provided Human Resources advises the employee that the decision will be delayed and the expected date of the decision
- D. The General Manager, at his or her discretion may choose to process the appeal with the Administrative Law Judge (ALJ.)

Appeals to the General Manager

Regular status employees who have completed their probation period may appeal the following to the General Manager:

- Involuntary separation (i.e. termination or dismissal);
 - Suspension without pay for more than two days;
 - Involuntary transfer from one position to another with less remuneration;
 - Involuntary demotion to a position of less remuneration; or
 - Any adverse employment action if the General Manager failed to render a decision in accordance with part E above, the General Manager will investigate the grievance.
- A. If the General Manager believes the grievance rises to a higher level of concern, he may process the grievance through an Administrative Law Judge (ALJ.)

Outside Employment

An employee shall not engage in additional employment which in any manner interferes with the proper and effective performance of official duties or which results in a conflict of interest. Each employee shall give priority to the employment with the District. Outside employment shall be approved by the department head and General Manager, who shall ensure that it does not conflict with the duties of the District position or the physical capability of the employee to perform the District work. The District shall not



be held liable to grant sick leave in any case of injury to an employee while that employee is engaged in outside employment.

Voluntary Participation in Political Activity

District employees may voluntarily participate in political activity subject to the following:

- A. An employee may not hold an elected office in Copperton Metro Township, Emigration Canyon Metro Township, Kearns Metro Township, Magna Metro Township, White City Metro Township, unincorporated Salt Lake County or the Town of Brighton while employed by The Greater Salt Lake Municipal Services District.
- B. An employee who is elected to any partisan or full-time nonpartisan political office may be granted a leave of absence *without pay* for times when monetary compensation is received for service in the political office.
- C. An employee may not engage in any political activity during the hours of employment, nor may any person solicit political contributions from employees of the executive branch during hours of employment for political purposes.
- D. Partisan political activity may not be a basis for employment, promotion, demotion, or dismissal.
- E. Political Support. Nothing contained here may be construed to preclude voluntary contributions by an employee to the party or candidate of the employee's choice or permit partisan political activity by any employee who is prevented or restricted from engaging in the political activity by the provisions of the Federal Hatch Act.

No Harassment and No Retaliation

(Sexual Harassment, Discriminatory Harassment, Workplace Violence, and retaliation)

This Section:

Establishes and communicates The Greater Salt Lake Municipal Services District's no-harassment and no-retaliation policy;

- Gives employees examples of conduct that is inappropriate;
- Informs employees of the avenues available to address or report harassment or retaliation including the District's internal reporting and complaint procedures;
- Communicates employee and management responsibilities; and,



- Communicates the District’s procedural guidelines used to review and investigate reported violations of this Section and or complaints.
- A. Policy Summarized.
- B. Employees maynot engage in unwelcome verbal, non-verbal actions, or physical conduct based on race, color, religion, sex (including pregnancy, childbirth, pregnancy-related condition, breastfeeding, or medical condition related to breastfeeding), gender identity, sexual orientation, national origin, political affiliation, age, disability, an or any other legally protected status under state or federal law.
- C. Employees may not engage in conduct that creates or has the potential to create aviolent workplace.
- D. Employees may not be retaliated against for engaging in a legally protected activity.
- E. Employees may, but are not required to, speak with any individual engaging in offensive conduct and ask that it stop immediately. If any employee chooses not to do so, or has done so but the conduct continues, employees have a duty to promptly report it to management, regardless of whether the harassment was committed by a manager, elected official, coworker, customer, vendor, or anyone else with whom the employee had contact as a result of his or her employment with The Greater Salt Lake Municipal Services District and whether or not the conduct occurred in or outside the workplace.
- F. Employees who violate this Section may be subject to disciplinary action, consistent with The Greater Salt Lake Municipal Services District’s Discipline policy, up to and including dismissal from employment.
- G. Types of Harassment and District’s Expectations:
For purposes of this Section, The Greater Salt Lake Municipal Services District defines harassment as follows:

Sexual Harassment.

Unwelcome sexual advances, requests for sexual favors, and other verbal, non-verbal actions or physical conduct of a sexual nature constitutes sexual harassment when: (1)(a) submission to such conduct is made either explicitly or implicitly as a term or condition of employment; or (b) submission to or rejection of such conduct is used as the basis for employment decisions affecting an individual (i.e. “quid-pro-quo” harassment), or (2)(a) such conduct is severe or pervasive; and (b) has the purpose or effect of unreasonably interfering with an individual's work performance or creating an intimidating, offensive, or hostile work environment (i.e. “hostile work environment” harassment).

Examples of inappropriate conduct include, but are not limited to:

- A. Sexual comments or innuendos; adult-oriented language, turning work discussions to sexual topics; sexual or “dirty” jokes or stories; innuendos of a sexual nature including rumors of a sexual nature or gossip about sexual matters; asking about sexual fantasies, preferences, or history; either one-on-one or in a group setting;
- B. Whistling at someone or making “cat calls,” kissing sounds, howling, and smacking lips; massaging others in the workplace or other physical contact that may be viewed as intimate;



- C. Unwelcome sexual advances; looking a person up and down (elevator eyes), staring at someone; blocking a person's path, or refusing to let a person leave a room;
- D. Engaging in sexual harassment outside of work with a co-worker;
- E. Using or having at work obscene, sexual, or pornographic photos, images, telephone calls, e-mails, electronic communications, letters, notes, or other objects; pornography or sex objects or toys;
- F. Demanding or requesting sexual favors or actions in exchange for favorable employment conditions or treatment or for continued employment;
- G. Posting sexual material about other employees on social networking or other electronic mediums; or, Illegal activity such as sexual assault, rape, lewdness, or groping; unwelcome physical contact such as touching, patting, pinching, or brushing against another's body.

Discriminatory Harassment.

- G. Conduct that disparages an individual based on their protected characteristic of race, color, religion, sex (including pregnancy, childbirth, pregnancy-related condition, breastfeeding, or medical condition related to breastfeeding), gender identity, sexual orientation, national origin, political affiliation, age, disability, an or any other illegal motive or any other legally protected characteristic constitutes harassment when it is: (1) unwelcome; (2) creates an intimidating, hostile, or offensive work environment; and (3) is sufficiently severe or pervasive as to alter the terms and conditions of employment in the mind of the victim and from the perspective of a reasonable person in the victim's position.

Some examples of inappropriate conduct include, but are not limited to:

- A. Derogatory or offensive comments, gestures, innuendos, jokes, or actions based on a protected characteristic, such as: racial slurs, jokes, stereotypes, mimicking the way someone speaks or moves; either one-on-one or in a group setting; whether or not a protected-class person is present.
- B. Mocking, mimicking, or otherwise making offensive or derogatory sounds or put downs based on a protected characteristic; either one-on-one or in a group setting; whether or not a protected-class person is present.
- C. Continuing to express religious or moral beliefs and commitments in the workplace (including preach, proselytize, or direct other forms of religious solicitation and expression) in an unreasonable, disruptive, or harassing way such as continuing solicitation and expressions to another employee after being asked to not do so or when the expression is in direct conflict with the essential business related interests of the employer such as derogatory comments about a particular religious segment of the community the employee serves; either one-on-one or in a group setting; whether or not a protected-class person is present.



- D. Targeting an individual because he or she chooses to practice a specific religion, mocking another's religious beliefs; either one-on-one or in a group setting; whether or not a protected-class person is present.
- E. Telephone calls, e-mails, electronic communications, letters, notes, photos, or other objects that are offensive and based on a protected characteristic;
- F. Accessing websites that are offensive, discriminatory, and based on a protected characteristic.

Workplace Violence.

Violence can include more than inflicting physical harm to others or self. Violent behavior also consists of threats of harm to others and acts of aggression. Such behavior constitutes prohibited harassment if it is: (1) unwelcome; (2) creates an intimidating, hostile, or offensive work environment; and (3) is sufficiently severe or pervasive as to alter the terms and conditions of employment in the mind of the victim and from the perspective of a reasonable person in the victim's position.

Examples of inappropriate conduct include, but are not limited to:

- A. Threatening statements, telephone calls, letters, or other communications including threats made by electronic devices or mediums including social media;
- B. Vandalism of personal or District property;
- C. Assaults on employees or their families or pets;
- D. Direct or implied threats of physical harm to an employee or someone the employee cares about;
- E. Pushing, fighting, shoving, or touching in an angry, aggressive, or threatening manner;
- F. Violence or retaliation toward an employee;
- G. Following or stalking an employee;
- H. In an intimidating manner, carrying, showing, or displaying dangerous weapons.

Not Harassment

For purposes of this Section, the following generally does not constitute harassment:

Although unprofessional for the workplace and may be addressed as a performance or other workplace conduct matter:



- A. The occasional use of swear words or language that is characterized as merely rude, unprofessional, or unpleasant;
- B. General workplace disagreements, boorish conduct, juvenile conduct, personality differences, or verbal “butting of heads”;
- C. The incidental rising of voices during workplace discussions or disagreements and other appropriate work-related communication between supervisor and employee even though the employee may not welcome the communication or may feel uncomfortable with the communication;
- D. Bona fide changes in the workplace even though the employee objects;
- E. Expressing religious or moral beliefs and commitments in a reasonable, non-disruptive, and non-harassing way, unless the expression is in direct conflict with the District’s essential business-related interests.
- F. Bona fide requests or demands by a supervisor that the employee improve performance, change methods of performing work, comply with District or department policies, procedures, rules, or regulations.

Retaliation

In general, retaliation is conduct that dissuades an employee from exercising his or her legally protected rights. Retaliation may consist of, but is not limited to, actions such as taking adverse action against an employee because he or she has: (1) opposed employment discrimination or harassment (2) participated in investigative proceedings such as conducting, testifying, assisting, or participating in any manner; or (3) engaged in legally protected “whistle blowing” activities such as communicating, in good faith, allegations of waste, misuse of public funds, property, or labor (see Utah Protection of Public Employees Act, Utah Code sec. 67-21-1), or reporting violations of health, safety, or environmental standards; or (4) otherwise asserted rights under laws or policy. Conduct may be retaliation regardless of whether it occurred on- or off-duty, in or outside of the workplace, or whether a victim is employed or separated from the District.

In the context of retaliation, examples of adverse actions include, but are not limited to:

- A. Open hostility, threats, name calling, or intentional actions that the reasonable person would find to embarrass;
- B. Exclusion or ostracism;
- C. Tokenism or patronizing conduct;



- D. Unwarranted negative remarks, reprimands, or evaluations;
- E. Giving unwarranted negative job references;
- F. Increased supervisory attention such as: increased review of work product, intentionally searching computer e-mail or other records for no legitimate business reason or inconsistent reasons, asking others to pay more attention to an employee and to report any violations, reviewing problems that occurred before the employee filed the complaint and that the supervisor knew about but at the time did not take action;
- G. Unwarranted demotion, suspension, or termination without cause;
- H. Refusal to hire or promote an otherwise best qualified individual;
- I. Taking adverse action against or conduct towards an employee because he or she supported someone in the workplace in his or her complaint or participation in an investigation (i.e. retaliating against an employed family member of someone who opposed allegedly unlawful employment practices);
- J. Substantial and unjustified changes in individual work assignments including unwarranted change in over-time, on-call rotation, or other specialty assignments; or,
- K. Unreasonable supervisory-imposed time restrictions.

Management Responsibility to Enforce and Act

Management plays a key role in helping to achieve a workplace culture that is free from harassment or retaliation. Disciplinary action, up to and including dismissal, may result if a manager engages in harassing behavior, condones such behavior, neglects to take appropriate measures to prevent or stop such behavior, neglects to properly report such behavior (whether observed first-hand, suspected, or reported), neglects to take appropriate corrective or disciplinary action against offenders, or retaliates against a person in violation of this Section.

In addition, managers who engage in harassment or retaliation in violation of federal or state laws while employed by the District may be sued and held personally liable for their actions.

Employee Responsibility to Report

- A. Employees play a key role in helping to achieve a workplace culture that is free from harassment or retaliation. The Greater Salt Lake Municipal Services District wants to know about inappropriate conduct so that it may be corrected promptly.
- B. Employees may, but are not required to, speak with any individual engaging in



offensive conduct and ask that it stop immediately. If any employee chooses not to do so, or has done so but the conduct continues, employees are expected to report harassment or retaliation promptly.

- C. Any employee with knowledge of inappropriate conduct that may be in violation of this Section, are encouraged to report it promptly, even if they are not a victim or a party to the alleged inappropriate conduct.
- D. To provide employees with reporting avenues that are free from bias, collusion, intimidation, or reprisal employees may use any of the following avenues to report conduct in violation of this Section:
 - 1. Employees who are victims may file a report with Human Resources; or,
 - 2. Employees may notify their supervisor, department head, human resources, the District's attorney, or the General Manager. Employees do not have to follow their chain-of-command to file a Report. Reports may be done through either verbal or written notification; however, written notification is preferred. Reports should be as detailed as possible, including the names of the individuals involved, the names of any witnesses, direct quotations when language is relevant, dates, times and any documentary evidence such as notes, pictures, cartoons, etc.
- E. To the extent possible, reports will be handled with confidentiality, but they will need to be reviewed and or investigated.
- F. In most circumstances, employees are expected to continue to report to work. However, if they reasonably believe doing so would place them in danger, they are expected to report immediately to their supervisor, department head, the director of human resources, or the District's attorney for further guidance.
- G. Reports of illegal conduct should be reported promptly to law enforcement.
- H. The accused may be instructed to not contact the reporting employee or alleged victim regarding the conduct reported.
- I. When the investigation is complete, the investigator, or designee, will inform those in the "need to know" group (i.e. involved department heads, supervisors, the General Manager, District Board Chair, etc.), the complainant/victim, and the accused of the disposition.

Records

- A. The Greater Salt Lake Municipal Services District's human resource office maintains protected files for harassment complaints for a minimum of 5 years and thereafter may be destroyed. Related material such as disciplinary actions, are maintained in the employee's personnel file.



- B. Pursuant to this Section, all information contained in the file is classified as Protected and Private records pursuant to requirements of law, Government Records Access and Management Act, Section 63G-2-305 et. Seq. Information contained in the file is released by Human Resources or the District's attorney and only when classified in compliance with the requirements of law.
- C. Participants in any harassment proceeding will treat all information as Private and Protected.

Drug and Alcohol-Free Workplace

The objective of this policy is to provide a safe and productive work environment that is free from the effects of unlawful drug and alcohol use and activity; to provide for the protection and safety of employees and the public; and to reasonably protect District assets. This policy also establishes: The Greater Salt Lake Municipal Services District's "company authority" testing of safety-sensitive employees.

Employees are required to comply with federal and state laws regarding drugs and alcohol. Additionally:

Controlled Substance Prohibitions / Prescribed Medication Prohibitions

- A. No employee may commit a violation of law related to controlled substances while on duty or in the workplace.
- B. Employees are not prohibited from the lawful use and possession of prescribed medications; however, employees are expected to consult with their doctors about the medications' effects on their fitness for duty and ability to work safely. When medication has a safety warning or the employee is advised there may be an adverse reaction to medication impacting fitness for safety sensitive work duties, the employee must promptly disclose that warning or advice to the supervisor and provide a written care provider assurance that the controlled substance will not adversely affect the employee's ability to perform safety sensitive work duties.

Alcohol Prohibitions

No employee may consume, buy, sell, manufacture, distribute, dispense, store, possess, or be under the influence of alcohol while on duty, on District premises, or in the workplace.

Other Prohibitions

No employee may do any of the following:

- A. Possess, purchase, sell, store, or transport drug paraphernalia while on duty, on District premises, or in the workplace.
- B. Refuse to submit to a drug and or alcohol test without a medically verifiable reason, as determined by the drug or alcohol testing coordinator or the person responsible for



administering the drug or alcohol test.

- C. Refuse to contact and cooperate with the drug/alcohol testing official or sign related paperwork.
- D. Impede an investigation into a violation of this policy.
- E. Fail to appear for a drug or alcohol test as requested without a reasonable or verifiable explanation.
- F. Substitute, alter, or tamper with a drug/alcohol test sample.
- G. Fail to give a sufficient drug or alcohol test sample without a verification medical condition that would impact the employee's ability to provide a sufficient sample.
- H. Falsify or attempt to falsify a drug or alcohol test sample or test result.
- I. Refuse to report for an assessment with a substance abuse professional.
- J. Refuse to enter an agreed-upon rehabilitation program.
- K. Fail to remain readily available for post-accident testing following an accident.

Workplace Inspections

The Greater Salt Lake Municipal Services District reserves the right to conduct unannounced inspections of the workplace and District premises including, but not limited to: District-owned or leased property, work stations, vehicles, equipment, desks, cabinets, drawers, etc., whether used solely by the employee or shared with others.

The Greater Salt Lake Municipal Services District recognizes that employees have a reasonable expectation of privacy to be free from unwarranted searches of their personal items such their personal bags, purses, coats, wallets, etc. This expectation of privacy does not apply, however, if alcohol or illegal drugs or paraphernalia are in plain view.

The Greater Salt Lake Municipal Services District also reserves the right to utilize detection methods necessary for the enforcement of this Section, including testing, electronic detection equipment, and trained animals.

Drug and Alcohol Testing – The District may conduct the following tests:

- A. *Pre-employment Testing*. Pre-employment drug tests may be required of final applicants for employment and of employees who have applied for and been offered a new position within the District. Pre-employment tests for alcohol will not be given.
- B. *Random Testing*. Random drug and or alcohol testing is required of employees in sensitive positions and/or CDL-required positions. To ensure that employees are



selected on a random basis, The Greater Salt Lake Municipal Services District uses a third-party administrator to manage random selections. Employees are subject to random testing anytime they are working. If an employee is absent at the time of testing, another employee is selected from the alternate list.

- C. *Reasonable Suspicion Testing.* Reasonable suspicion drug and or alcohol testing may be required of employees in safety sensitive positions and/or CDL- required positions if a supervisor or company official who has been trained believes or suspects an employee is under the influence of drugs and/or alcohol. Testing cannot be required based solely on a guess, hunch, complaint, or tip from another person. The suspicion must be based on specific, contemporaneous, articulable, and documented observations consistent with the signs and symptoms of drug and alcohol use such as the following: Odors (e.g., smell of alcohol, body odor, urine); movements (e.g., unsteady, fidgety, dizzy); Eyes (e.g., dilated, constricted or watery eyes, involuntary eye movements); Face (e.g., flushed, sweating, confused or blank look); Speech (e.g., slurred, slow, distracted mid- thought, inability to verbalize thoughts); Emotions (e.g., argumentative, agitated, irritable, drowsy); Actions (e.g., yawning, twitching); Inactions (e.g., sleeping, unconscious, no or slow reaction to questions).

When reasonable suspicion testing is warranted, management should relieve the employee from performing all safety sensitive work duties and meet with the employee to explain the observations. The employee shall be given an opportunity to offer an explanation of the observations. If, after the explanation, management continues to have reasonable suspicion of drug or alcohol use in violation of this policy, or would need further verification, the employee will be notified of the requirement to undergo a drug/alcohol test.

- D. *Post-accident/Incident Testing.* Post-accident/incident drug and/or alcohol testing is required of employees in safety-sensitive positions and/or Drivers of District Vehicles under certain circumstances. **Any employee required to be tested but needing medical assistance, must get the needed medical assistance first.**

The supervisor at the scene of the accident/incident or receiving information about the accident/incident away from the scene or thereafter, should review the testing criteria and make a good faith decision to test or not test and who is to be tested (e.g. testing is overbroad when it includes all employees in a vehicle, especially those whom the facts indicate could not have caused the accident) based on the information available at the time. If a test cannot happen within the established time limit, the supervisor must document the reasons.

Testing should be done within 12 hours but cannot exceed 32 hours from time of event.

Under no circumstances should the employee involved in an accident and subject to post-accident testing be allowed to drive to the testing facility or away. A member of management is required to transport the employee or arrange for other transportation.



Other Circumstances:

1. When there is a reasonable basis for concluding that drug or alcohol use could have contributed to the incident and either:
 - a. An employee causes or contributes to an accident that seriously damages a District vehicle, machinery, equipment, or property making it inoperable and/or resulting in immediate disruption to the work process; testing is done within 12 hours but cannot exceed 32 hours from time of event.
 - b. An employee receives or is likely to receive a moving traffic violation in relation to an accident; and/or, an employee caused or reasonably appears may have caused an accident or incident that resulted in an injury to an employee or another person, requiring off- site medical attention; Testing done within 2 hours, but cannot exceed 8 hours from time of event.

Deceased employees are not tested.

- D. *Return-to-duty Testing/Follow-up Testing.* Return-to-duty/follow-up drug and/or alcohol testing may be administered in conjunction with a District-approved program of rehabilitation, counseling, education, and/or treatment. Employees subject to return-to-duty testing shall be subject to return-to-duty testing for a period of not less than 12 months, and generally not to exceed 36 months, and generally should be tested a minimum of 6 times in the first 12 months following their return to duty. Return-to-duty/follow-up testing shall be at the employee's expense. This Section shall not be deemed to alter the District's policies on leave or disability.

Sample Collection and Testing

- A. **Testing Notice.** Before performing an alcohol or drug test, the employee shall be notified whether the test is required pursuant to The Greater Salt Lake Municipal Services District's "company authority" testing of safety-sensitive employee or The Greater Salt Lake Municipal Services District's testing of drivers of District vehicles, and whether the test is pre-employment, reasonable suspicion, random, post-accident, or return-to-duty/follow-up testing.
- B. **Alcohol.** Alcohol testing is conducted at a District-designated location/facility and will be breath specimens. Breath specimens will be tested by trained technicians using federally approved breath alcohol testing devices capable of producing printed results that identify the employee. If an employee's breath alcohol concentration is .02 or more, a second breath specimen will be tested approximately 20 minutes later. If an employee's second breath alcohol concentration is at or exceeds .04, the second confirmation test will be determinative as under the influence.

Under no circumstances should the employee be allowed to drive following a test for alcohol when the second confirmation test result is at or exceed the positive cut off limit. A member of management is expected to transport the employee or arrange for other transportation.



C. Drug.

1. Drug testing is conducted at a designated location/facility and will be urine specimen of required volume. Applicants and employees may provide specimens in private unless they appear to be submitting altered, adulterated, or substitute specimens. Collected specimens will be split sample, sent to a federally or state certified laboratory, and tested for:
2. The laboratory will screen all specimens and confirm all positive screens. The laboratory will preserve the chain of custody from the time specimens are collected through testing and storage.
3. The laboratory will transmit all positive drug test results to an appropriate medical review professional retained by The Greater Salt Lake Municipal Services District, who will offer individuals with positive results a reasonable opportunity to rebut or explain the results. Individuals with positive test results may ask the medical review professional to perform a confirmation test at another federally or state certified laboratory, at the applicant's or employee's expense. Such requests must be made within 72 hours of notice of test results. If a confirmation test fails to find any evidence of drug use in violation of this section, the employee or applicant will be treated as passing the test. In no event should a positive test result be communicated to The Greater Salt Lake Municipal Services District until such time as: (1) the tested employee has not requested a confirmation test within 72 hours of a positive test result, or (2) the medical review professional has confirmed the test to be positive through a confirmation test.

Consequences of positive drug/alcohol tests or policy violation

- A. An offer of employment may be withdrawn if an applicant tests positive for a controlled substance or violates any provision of this policy.
- B. Disciplinary action, up to and including dismissal, may be taken against employees who violate any provision of this policy.
- C. Off-Duty Drug and Alcohol Related Tests and Criminal Convictions.

An employee who is convicted for violation under federal or state criminal statute which regulates manufacturing, distributing, dispensing, possessing, selling, or consuming a controlled substance shall notify their supervisor of the conviction no later than 5 calendar days after the conviction. Convictions are not necessarily disqualifiers from employment. A case-by-case analysis is conducted for workplace safety and job relevancy. For an employee required to drive a vehicle as an essential function of the job may no longer qualify for the job where the employee's driver license is suspended or revoked due to a drug or alcohol conviction or offense.

Pursuant to this policy ("company authority"), test results generated by law enforcement officers, emergency responders, or health care providers may also be considered by The Greater Salt Lake Municipal Services District for determining policy compliance.



D. Compensation for Testing and Record Keeping.

An employee's time spent participating in random, reasonable suspicion, or post-accident drug or alcohol testing is considered paid work time. Individuals participating in pre-employment testing do so on their own time. Participation in return-to-work testing, whether or not related to a corrective action program, is not paid work time.

All information relating to The Greater Salt Lake Municipal Services District's drug and alcohol testing shall be treated as confidential except as otherwise indicated in or as provided by law.

E. Definitions. The following definitions are provided for general understanding.

1. Abuse or Misuse
 - a. The possession or use of a controlled substance obtained without a lawful prescription issued to the possessor or user;
 - b. the use of a controlled substance contrary to the prescription indications; or,
 - c. the use of alcohol or a controlled substance to a degree which renders the user unfit to safely operate a motor vehicle or to safely perform safety sensitive functions or other job requirements while on duty.
2. Alcohol. The intoxicating agent in beverage alcohol, ethyl alcohol, or other low molecular weight alcohols in methyl and isopropyl alcohol no matter how the alcohol is packaged or in what form the alcohol is stored, utilized, or found.
3. Applicant
 - a. Any person who has made written or oral application to become an employee of The Greater Salt Lake Municipal Services District and has been extended a conditional offer of employment; or,
 - b. any employee who applies for, and is subsequently selected to fill, an internal vacancy through a competitive selection process.
4. District Premises. Buildings, parking lots, grounds, parks, properties, equipment, and vehicles owned or leased by the District, and personal vehicles being used for District business.
5. Consume/Consumption. To inhale, ingest, inject, or otherwise take into the body.
6. Controlled Substance. Those substances defined by the Utah Controlled Substances Act, Utah Code §58-37-4 and §58-37-4.2, as amended, and the federal Controlled Substance Act, 21 United States Code §802(6), as amended. Also referred to in as "drug" and "drugs."
7. Company Authority/Safety-sensitive. Drug and/or alcohol testing program that is established pursuant to the policies and procedures of The Greater Salt Lake Municipal Services District.
8. Drug Paraphernalia. Objects used for the consumption of controlled substances. Drug Paraphernalia is further defined to include the definitions in Utah Code §58- 37a-3, as amended.



9. Medical review professional. A licensed medical provider who has knowledge of substance use disorders (SUD) and the effects of controlled substance consumption on the human body and has the training to interpret and evaluate drug and alcohol test results.
10. Possess. To be located on one's person, in one's clothing, in one's immediate vicinity or control (such as, wallet, purse, desk, drawer, locker, vehicle), or in one's body as evidenced by a positive test result. Includes "constructive possession" as defined by Utah law.
11. Sample. Any specimen of urine, blood, breath, saliva, or hair to be used for testing.
12. Safety Sensitive Employee/Function/Position. Employees performing work-related duty or assignment in which a person performing the position while under the influence may constitute a threat to health or safety of themselves, a co-worker, or the general public. Such tasks include but are not limited to inspecting for life-threatening risks to ensure life safety. Employees driving District vehicles are considered safety sensitive employees and may be tested pursuant company authority.
13. Test. The scientific analysis for the presence of drugs and/or alcohol or their metabolites in the human body. Also referred to as "alcohol test," "drug test," and "testing."
14. Under the Influence. The physical or mental condition of an employee, resulting from the consumption of alcohol or a controlled substance, that causes the employee to be unable to safely operate a motor vehicle or to safely perform safety sensitive functions, including an alcohol test result of 0.04 or more grams of alcohol per 100 milliliters of blood or per 210 liters of breath.
15. Work Duties/On Duty. The duties, or the performing of the duties, on behalf of The Greater Salt Lake Municipal Services District, which are contained within an employee's job description or which are specifically assigned to an employee. Includes being on-call.
16. Workplace. The workplace includes, but is not limited to, District owned buildings, grounds, and vehicles, and/or any other location where the employee conducts District work during work hours or while on duty.

Workers Compensation Coverage

A. Workers' Compensation Coverage

The Greater Salt Lake Municipal Services District operates under the Workers' Compensation provisions found in the Utah Code.

The District will adhere to all Workers Compensation requirements.

- ### B. The Greater Salt Lake Municipal Services District is committed to providing a safe work environment to our employees. But if an employee becomes injured on the job, we will do everything we can to help the employee heal and return to work as quickly as possible. When employees are able to work and be a contributing team member,



the injured employee heals faster, we are more productive, and the morale of our entire organization is lifted.

The District's Workers Compensation Coordinator (WCC) is Human Resources. The goal of the WCC is to help injured employees get healthy and back to being a contributing team member.

Medical Providers: If a life-threatening injury occurs, 911 should be called to access normal emergency care. Employees with routine, non-life-threatening injuries should be taken by their supervisor to:

1. The Occupational Medicine Clinic.
2. If the Network Provider is not available (after hours, etc.), call the Workers Compensation Coordinator to arrange medical care.
3. Employees must seek care from the provider designated by the WCC. Failure to do so may affect their workers compensation claim.
 - a. **Injury Reporting:** All injuries must be reported immediately to the employee's supervisor. Supervisors report these injuries to the Workers Compensation Coordinator, who begins a Worker's Compensation claim and helps to arrange medical care. All injuries must be reported the day they occur. Failure to report injuries could jeopardize coverage of the injury.

C. Post Injury Procedures: After receiving medical treatment, these steps must be taken:

1. Employee and his/her supervisor deliver all paperwork from the medical provider to the Workers Compensation Coordinator.
2. WCC and the injured employee's supervisor review any restrictions given by medical provider with the injured employee's job description and determine if the employee's normal job meets the restrictions. If not, a restricted/light/transitional duty job will be assigned to accommodate the restrictions.
3. Injured employees must comply with the restrictions they are given. Failure to do so could slow their recovery or cause further injury. Failure to comply with restrictions may result in disciplinary action.

D. Restricted/Light/Transitional Duty: The Greater Salt Lake Municipal Services District will try to accommodate restricted duty jobs for workers injured on the job. The WCC will work with the supervisor to design a work strategy that meets the injured employee's restrictions and accomplishes the MSD's goals.

E. Follow Up: Injured employee's supervisor and the Workers Compensation Coordinator will regularly follow up with the employee and medical providers to make sure the employee is getting the care required, attending their medical appointments, complying with their restrictions and that any restricted duty assignments are helping the employee move closer to their regular job duties.

F. Interaction with Adjusters: One of the best ways to help an employee get healthy and return to work quickly is to communicate with adjusters who manage the workers



compensation injury claim. Adjusters have access to resources and have a vast knowledge in how to help injured employees get better. Utah Local Governments Trust has partnered with Constitution State Services (CSS) to adjust claims. They can be reached at 800.243.2490.

G. Employer's Reports

The District will adhere to all reporting requirements as required by the Workers Compensation provider.

H. Maintenance of Records

The Greater Salt Lake Municipal Services District shall maintain a record in a manner prescribed by the commission of all work-related fatalities or work-related injuries resulting medical treatment, loss of consciousness, loss of work, restriction of work, or transfer to another job.

I. Leave and Compensation:

Each employee eligible to receive workers' compensation is subject to the following:

1. The first three days of absence shall be taken as sick leave, if available.
2. Beginning with the fourth day, the employee will be required to discontinue sick leave benefits and begin workers' compensation benefits. If a benefit check has not been received by the time the next pay day is reached, an advance will be authorized for the approximate benefit amount due. When the benefit check is received by the employee, the advance must be immediately repaid. Once workers' compensation benefits begin, the employee will be placed on leave without pay but will continue to receive all regular District benefits at the District's expense at the current rate of contribution. If an employee is terminated, District benefits shall cease.
3. Under no circumstances shall an employee be permitted to receive a District paycheck while being paid compensation under the workers' compensation provisions.

J. Return to Work:

When an employee returns to work, the employee shall notify the human resources who shall notify the commission to terminate the workers' compensation. An employee's right to return to District employment is governed by the following:

1. If an employee is on approved leave and returns to work within a one-year period, the employee shall be entitled to the previous position held or one with equivalent pay.
2. If the employee is on approved leave and desires to return to work later than one year after the injury, there is responsibility to find a position similar in pay to that previously held. The District may require medical evidence upon which to make a judgment.
3. If a light-duty position is available, it is encouraged that the employee takes a light-duty position, in order to return to work as soon as they safely can.



Occupational Safety and Health

It is The Greater Salt Lake Municipal Services District's intent and purpose to preserve human resources by providing for the safety and health of workers, and to comply with all applicable rules and regulations pertaining to the Occupational Safety and Health Act established by the federal law and Utah Code Title 35, Chapter 9.

The Greater Salt Lake Municipal Services District will conform with OSHA requirements.

- A. *Hazard-Free Workplace.* The District shall furnish each employee employment free from recognized hazards that are causing or are likely to cause death or physical harm to such employees. Each employee shall comply with the occupational safety and health standards, orders, rules and regulations promulgated under the Utah Occupational Safety and Health Act.
- B. *Enforcement.* Supervisory personnel shall enforce safety regulations and issue such rules as may be necessary to safeguard the health and lives of employees. They shall warn all employees of dangerous conditions and permit no one to work in an unsafe place, except for the purpose of making it safe.
- C. *Records of Accidents.* An accurate record shall be kept of all accidents involving an injury to an employee while on duty, whether or not time is lost. Accident records shall at all reasonable times be available to the Industrial Commission of Utah or its representatives upon request. Other records shall be kept as requested by the Industrial Commission of Utah.
- D. *Employee's Belief of Imminent Danger.* Any employee or representative of employees who believes that a violation of an adopted safety or health standard exists that threatens physical harm, or that an imminent danger exists, may alert a supervisor, police officer or other safety personnel of such beliefs. Supervisors are required to act to help ensure the safety of the employees.
- E. *Reporting Sudden or Unusual Conditions.* Should any sudden or unusual occurrence or change of condition occur, such as the appearance of toxic or unusual fumes or gases, major equipment failure, explosions, or fires, that might affect the safety or health of District employees or tend to increase the hazards thereof, the department head or other designated authority shall immediately notify the staff and evacuate the building.
- F. *Safety Rules.*
 - 1. No person shall remove, displace, destroy or carry away any safety device or safeguard provided for use in any place of District employment or interfere with the use of any method or process adopted from the protection of employees.
 - 2. No employee shall refuse or neglect to follow and obey reasonable orders that



are issued for the protection of health, life, safety, or welfare of employees or other persons.

3. Employees who do not understand or speak the English language shall not be assigned to any duty or workplace where the lack or partial lack of understanding or speaking of English might adversely affect their safety or that of other employees.
4. No employee shall carry liquor into a place of employment.

Jury and Witness Duty

A. *Witness or Jury Duty.*

Any employee who, in obedience to a subpoena or direction by proper authority, appears as a witness or juror for the federal or state government or political subdivision thereof, shall be entitled to that employee's regular compensation for time served. The employee shall have the option of either accepting compensation for service on the jury (or as a witness) or receiving his or her regular pay for the period of jury duty and/or witness service, but not both. If the employee elects to receive his or her regular pay from the District, any fees or compensation received by the employee for time missed from his or her regular work schedule for service rendered as a juror or witness must be turned in to the District as partial compensation for being paid by the District during jury or witness service. Payment for jury duty or serving as a witness which does not conflict with an employee's regular working schedule and compensation for mileage are not to be turned in to the District.

B. *Private Litigation.*

Time absent by reason of subpoena in private litigation or by some party other than the subpoena in private litigation or by some party other than the federal government or state government or a political subdivision thereof, to testify not in official capacity but as an individual, shall be taken as annual leave or leave without pay.

Administrative Leave

General Manager Designation.

The General Manager may authorize paid administrative leave as deemed necessary or appropriate. Administrative leave is used rarely and for reasons such as, but not limited to weather-related closure, emergency closures, employee recognition, or limited unforeseen business situations that may adversely impact employee pay or benefits.

A. *Business Reasons.*

A department head, with approval from the General Manager, may temporarily relieve an employee from his or her normal responsibilities, while continuing to receive regular pay and benefits when necessary to address a particular situation. An employee is only placed on administrative leave when it is determined that it is in the best interests of the organization for the employee to not remain in the workplace.



1. The most common reasons for placing an employee on administrative leave are:
 - a. As a prudent business practice to provide for security or to secure sensitive information or to provide for safety of the employee or others.
 - b. When an allegation of misconduct has been made against the employee and/or to facilitate an investigation. Administrative leave is non-punitive and does not in itself imply that an employee is or will be disciplined, nor even that an allegation is credible, which is why pay and benefits are continued.
 - c. To remove an employee from the workplace who is behaving, or the District has concerns may behave, disruptively pending assessment of the situation.
 - d. To protect an employee from harassment, retaliation, or an adversarial work environment following a complaint or whistleblowing.

2. "Home Assignment" is an alternative term for administrative leave for business reasons. The employee is normally required to remain at home during the regular work hours or as instructed by the supervisor, and/or, to remain available for contact or timely return to work during regular work hours. Other proactive measures may be taken and are non-punitive, to secure equipment, data, etc. based on the particular situation, such as requiring an employee to leave keys, leave equipment, and/or change passwords while on administrative leave.

Holidays

A. Paid Holidays.

The following days are designated as paid holidays:

- January 1, New Year's Day;
 - The third Monday in January, Martin Luther King Day;
 - The third Monday in February, President's Day;
 - The last Monday in May, Memorial Day;
 - July 4, Independence Day;
 - July 24, Pioneer Day;
 - The first Monday in September, Labor Day;
 - November 11, Veterans Day;
 - The fourth Thursday in November, Thanksgiving Day;
 - The day after Thanksgiving;
 - December 25, Christmas Day;
 - One personal preference day.
- B. *Holidays on Weekends.* When a holiday falls on Saturday, the preceding Friday shall be the holiday. When a holiday falls on a Sunday, then the following Monday shall be the holiday.
- C. *Holiday on Normal Day Off.* When a holiday falls on an eligible employee's normally



scheduled day off, another day is substituted. The substituted day must be in the pay period prior to, during, or immediately following the pay period in which the original holiday occurred.

- D. FLSA Exempt Work on a Holiday. When an FLSA exempt employee works on a designated holiday, another day may be substituted. The substituted day must be in the pay period prior to, during, or immediately following the pay period in which the original designated holiday occurred.

Annual Leave (Vacation)

In order to minimize the financial hardships that may result from absences from work, The Greater Salt Lake Municipal Services District provides annual leave benefits to qualifying employees who are approved to be absent from work.

A. Annual Leave (Vacation) Accrual

1. Regular and appointed status employees accumulate annual leave based on their years of service as a benefit eligible employee and their work schedule. Service must be continuous as a benefit eligible employee.
2. Employees whose contemplated work schedule is 40 hours per week, exempt and appointed employees accrue annual leave as follows:

Years of Service	0-2	3-5	6-10	11-15	16+
Annual Vacation Hours	96	120	144	168	192

3. Employees whose contemplated work schedule is less than 40 hours per week accrue annual leave on a prorated basis according to the number of hours they work each pay period.
4. Employees whose compensation from The Greater Salt Lake Municipal Services District payroll falls below their regular bi-weekly salary (off work due to FMLA, workers compensation, disability, LOA, etc.) accrue annual leave on a prorated basis according to the number of hours worked.
5. Exempt and appointed employees who are “salaried” shall calculate their use of sick/vacation using a two-week look back basis. At the end of the pay period, if they have not “worked” 80 hours, that employee will use sick or vacation time, in addition to worked time, to total 80 hours.
6. Employees hired by the District will begin with 96 hours of vacation hours per year; professional-related experience may at the discretion of Human Resources, and/or the General manager, constitute an experience adjustment that would justify the employee beginning at a higher accrual rate.

B. Allowable Uses.

1. Use of annual leave is a privilege extended to employees by their supervisor and use is not an acquired right. Established attendance policies apply regarding approval



for absences.

2. Annual leave may be used for personal reasons such as: vacations, rest and relaxation, to conduct personal business or affairs, or for emergencies. Annual leave may also be used in lieu of sick leave.
3. Employees who are absent from work due to a District-sponsored and approved workers compensation, short-term disability, or long-term disability claim, and remain active on The Greater Salt Lake Municipal Services District payroll, may use accrued paid leave to supplement the insurance benefit to receive a combined total not exceeding 100% of pre-injury pay.

C. *Beginning Accrual for Sick and Vacation.* It was previously decided by the evaluation committee that employees hired by the MSD will get 10 days (80 hours) of sick leave upon hire. It is recommended that these employees also get 10 days (80 hours) of vacation leave upon hire.

D. *Maximum Accumulation.*

An employee may elect to accumulate up to, but no more than, 200 hours of annual (vacation) leave as of the last day of the pay period that includes December 31, the end of the fiscal year. Annual leave in excess of 200 hours will be forfeited. If an employee has made timely application for leave and the supervisor couldn't approve the leave due to the needs of the department, the department head may permit annual leave to be carried over into the following fiscal year, in which case, leave hours may then exceed the 200 hours limit.

E. It is recommended that personal preference day be used prior to vacation. Personal preference day must be used as of the last day of the pay period that includes December 31, the end of the fiscal year, used personal preference day will be forfeited at that time.

F. *Holiday.* A holiday that falls on an employee's regular working day within a period when annual leave is being taken will be credited as a holiday and not as a day of annual leave.

G. *Provisions Relating to Separation from Employment.* An employee may not use annual leave to extend his/her effective date of separation beyond his/her two-week notice of resignation. Separating employees will be paid the balance of the accumulated annual leave, not to exceed 200 hours, plus the current fiscal year's accumulated hours of annual leave.

Sick Leave

In order to minimize the financial hardships that may result from absences from work, The Greater Salt Lake Municipal Services District provides sick leave benefits to qualifying employees who are approved to be absent from work for certain qualifying purposes.



A. Leave Accrual.

1. Regular and Appointed status employees whose contemplated work schedule is 40 hours per week accrue up to 3.69 hours (96 hours annually) of sick leave per pay period. Eligible employees whose contemplated schedule is less than 40 hour per week accrue sick leave on a prorated basis according to the number of hours they work each pay period.
2. Employees whose compensation from The Greater Salt Lake Municipal Services District payroll falls below their regular bi-weekly salary (i.e., an employee is off work due to short-term disability) accrue sick leave on a prorated basis according to the number of hours for which they receive payment from The Greater Salt Lake Municipal Services District payroll.
3. The annual maximum accrual limit for sick leave is 480 hours. Annual accrued sick leave in excess of 480 hours will be forfeited.

B. Eligible Uses.

Use of sick leave is a privilege extended to employees by their supervisor and its use is not an acquired right. Established attendance policies apply regarding approval for absences. Once accrued, sick leave may be used for the following reasons:

1. Temporary incapacity due to illness or injury making the employee unable or unfit to perform the duties of his/her job;
2. Infection with, or verified exposure to, a contagious illness or disease such that his or her presence on the job might jeopardize the health of others;
3. Incapacity due to hospitalization, surgery, medical recovery, or home bound restriction;
4. Employee's medical appointments that cannot reasonably be scheduled during non-work hours;
5. Maternity prenatal care, birth, or recovery from birth; or,
6. Temporary incapacity following death if employee is also approved for FMLA as a qualifying serious medical condition. If not approved for FMLA, sick leave may not be used to cover the absence.
7. FMLA-protected mental health absences;
8. Bonding with a newborn or newly adopted child under age 18, for up to the first six months of life or up to the first six months from date of placement;
9. For the employee acting as the primary caregiver for a wounded armed services member who is a spouse, child (no age limitation), or biological, step, or in-law parent when no other primary caregiver support resources are practical; or,
10. When the employee is needed to provide for medical care of an ailing and/or aging biological or stepparent when no other resources are practical. FMLA does not apply to in-law parents. This includes the need to be present to assist with making medical decisions or to assist with understanding during scheduled medical appointments, to provide transportation for scheduled medical appointments, or to provide care during recovery from a serious medical condition.



11. Providing for the medical care of a child, spouse or disabled adult child.

C. Examples of Ineligible Uses or Abuse Indicators:

1. Mental health days not otherwise protected by FMLA;
2. General irresponsibility such as oversleeping in the
3. morning or not hearing an alarm; hangovers; sunburn, worn out; etc.;
4. Taking more sick leave than needed such as taking 8 hours of sick leave when the appointment could be completed in 4 hours;
5. Sick leave use that appears to follow an unjustified pattern or is excessively on certain days such as Monday or Friday;
6. Requesting to use sick leave when the original absence was otherwise not due to sickness such as proclaiming to have gotten sick while on an out-of-area vacation;
7. Inability to produce satisfactory verification of need for leave when requested;
8. Conflicting or changing verifications of need for leave from employee or medical provider;
9. Using sick leave after giving notice of resignation; or,
10. Engaging in activities that conflict with the stated need for leave (i.e. home bound but is seen shopping).
11. Lack of day care;
12. Attending to in-law parent as this is not FMLA-protected leave;
13. Misrepresenting need for leave as sick leave as FMLA-protected; or,
14. Sick leave use that appears to follow an unjustified pattern or is excessively on certain days such as Monday or Friday

D. Reasons Relating to Family:

1. Eligible Uses:

- a. When the employee is needed to attend to the employee's spouse or dependent children (under age 18 or permanently disabled adult child dependent upon parent) as a result of scheduled medical appointments that cannot reasonably be scheduled during non-work hours; hospitalization, medical recovery, illness, or infection with exposure to contagious disease; or,
- b. When the employee is needed to provide for medical care and/or attendance to medical issues for a member of the employee's family living in the employee's household.

E. Abuse/Leave Restriction/Verification.

The Greater Salt Lake Municipal Services District reserves the right to ensure that sick leave is being used according to this Section, in a manner that is not abusive, and in a manner that does not adversely impact the work environment.

Verification. Any employee using sick leave to cover an absence which exceeds five working days should be supported by a medical certification deemed acceptable to The Greater Salt Lake Municipal Services District, unless the employee has been approved for FMLA-protected leave for the absence. When excessive or recurring sick leave is being used or when The Greater Salt Lake Municipal Services District suspects misuse



or abuse, a doctor's diagnosis or other evidence of the need for leave may be required for absences of less than five days.

The Greater Salt Lake Municipal Services District reserves the right to use tools available under the Family and Medical Leave Act to verify the need for leave, including obtaining additional opinions as well as all other tools required by insurance providers.

1. *Denial.* An employee found to be misrepresenting their need for leave or using leave for ineligible purposes may be denied payment of sick leave.
 2. *Discipline.* Employees may be disciplined consistent with The Greater Salt Lake Municipal Services District's disciplinary procedures.
- F. *Same Day as a Holiday.* A holiday that falls on a regular working day within a period when sick leave is being taken will be credited as a holiday and not as a day of sick leave.
- G. *Reinstatement of Sick Leave if Rehired after Reduction in Force.*
Accrued sick leave available to an employee at the time of a reduction in force is again available if rehired within twelve months from the reduction.
- H. *Provisions Relating to Separation from Employment.*
An employee separating from The Greater Salt Lake Municipal Services District is not compensated for unused sick leave except that accrued sick leave available to an employee at the time of separation is again available to him or her upon returning to service as long as the employee returns within 12 months of separation from service.

Funeral Leave

In order to minimize the financial hardships that may result from absences from work, The Greater Salt Lake Municipal Services District provides funeral leave benefits to qualifying employees who are approved to be absent from work due to: (1) the death of certain individuals; (2) to plan, attend, and/or travel to/from funeral services; (3) to attend to post-death affairs associated with the deceased; and, (4) to provide care and comfort to self or others who are grieving.

A. *Policy:*

1. Funeral leave benefits are provided to bring the employee up to their regular scheduled work hours. Funeral leave hours may not be used to ensure general overtime is earned nor may they be paid as overtime/comp-time.
2. Regular and appointed employees are provided with the following amounts of paid funeral leave for each qualifying death (part-time employees are prorated):

B. *Funeral (Bereavement) Leave.* Employees are granted for up to:

1. 40 hours of funeral leave for *immediate family*: spouse, adult designee, child, ward, dependent child of adult designee, parent, legal guardian, brother, sister, grandparent, grandchild, mother/father-in-law.



2. 24 hours of funeral leave for *other family*: aunt, uncle, nephew, niece, brother/sister-in-law, son/daughter-in-law.
3. Funeral leave may be used in full day blocks or intermittently for up to 14 working days from date of the death, unless extenuating circumstances exist (i.e. delay due to autopsy, delay getting body due to organ or research donation, body transport, etc.) and in such cases, an employee may request extension of up to 30 days from date of death.
4. If, at the time of death, and an employee is on other approved or extended leave such as FMLA or disability leave, funeral leave benefits may be used to supplement other paid benefits to bring the employee up to 100% of the pre-leave daily pay.
5. An employee is expected to notify his/her supervisor as soon as possible of the need for funeral leave.
6. The Greater Salt Lake Municipal Services District retains the right to request documentation to support any claim for funeral leave benefits.

C. *Needs Otherwise Not Covered By this Section.*

Employees who need to be absent for funeral matters not otherwise covered by this Section or who need additional time off, may reference other paid leave policies such as annual leave.

Family and Family Medical Leave Act

The Greater Salt Lake Municipal Services District provides unpaid FMLA leave, to comply with the Family and Medical Leave Act of 1993.

A. *Family and Medical Leave Act (FMLA Protected Leave)*

The Greater Salt Lake Municipal Services District complies with the Family and Medical Leave Act of 1993 (FMLA), as amended, and the expansion of FMLA under The Support for Injured Service Members Act of 2007. The following is a summary of the main provisions of the FMLA. However, *it is not a comprehensive recital of the law*. Questions or further clarification may be obtained from The Greater Salt Lake Municipal Services District Human Resources.

1. *FMLA Eligibility.*

- a. Employees are eligible for FMLA leave if they have worked for The Greater Salt Lake Municipal Services District for at least 12 months (52 weeks) and worked 1,250 hours of service during the 12-month period immediately before the commencement of the leave.
- b. In determining the 12 months (52 weeks) worked for The Greater Salt Lake Municipal Services District, the 12 months need not be consecutive months. Employment periods prior to a break in service of seven years or more are not counted unless the employee's break in service is occasioned by the fulfillment of his or her National Guard or Reserve military service



obligations. The time served performing the military service must be also counted in determining whether the employee has been employed for at least 12 months.

For FMLA eligibility purposes, an employee will be considered to have been employed for an entire week even if the employee was on the payroll for only part of the week or if the employee is on other paid leave during the week (i.e. sick leave, annual leave, Worker's Compensation).

- c. Time spent on paid (including disability or worker's compensation payments) or unpaid leave is not counted in determining the 1,250 hours worked for FMLA eligibility purposes. The Greater Salt Lake Municipal Services District will include overtime hours as hours worked on an hour-for-hour basis regardless of whether they were paid out as overtime or as compensatory time.

2. *FMLA Definitions.*

For purposes of this Section, the following terms have the stated meanings:

- a. Parent means a biological, adoptive, step or foster father or mother, or any other individual who stood in loco parentis to the employee when the employee was a child. Parent does not include parent-in-law.
- b. Child means a biological, adopted, or foster child, a stepchild, a legal ward, legal guardian, or a child of a person standing in loco parentis who is either under 18, or age 18 or older and "incapable of self-care because of a mental or physical disability" except for FMLA leave due to military service the person does not have to be a minor.
- c. In loco parentis means any person who has put him or herself in the situation of a lawful parent by assuming the obligations incident to the parental relation without going through the formalities necessary for legal adoption. It embodies the two ideas of assuming the parental status and discharging the parental duties. Employees who have no biological or legal relationship with a child may nonetheless stand in loco parentis to the child and be entitled to FMLA leave. If there are questions about whether an employee's relationship to a child is covered under FMLA, the District may require the employee to provide reasonable documentation or statement showing the family relationship. A simple statement asserting that the requisite family relationship exists is all that is needed in situations such as in loco parentis where there is no legal or biological relationship.
- d. Next-of-kin of a covered service member means the nearest blood relative other than the covered servicemember's spouse, parent, son, or daughter. The FMLA provides additional definitions regarding next of kin including order or priority or employee's designation of next of kin.
- e. "Serious health condition," for purposes of the FMLA, means an illness, injury, impairment, or physical or mental condition that:
 - 1) Requires an overnight stay in a hospital, hospice, or residential medical care facility, including any period of incapacity (meaning the inability to work, attend school or perform other regular daily activities due to the



serious health condition treatment therefore, or recovery there from) or any subsequent treatment in connection with such inpatient care;

- 2) Involves continuing treatment by a healthcare provider for incapacity and treatment. To qualify the incapacity must be for a period of more than three consecutive full calendar days from work, school, or other regular daily activities and include subsequent treatment or period of incapacity relating to the same condition.
- 3) Any period of incapacity due to pregnancy, or for prenatal care;
- 4) Any period of incapacity (or treatment for such incapacity) due to a chronic serious health condition.
- 5) A period of incapacity that is permanent or long-term due to a condition for which treatment may not be effective. The employee or family member must be under the continuing supervision of, but need not be receiving active treatment, by a health care provider (e.g., Alzheimer's, stroke, terminal stages of a disease, etc.); or,
- 6) Any absences to receive multiple treatments (including any period of recovery there from) by, or on referral by, a health care provider for a condition for (a) restorative surgery after an accident or other injury; or (b) a condition that would likely result in a period of incapacity of more than three consecutive full calendar days in the absence of medical intervention or treatment, such as cancer (chemotherapy, radiation, etc.) severe arthritis (physical therapy), or kidney disease (dialysis).

3. *Basic FMLA Leave Entitlement.*

The FMLA provides up to 12 weeks of unpaid job protected leave to eligible employees for the following reasons:

- 1) For incapacity due to pregnancy, prenatal medical care, or childbirth;
- 2) To care for the employee's child after birth, or placement for adoption or foster care. Leave to care for a child following birth, for adoption, or for foster care must be taken within one year of the birth or placement of the child;
- 3) To care for the employee's spouse, child, or parent with a serious health condition; or,
- 4) For a serious health condition that makes the employee unable to perform the employee's job.

4. *Military FMLA Leave Entitlement.*

- a. Eligible employees with a spouse, child, or parent on active duty or call to active duty status in the National Guard or Reserves in support of a contingency operation may use their 12-week FMLA leave entitlement to address certain qualifying exigencies. Qualifying exigencies may include attending certain military events, arranging for alternative childcare, addressing certain financial and legal arrangements, attending certain counseling sessions, and attending post-deployment reintegration briefings. The FMLA does provide limitations on the amount of leave that can be used



for certain qualifying exigencies.

- b. FMLA also includes a special leave entitlement that permits eligible employees to take up to 26 weeks of leave to care for a covered servicemember during a single “12-month period.” This is the only type of FMLA leave that may extend an employee’s leave entitlement beyond 12 weeks to 26 weeks. If an eligible employee does not take all of his or her 26 workweeks of leave entitlement to care for a covered servicemember during this “single 12-month period,” the remaining part of his or her 26 workweeks of leave entitlement to care for the covered servicemember is forfeited.

5. *Calculation of 12 Weeks/ 26 Weeks.*

- a. *12 Weeks.* In determining eligibility for FMLA leave the District will measure the 12-month period as a rolling 12-month period measured backward from the date an employee’s first FMLA use. Each time an employee requests leave, the District will compute the amount of FMLA leave the employee has taken in the last 12 months and subtract it from the 12 weeks of available FMLA leave. The balance remaining will be the amount the employee is entitled to take at that time. Note that this amount may change with each request for FMLA leave as periods of leave drop from the 12-month look back period resulting in leave coming available to the employee. When an employee’s work schedule varies from week to week, a weekly average of the hours worked over the 12 months prior to the beginning of the FMLA leave period is used to calculate the amount of FMLA leave available to the employee.
- b. *26 Weeks.* The “single 12-month period” to care for a covered servicemember begins on the first day the eligible employee takes FMLA leave to care for a covered servicemember and ends 12 months after that date. The “single 12-month period” is applied on a per-covered-servicemember, per-injury basis. An employee may be entitled to take more than one period of 26 workweeks of leave if the leave is to care for a different covered servicemember or to care for the same servicemember with a subsequent serious injury or illness, except that no more than 26 workweeks of leave may be taken within any “single 12-month period.”

6. *Employee Benefits During FMLA.*

- a. The Greater Salt Lake Municipal Services District will continue the employee’s health, dental, and vision benefits while on FMLA leave at the same level and under the same conditions as if the employee had continued to work.
- b. Sick and annual leave and holiday pay will not continue to accrue during FMLA leave.
- c. While on *unpaid* FMLA leave, the employee must continue to pay any portion of the employee’s share of the health premiums (and any other benefits the employee desires to continue) and may do so in person or by mail.



- d. The Greater Salt Lake Municipal Services District may recover the costs incurred for paying the employee's share of any premiums, whether or not the employee returns to work. The Greater Salt Lake Municipal Services District may recover from an employee both the employee's and/or employer's share of any premiums paid during a period of *unpaid* FMLA leave if the employee fails to return to work after the employee's FMLA leave entitlement has been exhausted or expires, unless the reason the employee does not return is due to: 1) the continuation, recurrence, or onset of either a serious health condition of the employee or the employee's family member, or a serious injury or illness of a covered servicemember, which would otherwise entitle the employee to leave under FMLA; or 2) other circumstances beyond the employee's control.

7. *Employee Status After FMLA.*

- a. An employee who takes FMLA leave will be able to return to the same position or a position with equivalent status, pay, benefits and other employment terms. The position will be the same or virtually identical in terms of pay, benefits and working conditions.
- b. The Greater Salt Lake Municipal Services District may choose to exempt certain keyemployees from this requirement and not return them to the same or similar position.

8. Use of Paid Leave and/or Disability Insurance During FLMLA.

- a. *Paid Leave Benefit Substitution.* The Greater Salt Lake Municipal Services District has elected the statutory provision under the FMLA permitting an employer to require employees to take any accrued paid annual, sick leave, or comp-time (i.e. paid FMLA leave or "substitution of paid leave") and have it run concurrently with any FMLA leave, to the extent that the reason for the leave complies with permissible uses as specified in this and other Sections regarding paid leave in this manual.

Before being eligible for unpaid FMLA leave, an employee is required to substitute any accrued and qualifying paid leave to bring the employee to 100% of his/her wage at the time FMLA starts. In cases of varying schedules, the required substitution will be calculated as the average weekly wage earned during 12 months prior to commencing FMLA leave.

- b. *Disability or Worker's Compensation Substitution.* When substitution occurs and wages are paid in whole or part by a District-sponsored disability insurance provider (i.e. short-term disability or Worker's Compensation insurance) the employee may elect to, but is not required to, supplement the insurance payment up to 100% of his/her pre-disability wage. This generally only occurs when FMLA is needed due to the serious medical condition of the employee.

9. *Intermittent FMLA Leave or a Reduced Work Schedule.*

- a. An employee may take FMLA intermittently (i.e. take off work in 15-minute



increments when needed or a day or two over the year when needed) or, under certain circumstances, may use the leave to reduce the workweek or workday, resulting in a reduced hour schedule. In all cases, the leave may not exceed a total of 12 work weeks (or 26 work weeks to care for an injured or ill servicemember over a “12-month period”).

- b. The Greater Salt Lake Municipal Services District may temporarily transfer an employee to an available alternative position with equivalent pay and benefits if the alternative position would better accommodate the intermittent or reduced schedule.
- c. For the birth, adoption or foster care of a healthy child, The Greater Salt Lake Municipal Services District and the employee must mutually agree to the schedule before the employee may take the leave intermittently or work a reduced work schedule.
- d. If the employee is taking leave for a serious health condition or because of the serious health condition of a family member, the employee should try to reach agreement with The Greater Salt Lake Municipal Services District before taking intermittent leave or working a reduced hour schedule. If this is not possible, then the employee must prove that the use of the leave is medically necessary.
- e. An employee who has been approved for intermittent FMLA-protected leave must specifically reference either the FMLA qualifying reason for leave or give enough information to his/her supervisor so that it can be determined that the reason for the intermittent leave qualifies it as FMLA-protected leave. Calling in “sick” without providing more information will not be considered sufficient notice to trigger The Greater Salt Lake Municipal Services District’s obligations under the Act.

10. Procedure for Requesting FMLA Leave.

- a. For (1) The birth of a child or in order to care for that child; or 2) The serious health condition of the employee:
 - 1) An employee must provide at least verbal notice sufficient to make the District aware that the employee needs FMLA-qualifying leave, and the anticipated timing and duration of the leave.
 - 2) Employees must then submit written notice of a Certification from a Health Care Provider for Family Member’s Serious Health Condition.
 - 3) The Worker’s Compensation insurance company’s approval of the employee’s need to be absent from work will satisfy the need to submit written notice of a Certification from a Health Care Provider for Family Member’s Serious Health Condition.
 - 4) Employees must provide The Greater Salt Lake Municipal Services District with at least 30 days’ notice prior to the need for leave, if possible. If it is not possible to give 30 days’ notice, the employee must give as much notice as is practicable. An employee who is to undergo planned medical treatment is required to make a reasonable effort to schedule the treatment in order to minimize disruptions to the workplace. If an employee fails to provide 30 days’ notice for foreseeable leave with no



reasonable excuse for the delay, the leave request may be denied until at least 30 days from the date The Greater Salt Lake Municipal Services District receives notice.

- 5) While on leave, employees are requested to report periodically to The Greater Salt Lake Municipal Services District regarding the status of the medical condition and their intent to return to work. The Greater Salt Lake Municipal Services District may ask for additional updates.
- 6) The employee must respond to requests to submit written notice of a Certification from a Health Care Provider for Family Member's Serious Health Condition from a qualified health provider or recertification within 15 days of the request or provide a reasonable explanation for the delay. Failure to provide certification may result in a denial of continuation of leave.
- 7) If the employee plans to take intermittent leave or work a reduced schedule, the certification must also include dates and the duration of treatment as well as a statement of medical necessity for taking intermittent leave or working a reduced schedule.
- 8) The Greater Salt Lake Municipal Services District has the right to ask for a second opinion if it has reason to doubt the Certification from a Health Care Provider for Family Member's Serious Health Condition from a qualified health provider to care for a spouse, child or parent with a serious health condition:
- 9) An employee must provide at least verbal notice sufficient to make the District aware that the employee needs FMLA-qualifying leave, and the anticipated timing and duration of the leave.
- 10) Employees must then submit a written request as a Certification of Health Care Provider for Family Member's Serious Health Condition.
- 11) Employees must provide The Greater Salt Lake Municipal Services District with at least 30 days' notice prior to the need for leave, if possible. If it is not possible to give 30 days' notice, the employee must give as much notice as is practicable. If an employee fails to provide 30 days' notice for foreseeable leave with no reasonable excuse for the delay, the leave request may be denied until at least 30 days from the date The Greater Salt Lake Municipal Services District receives notice.
- 12) While on leave, employees are requested to report periodically to The Greater Salt Lake Municipal Services District regarding the status of the medical condition and their intent to return to work. The Greater Salt Lake Municipal Services District may ask for additional updates.
- 13) The employee must respond to requests for certification or recertification within 15 days of the request or provide a reasonable explanation for the delay. Failure to provide certification may result in a denial of continuation of leave.
- 14) If the employee plans to take intermittent leave or work a reduced schedule, the certification must also include dates and the duration of treatment as well as a statement of medical necessity for taking intermittent leave or working a reduced schedule.



- b. For the placement of a child for adoption or foster care and to care for the newly placed child an employee must provide at least verbal notice sufficient to make the District aware that the employee needs FMLA-qualifying leave, and the anticipated timing and duration of the leave.
 - c. For a Qualifying Exigency for Military Family Leave:
 - 1) An employee must provide at least verbal notice sufficient to make the District aware that the employee needs FMLA-qualifying leave, and the anticipated timing and duration of the leave.
 - 2) Employees requesting this type of FMLA leave must also submit a request in writing, Certification of a Qualifying Exigency for FMLA Military Family Leave. If such leave is foreseeable, employees are asked to provide as much notice as possible to The Greater Salt Lake Municipal Services District.
 - d. To Care for an injured or ill servicemember:
11. An employee must provide at least verbal notice sufficient to make the District aware that the employee needs FMLA-qualifying leave, and the anticipated timing and duration of the leave.
12. Employees requesting this type of FMLA leave must submit a complete written request for Certification for Serious Injury or Illness of Covered Servicemember – for FMLA Military Family Leave. If such leave is foreseeable, employees are asked to provide as much notice as possible to The Greater Salt Lake Municipal Services District.
13. *Designating Leave as FMLA Leave.*
- a. Absent extenuating circumstances The Greater Salt Lake Municipal Services District will inform the employee, in writing, of the designation of leave as FMLA-qualifying leave within five business days after receipt of notification of the need for leave and if applicable, receipt of completed required documentation.
 - b. While leave is in progress or if upon returning from leave The Greater Salt Lake Municipal Services District learns that the reason for leave was an FMLA-qualifying reason, The Greater Salt Lake Municipal Services District may retroactively designate such leave while the leave is in progress or within two business days of the employee's return to work.

District Approved Leave of Absence

- A. Leave of absence (LOA) is a term used to describe a period of time that an employee is to be away from his/her primary job, while maintaining the status of active employee. This term is in contrast to normal periods away from the workplace, such as vacations, holidays, annual leave, and sick leave in that they are considered to be ***exceptional circumstances***, rather than routine or generally expected absences



otherwise approved through department absentee policies. Leave of absence (LOA) is also a term used to describe a period of time that an employee who accrues paid leave benefits needs to be away from work and *does not have paid leave available* to cover the absence. Generally, a leave of absence has a predefined conclusion date or is expected to conclude after a certain event has occurred.

- B. The Greater Salt Lake Municipal Services District will consider approval of a District Approved Leave of Absence when FMLA leave is exhausted, when the reason for the leave does not qualify under the FMLA, or when an employee is ineligible for FMLA protected leave. Employees may apply for a District Approved Leave of Absence by written request for Leave. (The Greater Salt Lake Municipal Services District may request additional documentation verifying the need for leave.
- C. A District Approved Leave of Absence is not an acquired right by employees and is granted by the General Manager and Human Resources, at the discretion of the District, and then only when the District work is not adversely affected and only when the absence does not create a hardship to The Greater Salt Lake Municipal Services District or other employees.
 - 1. Examples of circumstances where a leave of absence may be considered include, but are not limited to: employee's illness when it is determined that the employee may be able to return within one year; an ailing child or spouse; or, a family crisis or hardship that requires the employee to be absent from work.
- D. Examples of circumstances where a leave of absence will be denied include but are not limited to pursuit of other employment or job opportunities; volunteer service; recreation or travel; or, education. The General Manager has the discretion to approve such absence contingent upon the supervisor or department head taking action to notify the employee of the need to better manage paid leave benefits in anticipation of the known or unknown need for future leave for reasons such as these.
- E. A District Approved Leave of Absence may not exceed one year unless doing so is determined, by The Greater Salt Lake Municipal Services District, to be a reasonable accommodation in accordance with the American's with Disabilities Act.
- F. A District Approved Leave of Absence may be terminated prior to the expiration date thereof with the consent of the General Manager. Failure of an employee to report for duty promptly at the expiration date of the leave or violation of an agreement of understanding entered into by the employee relative thereto is cause for discharge.
- G. All eligible paid leave must be exhausted before an employee may take leave with reduced or no pay.



H. Further negotiation for LOA is up to the determination of the General Manager.

Military Leave

Leave may be granted for periods of active military service.

- A. *Short-Term Leave.* Short-term military leave is leave of less than six months in duration for active military service. Such leave shall be authorized for regular employees' subject to all of the following conditions being met:
1. A regular employee is entitled to up to eleven working days military leave per year for required military service without loss of compensation or other fringe benefits. Any employee requesting such leave must provide the General Manager with a copy of the military orders placing the employee on active duty status.
 2. An employee who is a member of a reserve unit of the military shall notify the immediate supervisor at least four weeks in advance of active military service and shall indicate in writing the employee's intention and anticipation with regard to participating in periods of active duty. Such written notification shall be made a part of the employee's personnel file.
- B. *Extended Leave.* Extended military leave is military leave of six months or more. Extended military leave without pay may be granted to regular employees who enlist, are drafted, or are recalled to active service in the armed forces of the United States in accordance with the Military Selective Service Act. Employees on extended military leave shall be permitted to return to District employment pursuant to the following conditions:
1. The leave of absence may not exceed four years from the date of entry into the military service, unless the employee is involuntarily retained longer.
 2. The employee must have satisfactorily completed the period of active duty and furnish a certificate to that effect.
 3. Any employee leaving active military duty is authorized 40 days from the active duty release date in which to request reinstatement to a position of comparable status and compensation. If the employee declines an offer for a position vacancy, reinstatement rights may be canceled by the General Manager.
 4. If, due to a service connection disability or for some other reason, an employee is not qualified to perform all the duties of the former position, the employee shall be placed in the closest comparable position for which the employee is qualified.
- C. *Benefits.*
Benefits shall not accrue for employees on short-term military leave after the eleven days leave are used, nor for employees on extended military leave.

Benefits

The purposes of this Section are to:

- Provide employees with some information about The Greater Salt Lake



Municipal Services District benefit package;

- Summarize employee benefit eligibility;
- Establish District policy regarding certain elements of the benefit package; and,
- Comply with federal notification requirements.

A. This Section does not:

1. Establish a contract with employees regarding future benefit coverage or eligibility. The Greater Salt Lake Municipal Services District reserves the right to change, modify, and/or otherwise discontinue the benefit package for any or all employees at any time in the, or as amended, in this manual for more information on contractual limitations);
2. Provide employees with specific information about all benefits. The Greater Salt Lake Municipal Services District utilizes third-party benefits administrators for many of the benefits offered to employees. Third-party administrator(s) may make available summary plan descriptions and employee information. This information can also be obtained from the human resource department or by contacting the insurance provider's customer service, or through various websites. Additional Sections in this manual may also provide more detailed information regarding specific benefits;
3. Provide a guarantee of benefit coverage, payment, or any other term or condition that is otherwise determined by a benefit provider. Benefits may change as providers, rules, or plans change. In the event of a conflict between this Section and the insurance providers' documents or contracts, the providers' documents or contracts will prevail; and,
4. Provide important detailed information regarding benefits. These documents are available from the human resource office, directly from the insurance provider, or through providers' websites.
5. Benefits may be introduced or reduced based on the Districts annual budget.

B. *Benefit Eligibility.*

Benefits are provided to the Districts regular full-time (40 hour) employees, appointed employees and FLSA salary exempt employees.



C. A general list of benefits available to the employees is as follows (Please note, the benefits listed here are subject to change.)

Benefit	Responsible Party-MSD	Responsible Party-Employee			
Utah State Retirement Systems					
Tier 1	GSLMSD	-			
Tier 2	GSLMSD	Employee			
Roth 401 (k) URS	-	Employee			
457 investment account	-	Employee			
Health Insurance-Traditional	GSLMSD (80%)	Employee (20%)+Deductible and Out-of-Pocket			
Health Insurance-High Deductible	GSLMSD (100%)	Deductible and Out-of-Pocket			
Long Term Disability	GSLMSD (100%)	-			
Short Term Disability	GSLMSD (TBD)	-			
Dental Insurance	GSLMSD (80%)	Employee (20%)			
Vision Insurance	GSLMSD (single rate)	Employee -Balance			
URS 401(k)	Up to 3% of Salary	Up to 3% of Salary + any additional			
Life and Accident- \$50,000	GSLMSD	-			
Life and Accident-Additional	-	Employee			
Perscription Benefits-With Health	GSLMSD (80%)	Employee (20%)+Deductible and Out-of-Pocket			
Autisim Health Coverage	GSLMSD (80%)	Employee (20%)+Deductible and Out-of-Pocket			
Tuition Reimbursement	IRS Limits	-			
Years-of Service Awards	GSLMSD (\$50/5 years)	-			
Day Care Facility access	TBD	TBD			
Fitness Center Facility Access	TBD	TBD			
UTA van pool and bus passes***Pendin	50% of the Rate	50% of the Rate			
Health Clinic	TBD	-			
Employee Assistance Program	TBD	-			
AD&D Insurance	-	Employee			
Workers Compensation	GSLMSD	-			
HSA/FSA	-	Employee 1			
Sick Time	96 Hours Annually				
Vacation Time					
Years of Service	0-2	3-5	6-10	11-15	16+
Annual Vacation Hours	96	120	144	168	192
Beginning Accrual:					
100 hours sick					
100 hours vacation					
Other Benefits:					
FLSA (Unpaid Leave up to 12 weeks)					
Bereavement Leave					
Jury Duty Pay					
Holidays-County Schedule					
Personal Preference Day					
Reimbursement for out-of-pocket health care costs-2019					

1. URS Post-rehired employees are not eligible for LTD benefits pursuant to Title 49, Chapter 21 of the Utah Code; Employees exempting from participation in Tier 1 benefits coverage LTD benefit eligibility may vary; URS retirement eligible



employees are not covered by LTD..

- 2 URS Post-rehired employees will be subject to limitations and benefit eligibility as specified by the Utah Retirement System.

D. Health Savings Account (HAS.)

The Greater Salt Lake Municipal Services District has adopted a Health Savings plan option for eligible employees. Such accounts are individual trusts or custodial accounts, each established and maintained by the employee with a qualified trustee/custodian. The Greater Salt Lake Municipal Services District will withhold contributions from the employee's paycheck and forward the contributions to the trustee/custodian on behalf of the employee. The employee is responsible for using their account in compliance with all IRS regulations. The Greater Salt Lake Municipal Services District utilizes a third-party benefits administrator to assist with administering the HSA account. In cooperation with The Greater Salt Lake Municipal Services District human resource department, the third-party administrator will make available rules, guidelines, and information pertaining to the Plan. This information can be obtained from the human resource department and may change as plan guidelines change, tax laws, and/or administration guidelines change.

E. Utah State Retirement Plan.

1. The Utah State Retirement program laws and regulations determine which retirement plan an employee is enrolled in. In summary, the plans are:

- a. Tier 1 (*For employees enrolled in the Utah State Retirement System prior to July 1, 2011*)

- 1) Public Employees' Non-Contributory Retirement Plan

- Tier 1 plans include a benefits protection contract between the Utah State Retirement Office and The Greater Salt Lake Municipal Services District that provides for continued service accrual in the event of a period of leave that is covered by Worker's Compensation insurance, The Greater Salt Lake Municipal Services District's group short-term disability insurance, or The Greater Salt Lake Municipal Services District's group long-term disability insurance, when approved for applicable benefit coverage.

- 2) Exemption from participation. Elected officials, or others allowed to exempt out of participation in the Tier 1 Utah State Retirement System may file a formal request for exemption from membership in the retirement plan. In such cases, The Greater Salt Lake Municipal Services District will contribute to the employee's 401(k) plan, an amount equivalent to the Utah Retirement System's Total Cost Rate (URS normal cost + URS amortization of UAAL) for the respective plan applicable to the employee had he or she not exempted from participation. This amount is subject to change each year and is based on the rates established by the Utah Retirement System. This contribution must be included with any other Employer's 401(k) contributions in meeting the Internal Revenue Service (IRS) contribution limitations and therefore, may be limited if IRS limitations apply.



- b. Tier 2 (*For employees first entering the Utah State Retirement System after July 1, 2011*)
- 1) Public Employees' Defined Contribution Plan Only
 - 2) Public Employees' Hybrid Retirement Plan

Tier 2 plans do not include a benefit protection contract between the Utah State Retirement Office and The Greater Salt Lake Municipal Services District that provides for continued service accrual in the event of a period of leave that is covered by long-term disability (LTD). In the event an employee in Tier 2 plans is approved for long-term disability benefits, benefit continuation/contributions will cease at the end of the pay period in which the LTD benefits were approved and became effective.

2. Due to the complexity of the plans, employees should refer to the highlights handbooks prepared by the Utah State Retirement Office regarding questions concerning the systems. Employees can also contact the Utah State Retirement Office, 540 East 200 South, Salt Lake District, Utah 84102. Their telephone number is available from Human Resources.
 3. In all circumstances, Utah State Retirement benefit programs will be in compliance with established law and regulations of the Utah State Retirement Office.
- F. *401(k) Plan.* Pursuant to Section 401(k) of the Internal Revenue Code, The Greater Salt Lake Municipal Services District offers eligible employees the opportunity to participate in the URS 401(k) plan.

The District will match up to 3% of salary, for the employee's URS 401(k) plan.

1. Enrollment Date. Employees may enroll upon eligibility. There is no waiting period for enrollment in a 401(k) Plan.
2. Employee Contributions. Eligible employees may have an additional portion of wages deducted from his/her paycheck and deposited into the 401(k) plan. These contributions are known as employee contributions or deferrals. Employee contributions are subject to each Plan's Adoption Agreement and limitations established by the IRS.
3. Plan Administration and Summary Plan Descriptions. The 401(k) Plan is administered in compliance with applicable IRS code regulations, the respective adoption agreements, and the provider's policies and procedures. Summary Plan Descriptions for each 401(k) plan are available from the human resource office or Utah State Retirement.
4. Self-Directed Plans. Neither the Greater Salt Lake Municipal Services District, nor any employee, may provide tax, legal, investment or any other advice or consultation to any employee regarding their 401(k) plan. Any communications, information, or assistance is provided for administrative and/or educational purposes only. Employees needing tax, legal, investment, or any other advice or consultation are encouraged to seek assistance from a licensed professional of their choosing.



Health Insurance

- A. Premiums. Premiums are established with the fiscal budget and may vary based on employment and schedule status.
- B. Automatic Enrollment/Default Plan. Employees eligible for medical insurance will be automatically enrolled in the least expensive plan offered to The Greater Salt Lake Municipal Services District employees at the time of eligibility unless the employee declines, waives, or makes another health insurance election within 30 days of eligibility.
- C. Greater Salt Lake Municipal District will maintain all medical records in accordance with UCA Title 63G Government Records Access and Management Act, Health insurance Portability and Accountability Act (HIPAA 45 CFR Parts 160 and 164; <https://www.hhs.gov/hipaa/for-professionals/privacy/index.html>) including the unauthorized or unlawful disclosure issuance, abuse intentional release of, or gaining unauthorized access to any private, controlled or protected information.
- D. *COBRA Continuation Coverage.*
If a qualifying event occurs that causes an insured employee, spouse, or dependent to lose coverage under The Greater Salt Lake Municipal Services District's group health or dental plan, they have a legal right under the Consolidated Omnibus Budget Reconciliation Act of 1985 (COBRA) to purchase a temporary extension of health coverage (in called continuation coverage). This notice is intended to inform employees, in a summary fashion, of their rights and obligations under COBRA. Employees are encouraged to share this notice with their spouse.
1. Health, dental, or flexible spending account benefits may be continued through COBRA.
 2. Employees and dependents can elect continuation coverage if one of the following qualifying events occurs:
 - a. Voluntary or involuntary termination of employment for reasons other than gross misconduct; or
 - b. Voluntary or involuntary reduction of work hours below the level required for participation in the group health and/or plan.
 3. The spouse of an employee or other individual covered by The Greater Salt Lake Municipal Services District's group health care plan can elect continuing coverage if one of the following qualifying events occurs:
 - a. The death of the employee or other covered individual;



- b. A termination of the employee's employment for reasons other than gross misconduct, or a reduction in the employee's hours of work below the level required for participation in the group health plan;
 - c. A divorce or legal separation from the employee; or
 - d. A retired employee's enrollment in Medicare.
4. The dependent child of an employee or other individual covered by The Greater Salt Lake Municipal Services District's group health care plan can elect continuing coverage if one of the following qualifying events occurs:
 - a. The death of the parent employee or other covered individual;
 - b. The termination of employment or reduction of work hours of the parent employee;
 - c. The divorce or legal separation of the parents, if this causes the dependent child to lose coverage under The Greater Salt Lake Municipal Services District's group health plan;
 - d. The enrollment in Medicare of the retired parent or employee; or
 - e. The child's loss of dependent status due to attainment of the maximum age for coverage under the group health plan.
5. The employee or other covered individual has the responsibility to inform The Greater Salt Lake Municipal Services District Human Resources of a divorce, legal separation, or a child's loss of dependent status within 60 days of the qualifying event or the date on which group coverage would be lost because of the event. If an employee fails to provide the proper notice within 60 days, continuation coverage might not be available.
6. Continuation coverage is available for up to 18 months if the qualifying event is the termination or reduction in work hours of the employee. If an employee or family member is disabled under the rules for Social Security Disability Benefits, the worker and family members are eligible for an additional 11 months of continuation coverage, for a total of 29 months. For other qualifying events, the spouse or dependent children are eligible for up to 36 months of continuation coverage. Furthermore, the 18-month period for termination or reduced work hours can be extended to 36 months for family members if a second qualifying event-for example, divorce, death, Medicare entitlement-occurs during the 18-month period.
 - a. Continuation coverage can be cut short of the full coverage period when:
 - 1) The Greater Salt Lake Municipal Services District no longer provides group health coverage to employees;
 - 2) The premium for continuation coverage is not paid in a timely fashion;
 - 3) The covered individual becomes covered or is eligible for coverage under another group health plan that does not penalize or subject the insured to restricted or limited coverage due to a preexisting medical condition;



- 4) The insured becomes entitled to Medicare;
 - 5) The disabled individual is no longer defined as disabled under Social Security rules during the 11 months of extended continuation coverage.
7. There is no required evidence of insurability. However, the insured is responsible for premium payment for the coverage and is allowed a 30-day grace period for timely payments. The premium will include the portion an employee now pays, plus the amount the District contributes, plus a two percent administrative fee. At the end of the 18, 29, or 36 months of continuation coverage, the insured may be allowed to enroll in an individual conversion health plan provided under The Greater Salt Lake Municipal Services District's group health plan.
8. Questions regarding rights and responsibilities under COBRA should be directed to the human resource department.

Retirement Notification

- A. Employees are asked to notify their department head and the human resource office of their intent to retire at least 90 days prior to their retirement date. This notification is requested to allow time to facilitate insurance matters and to address staffing needs.
- B. Notification to The Greater Salt Lake Municipal Services District does not constitute notification to the Utah State Retirement office or to other benefit providers. Employees must contact the Utah State Retirement office or the respective retirement plan to begin the retirement process.

Gifts, Prizes and Awards.

- A. Gifts, Prizes, and Awards Provided by The Greater Salt Lake Municipal Services District
 1. Occasional and de minimis awards or prizes valued at less than \$15 may be given to employees without incurring a taxable fringe benefit, provided that it is not cash or a cash equivalent (i.e. a generic gift card).
 2. A plaque or similar display may be given to employees as an award or recognition without incurring a taxable fringe benefit.
 3. A tangible gift such as flowers may be given for:
 - a. Expression of sympathy in the event of the death of an employee or employee's spouse or dependent child;
 - b. Congratulations for the birth or adoption of an employee's child; or
 - c. Expression of get well wishes for an employee.
 - a. Congratulatory gifts such as for birthdays, graduation, marriage, etc. or other



condolences generally should not be purchased with District funds.

4. A tangible gift such as a watch, plaque, home décor, etc. may be given to a retiring employee and is generally limited to a value of \$20.00 for every year of service to the District. In addition, the department may use department funds to make a reasonable contribution of a food item, such as meat trays, to a retirement luncheon provided on site in recognition of a retirement if the employee had at least 10 years of service to The Greater Salt Lake Municipal Services District.
5. Because there are specific tax implications relevant to gifts, prizes, and awards, supervisors are expected to consult with the payroll or Human Resources prior to approving any other gifts, prizes, or awards for employees.
6. Exceptions to this Section are approved by the General Manager.

B. Gifts, Prizes, and Awards Provided by External Sources

1. Employees shall comply with the provisions of state and federal law governing the acceptance of gifts and gratuities. In addition, employees must avoid the appearance of favoritism or conflicts of interest.
2. Allowed. The following are examples, but not an exclusive list, of items employees may accept:
 - a. De minimis items such as pens, mugs, calendars, thank you cards, and other trinkets valued at less than \$15;
 - b. Discounts provided to all District employees in conjunction with any benefit or “perks” programs;
 - c. Any tangible item or gift card, but not cash, valued at less than \$50 and given as a token of appreciation for assisting or speaking at events, conferences, civic organizations, or similar services;
 - d. Fees paid on behalf of the employee to participate in charitable events as a District representative such as a charitable golf tournament;
 - e. Incidental meals, drinks, or food items:
 - 1) Personal meals, drinks, or food items valued at less than \$15 and that generally occur two or fewer times per calendar year;
 - 2) Group meals, drinks, or food items provided with training or as an expression of thanks;
 - 3) Food items left over from events or a catering that would otherwise have been thrown away;
 - i. Complimentary trips to vendor offices, user conferences, or other travel that is conducted as part of the District’s due diligence in researching a product or service, or to receive training;
 - ii. Items distributed to all attendees or randomly at conferences and other events such as t-shirts, pens, trade show bags, food and beverages, and door prizes;
 - iii. Items provided at a sponsored event if the potential for conflict of interest perceptions do not exist. This may include a gift given while representing the District at a charitable golf tournament, a prize awarded for winning a group costume contest, or a gift in conjunction with a customer service award program, and similar situations; or,
 - iv. Reward points, sky miles, etc. earned on a personal credit card



program when use of a personal credit card was necessary to conduct business purposes.

3. Prohibited. The following are examples, but not an exclusive list, of items employees may NOT accept:
 - a. Employees serving on committees that are evaluating products or services may not accept any gifts from vendors bidding on these items;
 - b. Cash, stocks, bonds, or other negotiable instruments regardless of the dollar amount;
 - c. Any item with a value in excess of \$50 without written disclosure to and approval from the General Manager. The disclosure and approval should document the business reason for accepting this gift and a declaration that there is no potential for a conflict of interest;
 - d. Tickets to sporting events, theater, or similar entertainment passes valued over \$50, either per event or cumulatively through a 12-month period, unless approved in advance and in writing by the General Manager. The approval should document the business reason for accepting this gift and declaration that there is no potential for conflict of interest perceptions;
 - (1) Personal meals, drinks, or food items valued at over \$15 or occur more frequently than twice per calendar year; or,
 - (2) Free gift items that come with a purchase if that purchase was made on behalf of the District.
4. If an employee or department receives an unacceptable item:
 - a. The gift may be shared in a central location where all employees may enjoy their presence or it may be delivered to human resource department for distribution to other employees on a random basis such as a door prize at a District party, etc.;
 - b. In lieu of returning gifts of food, they may be shared with the entire staff even if addressed to a single employee; or,
 - c. The item may be donated to a charitable organization.

Educational Reimbursement

A. Purpose.

1. The Greater Salt Lake Municipal Services District has established a benefit program that provides regular and appointed status employees with reimbursement for advanced education. This policy defines the terms and conditions under which employees may be granted reimbursement.
2. Work-related training or required certifications are covered by department training budgets.

B. Policy.

Pending available funding, eligible employees may receive financial reimbursement for education as follows:

1. Advanced Educational Program
 - a. Employees may receive financial reimbursement to aid in obtaining an associate's or higher degree in a field that directly relates to work performed



- by The Greater Salt Lake Municipal Services District.
- b. Employees submit an application for educational assistance reimbursement benefits during the application period, include a complete official copy of the course curriculum (unless one has already been submitted), and identify the course the employee plans to be reimbursed for during the fiscal year. Changes, deletions, or additions to the approved application require submission of an amendment. Such changes are subject to approval from the Educational Reimbursement Committee. The Greater Salt Lake Municipal Services District is not responsible for reimbursement of classes that have not received prior approval.
 - c. Under this program, ALL courses, including courses which are not job-related, or District related, are eligible for reimbursement up to the allotted amount, if such courses are required as a condition of completion or graduation by the academic institution.
 - d. Reimbursement is subject to available funding approved each fiscal year but is limited to the IRS approved limits, per fiscal year. Reimbursement totals accumulate based on the date the bill is paid or reimbursed by The Greater Salt Lake Municipal Services District, not the date the class ended. To be eligible for reimbursement/payment, a grade of C- or higher is required. For courses that do not receive grades, such as PASS/FAIL courses, the employee must submit a recognized certificate or letter from the school verifying that the employee has satisfactorily completed the course. The following expenses are eligible for reimbursement:
 - 1) Or Class tuition/registration fees;
 - 2) Books and syllabi which are course required;
 - 3) Reasonably priced materials which will assist a disabled employee (Special consideration will be made in compliance with the EEO/ADA policy);
 - 4) Concurrent enrollment, home study, Internet, and other educational methods as long as such courses comply with the guidelines of the Program.
 - e. The following expenses are not eligible for reimbursement. This list is not all-inclusive. The General Manager must approve any expenses not specifically mentioned.
 - 1) Out-of-state tuition fees/non-member fees
 - 2) Late registration fees/charges or fines
 - 3) Registration fees for special unique programs
 - 4) Computers/equipment, Internet access, and/or general classroom supplies
 - 5) Calculators or other equipment
 - 6) Transportation
 - 7) Parking fees
 - 8) Meals
 - 9) Textbooks, manuals, or other materials that would aid the employee in studies, but are not required for the course
 - 10) Tutors or other study aids
 - f. If an employee is entitled to veteran's or other educational benefits (i.e. grants or scholarships), the employee must use such benefits in lieu of District reimbursement. District reimbursement will be reduced by the amount of



reimbursement for which the employee is eligible from the Veterans' Administration or any other source.

- g. Employees who participate in the Advanced Educational Program and voluntarily terminate their employment with the District must refund any monies paid by the District for the program during the preceding 14-month period.
- h. Employees are not granted a level or step advancement upon completion of the Advanced Educational Program. All promotion and advancement opportunities follow respective policies.
- i. The Greater Salt Lake Municipal Services District reserves the right to delay, deny, or discontinue Advanced Educational courses at any time and for any reason.

C. Definitions.

1. Educational Reimbursement Review – Review by designated representatives from human resources, finance, and another designated functional area who has the responsibility for reviewing, verifying, and approving requests for educational reimbursement benefits.
2. Accredited College or University - The Greater Salt Lake Municipal Services District recognizes schools as accredited institutions if they are recognized by the Higher Education Directory.
3. Advance Educational Program - Program designed to assist employees completing an approved and accredited two-year associate degree, four-year bachelor's degree, or master's degree.
4. Work-Related Training/Required Certifications – Courses or exams that assist the employee in developing knowledge and skills that directly relate to the employee's current occupation or profession. Generally, the intent of this program is to enlarge or refine the employee's scope of expertise in their present job. The supervisor approves work related training on an individual basis as each respective department pays for this type of training.
5. Training and education intended to maintain licensure or certification required for the job will be paid for by the District.

Federal Social Security

In order to extend to employees of The Greater Salt Lake Municipal Services District and to the dependents and survivors of such employees the basic protection accorded to others by the old-age and survivors insurance system embodied in the Social Security Act, The Greater Salt Lake Municipal Services District participates in such Act under a plan approved in 1951 pursuant to Utah Code Title 67, Chapter 11, and as directed by the Utah State Social Security Agency. Employees are required to contribute with respect to their wages an amount not exceeding the amount of tax which would be imposed by the Federal Insurance Contributions Act (FICA). The Greater Salt Lake Municipal Services District shall deduct such contribution from each employee's wages as and when paid. The Greater Salt Lake Municipal Services District shall contribute a matching amount into the contribution from each employee's wages as and when paid. The Greater Salt Lake Municipal Services District shall contribute a matching amount into the contribution fund and pay such contributions to the Internal Revenue Service in accordance with the



FICA provisions in the Internal Revenue Code.

Travel

A. *Policy.*

It is The Greater Salt Lake Municipal Services District's policy to pay for and/or reimburse reasonable expenditures incurred by employees on authorized travel consistent with this Section and applicable government regulations.

B. *Approval.*

1. *Same Day Travel.* Approval for daily travel expenses incurred during the course of work requirements is approved by the department head.
2. *Overnight In-state Travel.* Prior to incurring any expense, an "Overnight In-State Trip Authorization" shall be approved by the employee's supervisor and the General Manager.
3. *Out-of-State Travel.* Prior to incurring any expense, an "Advance Request for Out-of-State Travel" shall be approved by the employee's supervisor and the General Manager.

C. *Vehicles.*

1. *Personal Vehicle Use Required.* When the employee is required to use his/her personal vehicle for District business, the employee may be reimbursed for mileage at a rate established by the IRS published business-mileage rate. This rate may vary from year to year.
2. *Personal Vehicle Use by Choice.* If an employee does not want to travel with a group (i.e. their family wants to go on vacation after or they prefer not to ride with a specific co-worker), the department head may consider such request and give consideration to the totality of the circumstances including costs.
3. *Preference to Travel by Vehicle Rather Than by Public Transportation.* If an employee by his/her own choice, declines to use available and reasonable public transportation, reimbursement (including any meals and lodging that may be incurred) may not exceed the cost of the public transportation (i.e. tourist class airfare, mileage reimbursement to and from the airport, hotels, meals, plus other travel expenses that may be incurred.)

D. *Meals While Traveling/Away from the Workplace.*

1. *Day Meals / Same Day Travel.* Same day travel is defined as travel away from the District's business premises and that begins and ends at a home base/work and occurs in one calendar day (i.e. begins on Monday and ends on Monday). The IRS has specific rules regarding meals provided to employees who do not incur an overnight stay. District policy is as follows:
 - a. Meals incurred when employees are *required to work during their normal meal period to attend conventions or training* are allowed tax free and are generally included with the training registration fee or billed to The Greater Salt Lake Municipal Services District. An example would be a keynote speaker gives a presentation during the lunch hour of the conference.
 - b. Meals incurred when employees are required to work during their normal



meal period to conduct official District business may be reimbursed tax free. These business meals are infrequent and occur when it is more prudent to conduct business matters in this manner, than not. The amount should follow the per diem listed below for the respective meal. Example, meeting with a consultant in Salt Lake District vs. meeting with a supervisor to discuss a work matter.

- c. Incidental meals provided due to safety reasons such as requiring snowplow drivers to take a paid rest break, when a meal is provided as part of a public recognition or commendation, or for incidental expression of appreciation are allowed tax free. The amount should follow the per diem listed below for the respective meal.
 - d. In rare circumstances, other meals for same day travel may be reimbursed to the employee but must be done so through payroll as a taxable fringe benefit. The reimbursement request is to be forwarded to payroll with receipts.
2. *Per Diem for Overnight Travel.* Employees are provided with a tax-free meal per diem while on approved overnight travel. The meal per diem covers meals, tips, and drinks and is reduced appropriately when meals are included with the training/seminar or as part of the hotel package (i.e. reduce allowance when a hot breakfast is provided at the hotel but exclude continental breakfasts).

The Greater Salt Lake Municipal Services District recognizes that some out-of-state training locations are more costly and meal expenses may exceed the cumulative total of the allotted meal per diem. In such cases, the employee may submit receipts to be considered for reimbursement, but tax-free reimbursement may not exceed the IRS established per diem for the respective geographic location.

E. *Other Reimbursable Expenses.*

The following expenses are eligible for reimbursement by submitting a The Greater Salt Lake Municipal Services District Expense Report with any required receipts or supporting documentation.

1. Conference registration fees; non-taxable to the employee; receipt required.
2. Commercial airline fare limited to tourist or economy fare. First class fare is reimbursable when tourist or economy fare is not available between specified points; non-taxable to the employee; receipt required.
3. Railway, bus, or boat fare limited to coach fare plus necessary lower berth or roomette. First class fare is reimbursable when coach is not available non-taxable to the employee; receipt required.
4. Mileage reimbursement for use of personal vehicle not to exceed the mileage allowance established by the IRS; non-taxable to the employee; receipt required.
5. Reimbursement for reasonable gas expenses for personal cars in lieu of a mileage reimbursement; non-taxable to the employee; receipt required.
6. Lodging, limited to actual costs reimbursement; non-taxable to the employee, so long as it does not exceed IRS allowable amounts; receipt required.
7. Road charges, parking fees, storage charges, emergency repairs, and similar items



- for District-owned vehicles reimbursement; non-taxable to the employee; receipt required.
8. Charges for car rental or similar services but only; non-taxable to the employee; receipt required.
 9. Reasonable taxi, shuttle, and similar transportation reimbursement; non-taxable to the employee; receipt required.
- F. *Non-Specified Expenses.* Reimbursement for expenses not specified in this Section require the General Manager's approval and receipts.
- G. *Special Rules for Room Sharing.* For risk management purposes, The Greater Salt Lake Municipal Services District prefers that employees not share rooms. However, there may be circumstances when housing accommodations are paid by grants or other agencies and room sharing may be a condition of such funding. A supervisor may not share a hotel room with an employee nor may male/female employees share a room unless both are married or cohabitate with one another. Suite arrangements, when more cost effective, are considered on a case-by-case basis with risk management and privacy concerns being a priority.
- H. *Travel Advance.* Employees may receive a travel advance up to the anticipated travel expenses. Unused funds, an itemized account of all expenses, and any required receipts must be returned to the District within one week of travel completion.
- I. *Travel Time.* For purposes of this Section, employees are paid for all travel time unless it is overnight in which case employees are paid for all hours while engaged in actual travel and actual District business. Once the employee has arrived at the destination, hours worked include those while the employee is performing District business and does not include personal time (i.e. evenings, meal periods, or optional conference activities not directly related to the conference subject matter.) Time zone changes must be taken into consideration when determining actual hours worked.
- J. *Alternate Travel Arrangements Yielding Cost Savings.* The District recognizes that circumstances may arise where management may approve alternative travel arrangements or reimbursements provided that doing so results in an overall cost savings and does not exceed IRS allowed non-taxable travel limits. For example:
1. An employee agrees to take a personal RV trailer to stay in while at training as it will cost less than staying in a hotel. The manager agrees to reimburse the employee for actual gas expenses incurred in lieu of mileage because pulling the RV costs more than the standard mileage rate.
 2. An employee stays with a friend or relative while at the training in lieu of a hotel.
 3. An employee who has a fear of flying asks to be allowed to drive. The manager agrees, provided that all expenses do not exceed what would have been incurred if the employee flew.



Loss of Property or Funds

- A. *Notification of Loss.* Any employee who is responsible for, has access to, or has been given possession of District property or funds shall immediately notify the department head of the loss of, or inability to account for such property or funds. Also, any other employee who is aware of such a loss, irrespective of who may be the responsible party, shall also notify their department head of the loss.
- B. *Coverage by Bond.* Upon discovering a loss of property or funds or upon receiving such notice from another person, the department head shall immediately notify the police department and the insurance company notice of the loss, or facts indicating that a loss has occurred, be immediately given to the District's insurance carrier by certified mail.
- C. *Investigation.* Investigation shall be conducted, of the facts surrounding any loss. The results of the investigation shall be forwarded to the General Manager.

Personal Use of District Resources

(Funds, Property, Labor Services and Equipment)

- A. *No Personal Use of District Resources Unless Specifically Allowed.*

Employees may not use District resources, such as funds, credit cards, property, labor, services, tools, and equipment, for their own personal use or for the private advantage of any other person, unless:

 - 1. the use of resources is available to the public on the same terms;
 - 2. the use is acceptable de minimis or incidental use as outlined below; or,
 - 3. the use is specifically allowed for under specific sections of this manual such as: employee wellness benefit, incidental use of computer and electronic systems.
- B. *Acceptable De Minimis or Incidental Use.*

There are limited circumstances where de minimis and incidental use of some District property, tools, or equipment during the course of a workday may occur and may be reasonable. "Incidental use" is intended to mean that the use is so infrequent and incurs so little cost that tracking it would be unreasonable. For example, an employee may use a District telephone to make a local phone call, an employee may make a personal note on a piece of paper or use tape to hang up a family photo, or the employee may stop at a store to purchase a drink or deposit a check in a District vehicle while on break. Such de minimis or incidental use is generally acceptable provided that the use:

 - 1. complies with other Sections of this manual and other policies and procedures;
 - 2. does not disrupt, distract, or interfere with District business activities;
 - 3. does not involve solicitation;
 - 4. does not support, operate, manage, or promote a for-profit business endeavor.



5. Any District employee with a second job or private business must conduct it on their own time, using their own equipment and supplies, and away from the workplace;
6. does not involve illegal activity; and,
7. does not have the potential to harm, bring discredit to, or be adversarial to the District or public confidence in our responsible use of District resources.

Purchases and Reimbursements

- A. *Purchases by Deception.* No employee may purchase any item for private use or consumption in the name of The Greater Salt Lake Municipal Services District, by giving the impression that the item is purchased for the use or benefit of The Greater Salt Lake Municipal Services District, or at a discount because of the employee's connection to and employment by The Greater Salt Lake Municipal Services District. Any person violating this Section may be subject to disciplinary action up to and including dismissal.
- B. *Reimbursements.* Requests for reimbursement must be accompanied by an original receipt and written explanation stating the District-related business purpose for the expenditure. If original receipts are unavailable, the employee may submit a signed statement, approved by the department head, indicating all information normally contained on a receipt.
- C. *Sales Tax Exempt.* The District's Sales Tax-Exempt number is only to be used on bonafide The Greater Salt Lake Municipal Services District purchases.

Use of Vehicles

The purpose of Section is to:

- Set Authorized Driver standards;
 - To identify some rules relevant to use of vehicles; and,
 - To comply with IRS laws regarding taxation of commuter use of District vehicles.
- A. *Authorized Drivers and Standards.*
 1. The Greater Salt Lake Municipal Services District's human resource office maintains the District's roster of authorized drivers. In general, only authorized drivers may drive a District vehicle or their personal vehicle for District business. District business means driving at the direction of, or for the benefit of, the District. It does not include normal commuting in a personal vehicle to and from work. Limited circumstances may be approved on a case-by-case basis where someone not on the authorized driver roster may drive for District business such as a member of the community agreeing to drive an elected official in a parade.
 2. The authorization process requires an analysis of the employee's driving record to ensure compliance with the qualification standard as identified in this policy.
 - a. As part of the driver qualification process, all drivers or potential drivers' Motor Vehicle Record (MCR) will be screened and monitored on an ongoing



basis to ensure the standard is met and maintained. Drivers will be qualified as “Acceptable,” “Unacceptable” or “Borderline.” Drivers qualified as “Borderline” may be authorized to drive on a probationary basis as determined by the General Manager. Drivers whose records do not meet the driver qualification standard will not be authorized to operate any vehicle on behalf of The Greater Salt Lake Municipal Services District.

- b. All drivers must possess a valid Driver’s License. Required endorsements must also be maintained. The driver qualification evaluation will be based on the driver’s MVR and will also take into account the results of skills assessments and work-related motor vehicle incidents, whether or not the incident has been recorded on the driver’s MVR. All violations recorded on the MVR, whether they occurred on the job or not, are included in the driver qualification evaluation.
- c. “Acceptable” or “Borderline” qualification will be determined using the following criteria. Any number of violations or accident in excess of the “Borderline” criteria constitutes a failure to meet the driver qualification standard resulting in revocation of driver authorization. (Note - DUI and DWI are not evaluated as a standard violation.)
 - 1) Acceptable
 - i. Up to 2 violations recorded on the MVR, or;
 - ii. Up to 1 at fault work related accident in the prior three years, or;
 - iii. A combination of 1 violation on the MVR and 1 at fault work related accident in the last three years.
 - 2) Borderline
 - i. 3 violations recorded on the MVR or;
 - ii. 2 at fault work related accidents in the last three years, or
 - iii. DUI or DWI with in the last 5 years, or;
 - iv. Any violation for Careless, Reckless or Distracted driving.
 - 3) Unacceptable
 - i. No valid driver license;
 - ii. Recent DUI conviction;
 - iii. 4 or more violations recorded on the MVR.
 - 4) A single major violation recorded on the MVR, or resulting from a work-related incident, may result in revocation of the drivers’ qualification and driver authorization. Major violations include, but are not limited to:
 - i. DUI or DWI in the previous 24 months
 - ii. Failure to stop/report an accident
 - iii. Making a false accident report
 - iv. Attempting to elude a law enforcement
 - v. Others as determined by the General Manager.
3. In addition to this to be an authorized driver, the employee must:
4. Be at least 17 years old and had a driver’s license (not learner’s permit) for at least 12 months;
5. Possess and maintain a valid Utah Driver’s License with any job required endorsement, or for individuals who possess a valid out of State license, obtain a valid Utah Driver’s License with any job required endorsements within 6 months;
6. Possess and maintain a driving record that is acceptable to The Greater Salt



Lake Municipal Services District's risk management and insurability expectations and report violations or problems relevant to their driving record or license.

- a. The Greater Salt Lake Municipal Services District works cooperatively with our insurance provider to determine driver risk factors. Driver's license records, criminal history records relating to driving and vehicle operations, and District's records relating to driving are an essential component in the evaluation.
- b. The Greater Salt Lake Municipal Services District and/or The Greater Salt Lake Municipal Services District's general liability insurance provider or agents reserve the right to request and review at any time, the driving records of any prospective or current driver and to revoke driving privileges for The Greater Salt Lake Municipal Services District at any time.
- c. Drivers may be asked to complete an annual License Certification and Self-disclosure Report of any accidents, violations, driving records, traffic convictions and forfeitures; or pleas in abeyance. Failure to do so may result in revoking of driving privileges.
- d. Authorized drivers who incur an at-fault accident or violation, on- or off-duty, must notify his/her supervisor by the beginning of the next shift. For serious violations such as alcohol related violations, driving while impaired, refusal to test, or evading an officer, the driver must also immediately discontinue operation of the District vehicle or personal vehicle for business purposes, and not drive until being notified of the status of his/her continued driving privileges. Failure to do so may result in disciplinary action, up to and including dismissal.
- e. Authorized drivers whose driver's license is revoked or suspended must notify his/her supervisor by the beginning of the shift immediately following the revocation and must immediately discontinue operation of the District vehicle or personal vehicle for business purposes. Failure to do so may result in disciplinary action, up to and including dismissal. Employees are responsible for knowing if their license is valid and for keeping their address and other records current with the Utah Driver's License Division.

B. Vehicle Accidents.

1. Accidents occurring in a District vehicle must be immediately reported to law enforcement if it involves personal injury or damage to the property of another vehicle. The employee shall remain at the scene of the accident until law enforcement has responded or given instruction. The accident must be reported promptly to the driver's supervisor or department head. Accidents involving no personal injury or involving damage only to a District vehicle need not be reported to law enforcement but must be reported promptly to the driver's supervisor or department head.
2. Accidents occurring in personal vehicles while on District business must follow the law for reporting accidents and must be reported to the supervisor or department head by the beginning of the next work shift. Because insurance



follows the vehicle, accidents in personal vehicles, even on District business, fall on the employee's personal insurance.

3. Failing to stop after an accident and/or failure to report an accident may result in revocation of driving privileges as well as disciplinary action, up to and including dismissal from employment.
4. District employees involved in accidents while not acting in the "course and scope of employment" are responsible for all liabilities arising from the accident.
5. The Greater Salt Lake Municipal Services District's Drug-Free Workplace Policy identifies when post-accident drug/alcohol testing is required.

C. Tickets and Fines Received While Working.

Tickets and fines incurred by a District driver due to incidences that were within the employee's control are paid by the employee *not* The Greater Salt Lake Municipal Services District.

D. Driver Safety Rules.

The following is not an exclusive list of rules relating to driver safety but represents some of the more common requirements applicable to our workforce.

1. *Safe and Courteous.* Drivers are expected to operate the vehicle in a safe manner and drive defensively to prevent injuries and property damage. Drivers are expected to drive in a courteous manner.
2. *Laws.* Drivers are expected to obey all state and local laws. This includes overnight street parking during winter months.
3. *Impaired Driving.* Drivers are not to operate a District vehicle when illness, fatigue, injury, prescription medication, over-the-counter medication, intoxicants, alcohol, drugs, or other conditions that have impaired his/her ability to do so safely.
4. *Seat Belts.* Drivers and all passengers must wear properly adjusted and fastened safety belt systems while driving or riding in District vehicles or the employee's personal vehicle when driving for business purposes, even if air bags are available. Drivers are responsible for ensuring that passengers wear properly adjusted and fastened safety belts.
5. *Smoking.* Drivers and passengers may not smoke in District vehicles nor may they hold their lit cigarette/e-cigarette outside of the vehicle window, door, or other opening.
6. *Distracted Driving.* Drivers may not engage in distractions while driving such as texting, operating electronic devices, eating, applying makeup, etc.
7. *Securing Vehicle/Unattended Vehicles.* Drivers are responsible for the security of assigned vehicles. No vehicle may be left unattended with keys in the ignition unless required for their job and only if the door is locked and a second set of keys is used. When a vehicle is otherwise left unattended, the vehicle engine should be shut off, ignition keys removed, and vehicle doors locked.
8. *Securing Loads.* Drivers are responsible for securing any load or materials



transported in or by a District vehicle.

E. Expectation of Privacy.

Employees have no expectation of privacy in District vehicles because they are District property. The District reserves the right to search District vehicles at any time, for any purpose, at any location, with or without notice.

F. Authorized Passengers.

Passengers are limited to individuals who need to ride in the District vehicle to conduct District business. Children, family members, friends, etc. are not permitted to ride in District vehicles unless there is a business-related necessity.

1. Exceptions.

- a. Limited circumstances may be approved on a case-by-case basis where someone not on the authorized driver roster may drive for District business such as a member of the community agreeing to drive an elected official in a parade.
- b. In emergencies where the employee has a reasonable belief, based on totality of circumstances, that the life, safety, health, or physical welfare of an individual would be threatened without the security and/or transportation the vehicle could provide. Examples of such emergencies include, but are not limited to accidents involving personal injury, acute illness, and actual and potential victims of crime and violence.
- c. In motorist passenger assistance where there is no immediate emergency, but under the circumstances, the employee has a reasonable belief that the failure to transport the motorist and/or passengers result in such person being left in real or potentially real danger, or would result in extreme inconvenience to them. The use of a District owned vehicle in such case is limited to transporting motorists and their passengers only to those places where they are reasonably safe and have a reasonable opportunity to obtain continued help without further conveyance in a District owned vehicle.

G. Personal and Commuter Use of District Vehicle.

1. Personal Use of a District Vehicle

- a. Incidental use in the course of the employee's daily assignments is generally allowed. Examples of incidental use include an employee stopping for a snack while in route from one job site to another or depositing a paycheck while on break and in route from one job site to another. The District vehicle may not be used for any personal use outside the employee's work hours except for incidental use to or from the employee's daily assignments such as stopping at the store while in route to/from work/home.

2. Commuter Use of a District Vehicle

- a. Commuter use of a District Vehicle is travel, not on work time, from the first trip outbound at the beginning of the work period and the last trip back home at the end of the work period and vice versa.



- b. The IRS considers commuter use of a District vehicle to be a taxable fringe benefit to the employee commuting in the District vehicle, whether as a driver or passenger, unless the vehicle is specifically excluded under the IRS law. Examples of vehicles excluded under the IRS law include, fire trucks, snowplows, and a department's designated on-call vehicle when the employee is serving in the official on-call capacity.
- c. To calculate the value of the fringe benefit, The Greater Salt Lake Municipal Services District has adopted the Commuting Valuation Rule, a flat \$1.50 each way (\$3 round trip) for employees who are required to commute in the District vehicle for the benefit of the District.

Right to Add or Change

The Greater Salt Lake Municipal Services District reserves the right to add or change any or all policies contained in this manual pursuant to this Section. Although the Greater Salt Lake Municipal Services District desires to openly communicate with employees and provide advanced notice of proposed changes, such changes may be done without prior notice to the affected employee(s) when deemed necessary or otherwise appropriate for the efficient operation of the District.

Limitations

Any and all provisions contained in are subject to the District's budget limitations and restrictions and shall not overspend the District budget.

Separability Clause

If any Section of these policies and procedures is found to be invalid, that finding will not invalidate the other sections of the policies and procedures.