SYRACUSE CITY

Syracuse City Council Work Session Agenda
September 24, 2019 – 6:00 p.m.
City Council Conference Room
Municipal Building, 1979 W. 1900 S.

a. Meeting called to order. Pledge of Allegiance and Prayer.

b. Public comments.

c. Request to be on the agenda: Utah Transit Authority (UTA) re: services provided within Syracuse City. (15 min.) *Council discussion, if necessary, will commence with **Councilmember Bolduc.***

d. Discuss landscaping regulations and request to reduce water rates for xeriscaping of private property. (15 min.) *Council discussion, if necessary, will commence with **Councilmember Maughan.***

e. Continued discussion regarding accepting District Three water shares for development within Syracuse City. (15 min.) *Council discussion, if necessary, will commence with **Councilmember Peterson.***

f. Request from Still Water Lake Estates Homeowners Association (HOA) re: surplus of Still Water Drive and Lakeview Way and transfer to HOA. (10 min.) *Council discussion, if necessary, will commence with **Councilmember Savage.***

g. Discussion regarding Police Department staffing proposal. (10 min.) *Council discussion, if necessary, will commence with **Councilmember Bingham.***

h. Planning items:
   1. Proposed creation of Mixed-Use zone. (30 min.) *Council discussion, if necessary, will commence with **Councilmember Bolduc.***
   2. Edgewater Park Subdivision Preliminary Plat, located at approximately 2950 S. Bluff Road. (15 min.) *Council discussion, if necessary, will commence with **Councilmember Maughan.***
   3. Petition to amend Section 5.20.200 of the Syracuse City Code pertaining to beer licensing regulations. (10 min.) *Council discussion, if necessary, will commence with **Councilmember Peterson.***

i. Continued discussion of potential modifications to City Public Works Facility access points. (10 min.) *Council discussion, if necessary, will commence with **Councilmember Savage.***

j. Discussion regarding various Personnel Policy Manual amendments. (30 min.) *Council discussion, if necessary, will commence with **Councilmember Bingham.***

k. Discuss voter participation areas. (10 min.) *Council discussion, if necessary, will commence with **Councilmember Bolduc.***

l. Discuss Justice Court Recertification. (5 min.) *Council discussion, if necessary, will commence with **Councilmember Maughan.***

m. Fire Department Biennial Review. (45 min.) *Council discussion, if necessary, will commence with **Councilmember Peterson.***

n. Public comments.

o. Discussion of future agenda items/Council announcements.

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In compliance with the Americans Disabilities Act, persons needing auxiliary communicative aids and services for this meeting should contact the City Offices at 801-825-1477 at least 48 hours in advance of the meeting.

CERTIFICATE OF POSTING

The undersigned, duly appointed City Recorder, does hereby certify that the above notice and agenda was posted within the Syracuse City limits on this 19th day of September, 2019 at Syracuse City Hall on the City Hall Notice Board and at http://www.syracuseut.com/. A copy was also provided to the Standard-Examiner on September 19, 2019.

CASSIE Z. BROWN, MMC
SYRACUSE CITY RECORDER

Meetings of the Syracuse City Council may be conducted via electronic means pursuant to Utah Code Ann. § 52-4-207. In such circumstances, contact will be established and maintained via electronic means and the meeting will be conducted pursuant to the Rules, Policies and Procedures established by the Governing Body for electronic meetings. Councilmembers Bingham and Maughan will participate in the meeting via electronic means.
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COUNCIL AGENDA
September 24, 2019

Agenda Item **"c"** **Request to be on the agenda: Utah Transit Authority (UTA) regarding services provided in Syracuse City.**

Factual Summation

- Any question regarding this agenda item may be directed at City Recorder Brown.

- Utah Transit Authority (UTA) Board Trustee Holbrook has requested time on the meeting agenda to provide the Council with a presentation regaring UTA service provided in Syracuse City and to discuss the partnership between the City and UTA in general. The service summary and map have been included in the meeting packet and Trustee Holbrook will use a PowerPoint presentation to facilitate her report during the meeting.

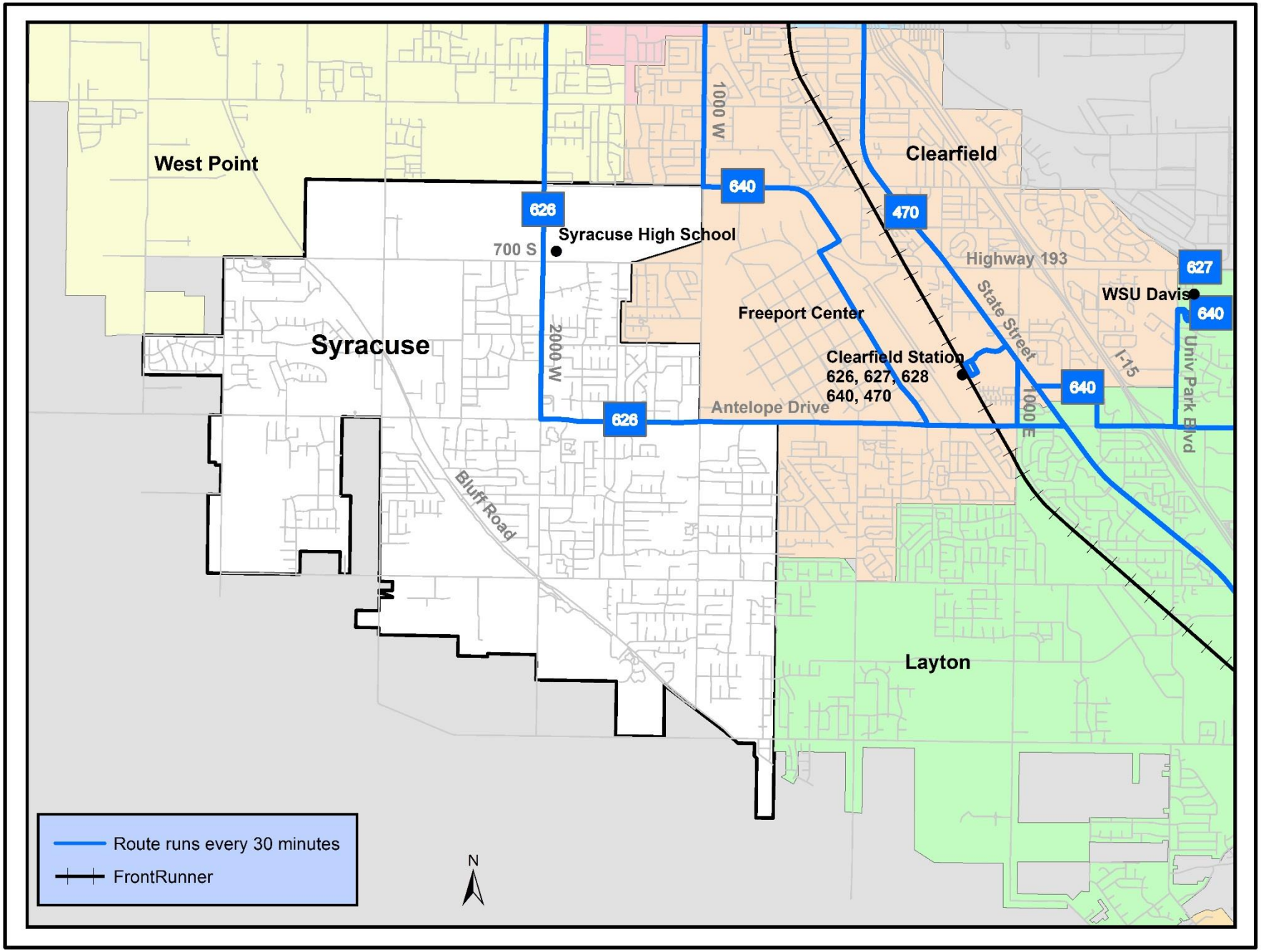
Service in Syracuse

ROUTE	RIDERSHIP AVERAGE WEEKDAY	FREQUENCY IN MINUTES			HOURS OF SERVICE		
		WEEKDAY	SATURDAY	SUNDAY	WEEKDAY	SATURDAY	SUNDAY
626	243	30 RUSH HOURS 60 OFF PEAK	60	—	6:00 AM – 9:30 PM	7:45 AM – 7:45 PM	—

Bus Stop and Prop 1 Information

626 at Clearfield FrontRunner Station: 89 average daily boardings; 73 average daily alightings

13 bus stops improved since 2016 with Prop 1 funds


West Point
Syracuse
Clearfield
Layton
1000 W
2000 W
1000 E
State Street
Highway 193
I-15
Univ Park Blvd
Bluff Road
Antelope Drive
700 S
Syracuse High School
Freeport Center
Clearfield Station
626, 627, 628
640, 470
WSU Davis
626
627
628
640
470
Route runs every 30 minutes
FrontRunner
N

COUNCIL AGENDA

September 24, 2019

LEGESLATIVE ITEM

Agenda Item **"d"** Xeriscaping Discussion

Factual Summation
Please review the following information. Any questions regarding this agenda item may be directed to Noah Steele, CED Director.

Summary
-8.10.090 Irrigation water.(A) Residential Subdivisions. A developer shall convey to the City water rights that have been customarily used on the property to be developed that are usable by and acceptable to the City to provide three a.f. for each acre or part thereof within a residential subdivision.

-8.10.120 Mandatory use of City water, secondary water and sewer systems.
All subdivisions located within the corporate boundaries of the City of Syracuse shall be required to connect to the water and sewer systems of the City

-10.30.050 Lot and yard regulations. (G) Installation of Landscaping. Within 18 months of final inspection and/or the issuance of a certificate of occupancy, front and side yard landscaping shall be substantially complete upon all residential lots.

-10.10.040 Definitions.“Landscaping” means the design and placement of ornamental fixtures such as fountains, ornamental walls, fences, or benches along with the planting of vegetative materials, trees, shrubs, grass, flowers, etc.

-10.40.060 Access to off-street parking and loading spaces (A)(1) Residential driveway approaches shall have a maximum width of 50 percent of the lot width.

-10.40.030 Prohibited Locations (C)(4) No one shall pave or improve any portion of a required front yard, other than approved parking and driveways leading directly to or adjacent to a garage, so as to encourage or make possible the parking of vehicles therein.

-6.10.030 (C) Weed Control Specifications.(1) Except as otherwise provided in subsection (C)(2) of this section, weeds and grasses shall be maintained at a height of not more than six inches at all times, and the cuttings shall be promptly cleared and removed from the premises; provided, however, that this subsection shall not be applicable to any ornamental grass so long as it is used and maintained solely, or in combination with any other ornamental grass or grasses, as a supplement to an overall landscaping plan.

- Residents have requested a waiver in thier secondary water bill if they intall a landscape that does not use water.
-Webster defines xeric as : characterized by, relating to, or requiring only a small amount of moisture
-Most xeriscaping landscapes still require suplementary secondary water to survive
-Zero-scaping is a landscape that does not have plants and would be a voilation of ordinance 10.30.050.
-Most homes have a 3/4 " secondary line which costs $16.61 per month

Objectives of Discussion

1. Decide if the city should amend the fee schedule to allow for a fee waiver if a yard is landscaped a certain way
    A. If yes, send back to next work session with draft amendment language
    B. If no, current fees will continue for residents that have xeriscaped thier yards
2. Decide if additional exploration into if the city should invest in ways to encourage residents to conserve water or reward residents already conserving water.

COUNCIL AGENDA
September 24, 2019
Work Session

Agenda Item **"e"** Accepting District 3 Water for Development

Factual Summation

- Any question regarding this agenda item may be directed at Brody Bovero, Robert Whiteley, or Paul Roberts
- City code currently requires a developer to provide water shares to the City for its use in the secondary water system (SMC § 8.10.090(A)).
- Acquiring water shares or rights from water companies is increasingly difficult.
- However, there is ample secondary water available from Weber Basin Water Conservancy District. As such, the City is required to entertain other options for development – it cannot simply impose an impossible regulation. Such a requirement could be found to be an unconstitutional regulatory taking of those properties.
- Weber Basin water is used on a contract basis, and users are charged an annual assessment that is based upon the District project from which the secondary water is derived. They are required to assess fees to repay certain costs of construction related to each project and to maintain the system. These fees are due annually and will be paid perpetually by the water users.
- Nearly all of the water shares that have been dedicated to the City entitle the holder to District 1 water, which is assessed at a lower rate than subsequent Districts. Currently, Weber Basin is offering District 3 water, which is about seven times as expensive each year than District 1 water. Once District 3 water is gone, they will begin selling District 4 water, which will be even more expensive than District 3.

- One major concern deals with existing users of our secondary system. Our current citizens have developed largely using less expensive water, and raises a question of equity – should existing residents be required to bear costs associated with more expensive water needed for new residential development?

- The attached ordinance attempts to address all of these concerns. It permits new development to provide a fee in lieu of water shares/rights, which will be used by the City to acquire secondary water for that development – with an understanding that it will have to pay higher annual assessments overall. The fee would include any lump sums owed to the District up front under the contract, as well as the difference between assessments paid by the rest of the city and the increased

assessments. The fee would cover those increased assessments for a period of 10 years.

- At the conclusion of the 10 years, those whose properties came in under more expensive water will be assessed a higher secondary water bill than those who came in under less expensive water. This will be implemented by assessing a higher monthly fee for new users than old users.

- The City has consulted outside counsel with water expertise on this issue. He has reviewed and edited the attached ordinance, and also provided guidance generally. We are confident that the in-lieu-fee is an appropriate way to provide water for future development and may be appropriately assessed, that the increased fees for District 3 or 4 water users is lawful, and that attempting to limit development by requiring compliance with an impossible regulation is a legally precarious position in which to place the city.

- Before enactment of this ordinance, staff will be required to coordinate with Weber Basin and ensure that the mechanism to acquire wholesale secondary water is adequate for these purposes. If it is not, then we would need to create a new agreement, which could take some time.

Discussion Goals

The following items outline the goals of this discussion:

1. Consider ordinance and overarching policy considerations

2. Give direction to staff on whether to move forward with discussions with Weber Basin and whether to bring back the proposed ordinance amendment after doing so.

4.25.030 Due date of service charges.

Payment of all rates and charges accruing shall be made to the City at the same time as payments are due and payable for culinary water service furnished by the City, and shall accrue for all pressure irrigation water services available after September 30, 1984, regardless of whether irrigation water or irrigation water distribution lines are then available to the properties so charged. Users whose property was platted or approved after payment of a fee-in-lieu of dedication of water rights or water shares, pursuant to Section 8.10.090(H) of this Code, shall, at the conclusion of ten years after payment of the fee-in-lieu of dedication, be subject to a separate rate, which shall be proportionate to the higher annual cost for water purchased by the City on an ongoing basis. Water rates for all users shall be established in the Consolidated Fee Schedule and adopted by resolution of the City Council.

8.10.090 Irrigation water.

In the City, each acre of irrigable property requires roughly four acre feet (four a.f.) of water annually during normal water years.

(A) Residential Subdivisions. A developer shall convey to the City water rights that have been customarily used on the property to be developed that are usable by and acceptable to the City to provide three a.f. for each acre or part thereof within a residential subdivision. In the event there are no owner water rights on property to be developed, the developer shall obtain, dedicate and convey water shares or water rights acceptable to and useable by the City, or pay a fee-in-lieu of dedication of water rights or water shares, as ~~rights acceptable and usable by the City~~ provided in Subsection (F), (G) and (H) of this section. Such conveyance or payment is required prior to recordation of the final plat with the county, as provided in Section 8.30.030.

(B) Nonresidential Subdivisions. A developer shall dedicate and convey to the City water rights that have been customarily used on the property to be developed that are usable by and acceptable to the City to provide four a.f. for each irrigable acre or part thereof within a nonresidential subdivision. In the event there are no owner water rights on property to be developed, the developer shall pay a fee-in-lieu of dedication or obtain, dedicate and convey water shares, or water rights acceptable to and usable by the ~~Syracuse~~ City, as provided in Subsections (F), (G) and (H) of this Section. Such dedication, conveyance or payment is required prior to recordation of the final plat with the county, as provided in Section 8.30.030. The developer is not required to convey water rights for acreage of asphalt or other nonpermeable surfaces.

(C) Exceptions for Redevelopment of Property. Notwithstanding subsections (A) and (B) of this section, if the proposed subdivision is on one or more currently landscaped lots, the City Council will waive conveyance of water rights if the developer establishes by clear and convincing evidence that:

(1) Water rights acceptable and usable by the City were previously conveyed as a condition of a prior subdivision approval which included that property; or

(2) The City's secondary water system is already serving the currently landscaped lot(s), and the proposed subdivision will decrease the current burden on the City's secondary water system.

(D) Exceptions for Residential Subdivisions. The City Engineer may accept reduced water rights, water shares, or payment of a fee-in-lieu of dedication for residential subdivisions in the following circumstances:

(1) ~~consideration of m~~Manmade lakes and ponds to be constructed as part of the subdivision under the following conditions:

(a~~1~~) Lake(s) or pond(s) must be one acre in size or greater measured at the design water surface elevation;

(~~2~~b) Lake(s) or pond(s) shall be designated as open space and shall be preserved and maintained by a homeowners' association in compliance with City code;

(~~3~~c) City culinary and secondary ~~irrigation~~ water systems shall not be used to fill or maintain water level of lake(s) or pond(s);

(4d) Developer shall provide proof of construction approval from applicable agencies and water rights sufficient to maintain designed mean water elevation; and

(~~5~~e) In the event that the homeowners' association seeks to convert the lake(s) or pond(s) to an alternate use, sufficient water shares shall be submitted to the City prior to any approval of conversion.

(2) Preserved wetlands, under the following conditions:

a. Wetlands must occur naturally, or have been in existence for at least ten years;

b. Wetland area calculation shall be rounded down to the nearest .5 acre; and

~~a.~~c. Wetlands that are mitigated or filled in are not eligible for exemption under this sub-section.

(E) Dedication and Conveyances of Water Rights and Water Shares to Cease Upon Determination of Excess Water Supply. At least ~~E~~every five years the Public Works Director shall determine whether the City's existing available water ~~interests~~ holdings exceed the water ~~interests~~ holdings needed to meet the reasonable future water requirement of the city~~amount of water needed~~ in the next 40 years by the public ~~persons~~ within the City's projected service area based on projected population growth and other water use demand ("reasonable future water requirements"). Should the Public Works Director conclude that available water holdings ~~interests~~ exceed the reasonable future water requirements of the public, the Public Works Director shall notify the City Council and the City Council shall act to cease dedication and conveyance of water shares and water rights according to this section until existing available water ~~interests~~ holdings no longer exceed the reasonable future water requirements.

(F) Ineligible shares. Shares in water companies are not acceptable to the City for purposes of Subsections (A) and (B) of this section if they:

(1) Are shares in a water company that does not physically deliver water within Syracuse City, as determined by the City Engineer;

(2) Do not entitle the shareholder to receive a certain amount of water, or only provide for transportation or carriage of water; or

(3) The water company does not transfer the shares to the City on the books and records of the water company to show the City as the shareholder or the water company does not issue a new share certificate showing the City as the owner of the shares transferred.

(G) Ineligible water rights. Water rights are not acceptable to the City for the purposes of Subsections (A) and (B) if:

(1) The City does not receive good and insurable title to the water rights as determined in the sole discretion of the City and a policy of water title insurance insuring the City's title to the water rights; or

(2) Any final and non-appealable administrative approval necessary for the City to utilize and beneficially use the water under the water right, in the City's secondary water system, has not been issued by the State Engineer of Utah.

(H) Option for fee-in-lieu of dedication. At the developer's option, the developer may provide a payment of a fee-in-lieu of dedicating and conveying water rights or water shares as a project improvement, in satisfaction of Subsection (A) or (B) of this section, as applicable, if the following circumstances are applicable:

(1) The City has a contract in place with a water supplier for delivery of irrigation water on an ongoing basis that allows the City to upon request increase the water purchased from that supplier in an amount equal or greater than the water dedication and conveyance being replaced by the payment of the fee-in-lieu, subject to the payment of annual assessments to the water supplier;

(2) The fee-in-lieu paid by the Developer is equal to ten years of assessments for the water acquired by the City from the water supplier to replace dedication of water rights or water shares. The amount of the fee-in-lieu shall be calculated by determining the volume of water required to be dedicated and conveyed under this Section. The amount of the fee-in-lieu shall be calculated by the City on the volume of water replaced by the fee-in-lieu contractual obligations, historical assessments for purchase of water from the water supplier, and projections for assessment increases; and

(3) The Developer files a notice on the title of each parcel pursuant to the payment of the fee-in-lieu of dedication, which notice includes the following language: "This property utilizes secondary water that requires the City to pay a higher annual cost than other secondary water provided in Syracuse City, and has had a water meter installed. The City has previously been provided with payment of the additional annual cost for the higher annual cost until [Date of Payment of fee-in-lieu]. After [Date of Payment of fee-in-lieu, plus ten years], the City will impose a higher rate on the secondary water delivered to this property in order to cover the ongoing higher cost for secondary water to serve this property based on the volume of secondary water used as determined by the meter."

8.30.030 Final approval.

(A) Submittal. Submit four standard 22-inch by 34-inch copies of plat and plan and profile sheets, one copy of each reduced to 11-inch by 17-inch (one-half scale), plus one PDF copy to the City, together with a cost estimate of off-site improvements and storm drain calculations.

(B) Engineer Review. City Engineer will review submitted documents and transmit his conclusions and recommendations to the Planning Commission, including cost estimate for off-site improvements required by City ordinance.

(C) Approval. Upon receipt of the approved plans from the City Engineer the Planning Com- mission shall forward to the City Council their recommendation to either approve or reject the final plat or shall table action for the next regular meeting or until the specified deficiency has been corrected.

If the Planning Commission does not approve the final plat, disapproval shall be indicated by written notice stating the reasons for disapproval, in which case the decision can be appealed to the City Council, whose decision will be final.

Approval of final plats by the City Council will extend for a period of 12 months. If work or subsequent action by the subdivider to proceed with off- site construction does not occur within the 12- month period following initial approval, the plat and construction drawings must be resubmitted and become subject to reapproval under the latest City ordinances and specifications.

(D) Construction of Off-Site Improvements. No construction of off-site improvements shall commence until the subdivider has completed a preconstruction meeting with the City Planning, Engineering, and Public Works Departments, at which time a review of construction project and expectations of the City will be discussed. Such conference shall be scheduled with the City and all affected utility companies will be invited to attend.

(E) Approval to Record Subdivision. Before any subdivision plat may be recorded, the subdivider shall furnish a corporate surety bond, cash escrow, irrevocable letters of credit from a credible lending institution, or a tax increment incentive as part of a signed reimbursement agreement from the Redevelopment Agency which has been approved by the City Manager, in an amount as finally determined by the City Engineer to secure the performance of the public improvements in a workmanlike manner and according to specifications established by the Syracuse City subdivision standards (See SCC 8.10.020). Some of the public improvements are as follows:

(1) Paving of streets.

(2) Curb, gutter and sidewalks.

(3) Sewer and water lines, including irrigation lines.

(4) Storm and subsurface drainage.

(5) Street signs, monuments, lighting, fences and street trees.

(6) Removal or relocation of any easements which may affect the use of the dedicated streets by the City.

(7) Utility development connection fees.

(F) Recording. Once final plat approval has been obtained the developer shall submit a 22-inch by 34-inch Mylar of the final plat to the City Engineer. If all documents, submittals, and payment of fees are in order, the City Engineer will sign the Mylar, indicating approval of the subdivision. Complete submittal shall include the following:

(1) Development agreements.

(2) Escrow agreement.

(3) Title report.

(4) Street light agreement.

(5) Off-site improvement agreement.

(6) (a) Water share certificate showing the City as the owner of the water shares;

(b) a water right deed;

(c) other evidence, acceptable to the City, of the right to water; or

(d) payment of the fee-in-lieu for secondary water for the area located in the Final Plat, as provided in Section 8.10.090 of this Code.

(7) Storm water activity permit.

(8) Storm water maintenance agreement.

(9) Payment of all required development and inspection fees.

(10) Approved construction drawings or as-built drawings.

(11) Surety and improvement guarantee.

(12) Easements and any other documents deemed necessary by the City Engineer or conditioned for approval by the Planning Commission or City Council.

After approval and signature of the final plat, the City Engineer shall submit the plat to the Community Development Director, or designee, who shall obtain the signatures of the City Attorney, Planning Commission Chair, and Mayor. The final plat, bearing all official signatures as above required, shall be deposited in the office of the City Recorder, who shall cause the plat to be recorded in the office of the county recorder. Final plats not recorded within 12 months of final approval shall be deemed null and void. No plat shall be recorded in the office of the county recorder until the plat is approved and signed. Lots included in such plat shall not be sold or exchanged, and no offer shall be made to sell or exchange any such lots unless and until the plat is recorded.

COUNCIL AGENDA
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Agenda Item **"f"** Request from Still Water Lake Estates HOA re: Surplus of Still Water Drive and Lakeview Way and Transfer to HOA

Factual Summation

- In the 2014 development agreement for Still Water Estates, Section 4.20 provides the following:
  "On the ski lake potion of the Subject Area, Owner shall have the option to convert to a private street designation in the future with approval from City Engineer and Planning Commission, which approval shall not be unreasonably withheld."
- The Still Water Lake Estates HOA is requesting that the City Council convert the main portions of Still Water Drive and Lakeview Way to a private street. They intend to gate the community and limit use of the roads to residents of those roads, and their guests.

1 - Lines in Still Water Drive and Lakeview Way designate the approximate location of the area where the private drive would begin.

- The roads sought to be converted to private use are chiefly used by the residents of those roads. No other developments access those areas or are dependent upon it for ingress or egress. The trail on the South side of the southern lake will remain in public hands, for recreational use.
- The City's investment in these roads has been minimal, as they are relatively new and were built by the developer.
- The HOA proposes assuming all maintenance and replacement responsibilities for the road, and the City would retain easements for water, sewer, etc. Easements for all public utilities (power, gas, communication, etc) would also remain in place. The HOA would install a device on its gates that would allow public safety vehicles to enter the gates without a card or contacting an individual to open them.
- If the Council supports the decision, staff believes it likely would be best accomplished using the City's Surplus Policy. The parcels sought qualify as insignificant properties under the policy and may be conveyed to the HOA. The policy contemplates that an agreement from the HOA to provide for the perpetual maintenance, repair and replacement of the road constitutes sufficient value to surplus without additional compensation.
- The City will need to coordinate with the County and ensure that plats or conveyance documents will be acceptable to the County Recorder.
- The request would remove approximately 0.5 miles of road in Still Water Drive, and 0.1 miles of Lakeview Way. This will relieve the City of its obligation to repair and replace the street in the future. The cost to replace the asphalt of a 0.6 mile stretch of a local road today would cost between $420,000 and $750,000. Such costs do not go down as time passes, and considering the pavement's age, it would likely be another 20 years before that would be incurred.
- Questions regarding this item may be directed to Paul Roberts, Brody Bovero, or Robert Whiteley.

Discussion Goals

The following items outline the goals of this discussion:

1. Discuss whether the Council supports this request

2. If supported, direct staff to begin the surplus process for the identified areas and draft an agreement for the HOA to provide maintenance and replacement for the road.

COUNCIL AGENDA
September 24, 2019

Agenda Item **"g"** **Hiring Police Officer**

Factual Summation

- Any question regarding this agenda item may be directed at Chief Atkin or City Manager Bovero

- In 2018, Chief Atkin informed the Council that Officer Whatcott would be deployed from approximately July 2018 to July 2019. At that time, we were authorized 23 full-time sworn officers in the Department.

- The Council authorized the Department to hire a new officer to backfill for the vacancy created by Officer Whatcott's deployment. The Council decided that if there were no vacancies when Officer Whatcott returned, that the Department would be able to maintain an authorized full-time sworn staffing level of 24 officers.

- Lt. Jensen retired in the spring of 2019; the Department did not back fill his position based on Officer Whatcott's anticipated return. Officer Whatcott returned to us in September 2019.

- With Officer Whatcott's return, the Department is again at the pre-deployment staffing level of 23 officers. The salary, benefits, and vehicle costs associated with hiring another officer are currently in the Department's approved FY20 budget.

Discussion Goals

The following items outline the goals of this discussion:

1. Syracuse Police Department is seeking direction from the Council on hiring another police officer.

COUNCIL AGENDA

September 24, 2019

LEGESLATIVE ITEM

Agenda Item **"h.1"** Creation of a Mixed-Use Development Zone

Factual Summation
Please review the following information. Any questions regarding this agenda item may be directed to Noah Steele, CED Director.

Summary
The City Council directed the Planning Commission to work with staff to create a new Mixed-Use Development Zone. The goal of the zone is to entice additional economic development by allowing higher density housing to be built only in conjunction with desired commercial uses or within close proximity to existing commercial buildings. The zone focuses heavily on the architectural form of the buildings. The architecture will be required to be of high quality design and materials. The height of the buildings will be limited to encourage context sensitive design. This zone is envisioned to be applied judiciously only along major corridors and near shopping centers.

The Planning Commission enguaged in extensive conversation and debate over multiple meetings about desired zone language. They expressed concern about high density housing but felt that if the commercial component of the project, the architectural design was high quality, and the building heights were not looming over existing homes, it would be appropriate along major corridors. They voted in favor 5-1 recommending adoption of the draft ordinance language included in this report.

Goals of Discussion
To decide which of the options below you would like to pursue:

1. Item ready for a vote during the next business meeting as is.
2. Item ready for a vote during the next business meeting with _____changes.
3. Item needs more discussion during next work meeting with _____changes.
4. Item needs more discussion during next work meeting as is.

PROPOSED ORDINANCE

Chapter 10.100
Mixed Use Development Zone (MXD)

10.100.010. Purpose
To create a zone which will provide traditional neighborhoods where residents can work, play, shop, and live that are strategically designed to create a symbiotic relationship by allowing for a combination of commercial and residential uses. These neighborhoods are meant to boost the city's daytime population, which is anticipated to support local businesses and increase sales tax revenue. This zone will be the most urban atmosphere within the city. Providing context-sensitive architecture, art, entertainment, convenience, alternate housing types, affordability, and active lifestyles through recreation amenities on site and improved sidewalk connections to destinations off site. Residential use may be applied to existing commercial areas, or commercial uses inserted into existing residential areas if the goal is to increase jobs and/or increase sales tax, and the development scale is compatible with its surroundings.

10.100.020 Permitted uses
The following uses, and no others, are permitted by right provided the parcel and/or building meet all other provisions of this title and any other applicable ordinances of Syracuse City:
1) Restaurants, no single tenant/stand-alone;
2) Professional office;
3) Professional non-retail services;
4) Retail, no automotive maintenance, gas, or repair;
5) Churches, synagogues, and temples;
6) Dwellings, multi-family, up to 24 attached;
7) Dwellings, townhomes, up to 6 attached;
8) Dwellings, single-family detached;
9) Household pets;
10) Public and quasi-public buildings;
11) Club houses and recreational facilities;
12) Public parks

10.100.030 Conditional uses
The following, and no others, may be conditional uses permitted after application and approval as specified in SCC 10.20.080:
1) Minor Home Occupations. (minor)
2) Accessory Dwellings (major, allowed with single family detached units only)
3) Temporary Commercial Uses (see SCC 10.35.050) (minor)
4) Accessory Structures (minor, allowed with single family detached only)

10.100.040 Development Standards
All lots shall be developed and all structures and uses shall be placed on lots in accordance with the following standards:
1) Minimum Lot Standards
    a) Lot width: no minimum or maximum.
    b) Front yard setback: 20 feet minimum, 40 feet maximum. 15 feet minimum allowed if adjacent to an enhanced streetscape featuring all of the following: widened sidewalk, on-street parallel parking, and outdoor café style seating. Measured from the back of right of way or private drive to front building foundation.
    c) Side yard setbacks: As measured from foundation to adjacent property line; 10 feet minimum or as approved by Planning Commission. As measured between building foundations; 16 feet minimum.
    d) Rear yard setback: As measured from foundation to adjacent property line or between buildings; 20 feet
2) Density: Unit densities and housing product type shall be distributed on site with sensitivity to adjacent development type and density. Units per acre shall be tapered down when near property boundaries of single-family development. Density is form based, no minimum units per acre.
3) Mixed Use Required
    a) 100% residential projects are prohibited.
    b) Apartment complex sales offices may not be the project's sole commercial space.

c) The development agreement shall require that the commercial component of the project cannot be omitted and shall run with the land.

4) On-Site Amenities and Landscaping
   a) Common Space Amenities: The project shall develop common space amenities proportionate to and in relation to the scale and resident demographics of the proposed project. Amenities shall be privately owned and managed by an HOA. Amenities must be chosen from the following list as required in the following table:

Number of Units	Amenities Required
0-20	1
20-40	2
40-60	3
60-80	4
80-100	5
100 +	6

   b) List of amenity options. (Select from list the number required from table above)

      (a) Clubhouse
      (b) Pool
      (c) Playground structure with shaded seating
      (d) Hot tub
      (e) Steam room/sauna
      (f) Fitness center
      (g) Group exercise class space
      (h) Game room lounge
      (i) Theater room
      (j) On-site coffee shop, hair salon, coworking office space, daycare/preschool, or convenience store
      (k) Climate-controlled mail room
      (l) Wi-fi in outdoor common areas
      (m) Fountain and/or interactive water feature
      (n) Common grills (in-line gas operation)
      (o) Outdoor kitchen
      (p) Rooftop deck
      (q) Picnic pavilion
      (r) Dog park
      (s) Electric vehicle charging stations
      (t) Car sharing service
      (u) Community garden
      (v) Basketball court
      (w) Tennis court
      (x) Pickle ball court
      (y) Shaded hammock hanging area
      (z) Elevator(s)
      (aa) Sculptural art placed at terminating vistas
      (bb) Other amenities deemed appropriate by the Planning Commission

   c) Open Space: a minimum of 15% of the project area shall be landscaped.
   d) Street Trees: One street tree shall be planted at least every 30’ along adjacent public street frontages in accordance with the Street Tree Species guide in SCC 10.30.070.
   e) Buffering between land uses as required in SCC 10.30.80.

5) Site Design
   a) Buildings shall be positioned on the site so that all first-floor front doors face the public road or private drive.

(1) Where front and rear frontage to two roads or driveways exists, the road or driveway with the largest width and traffic counts shall be the direction the front door faces.
(2) If frontage to the intersection of two roads or drive aisles exists, the building entrance(s) shall face toward the point of intersection of the two centerlines with a chamfered edge.
(3) Entryways shall not face toward the rear or side lot line of abutting property with single-family residential zoning or use.

b) Terminating vistas shall be incorporated by centrally and prominently placing public art, landscaped monument signage, or building facades perpendicularly at the visual endpoint of streets and drive isles.
c) Garage doors shall not face public roads. Where double frontage exists, the garage door may face the lesser of the two roads or be side-facing.
d) The development design shall include direct automobile access to a public roadway on a full-width publicly dedicated right-of-way or private drive meeting International Fire Code (IFC) standards.
e) All building entrances shall be directly connected to the public sidewalk with pedestrian walkways. These walkways must use differing material when crossing driveways. Decorative landscaping shall be included for one and one-half feet on one or both sides of all private walkways leading to front doors and/or residential breezeways.
f) Cross-access for automobiles and pedestrians to and from abutting properties is required where possible.
g) On-site, and off-site pedestrian sidewalks and shortcuts are required to increase access to adjacent shopping, employment, parks, or other amenities.

6) Architecture
a) Vertical Mixed-Use motif architecture is required on all buildings within the mixed-use zone.
b) Vertical Mixed-Use motif is defined as containing the following elements:
(1) Horizontal and/or vertical variation in wall or roof plane between each unit intended to give the appearance of multiple buildings built over a long period of time,
(2) Varying window size and height with each segment,
(3) Roofs of varying styles with each segment,
(4) Large first floor windows and/or storefronts covered by canopy or trellis,
(5) First floor storefronts with varying styles on each segment such as bay or recessed entries,
(6) Entrance door on chamfered angle when on corner
(7) A design similar to the following image:

c) Building height: A maximum height of 35 feet from ground to the top of the roof structure. Buildings located adjacent to existing single-family detached homes shall be a maximum of two stories and/or 30 feet, whichever is shorter. A bonus height up to 40’ or three stories, whichever is shorter, is permitted for buildings with leasable first-floor commercial. Non-habitable towers, parapets, or other decorative architectural features, excluding roof structure, shall be allowed over 35 feet but not to exceed 45 feet.
d) If commercial spaces have residential above or below, they shall be designed to meet building and fire codes to support the commercial use.

e) All buildings and project site areas are required to meet the Design Standards found in 10.28
f) If no commercial exists on the bottom floor and if the building is directly abutting a road, or is on a corner, it's façades shall at a minimum, be designed with the mixed-use motif architecture as defined above.
g) If a building is located on the corner of two roads, the building shall have a prominent tower or architectural feature of greater height than the rest of the building. The tower or feature shall be rotated so the center point of its outer wall faces the point of intersection of the two road centerlines.
h) Buildings which are entirely residential without leasable commercial space mixed in the same building are only allowed if all the following apply:
    (1) Are within 800 feet of existing retail or office building(s) measured in a straight line between the closest portion of each building; and
    (2) Are connected and accessible to adjacent commercial or office building(s) with a paved ADA compliant pedestrian walkway; and
    (3) Are located entirely without any road or corner frontage.
i) Buildings which are entirely commercial are permitted only if all the following apply:
    (1) Are built as a multi-tenant building with multiple storefronts; and
    (2) Are located with frontage on a street or corner; and
    (3) Conform to the vertical mixed-use architectural motif; and
    (4) Have at least two stories.
j) Maximum building length is 200 feet.
k) Horizontal rooflines shall vary at a minimum of every 30 feet. Variation can be accomplished by:
    (1) Vertical offset in ridge line;
    (2) Gables;
    (3) Parapets;
    (4) Cornices;
    (5) Dormers;
    (6) Vegetated terraces;
    (7) Trellises;
    (8) or other architectural features such as, portals, balconies, or porches.
l) Buildings designed with completely flat facades and monotone color schemes are not permitted.
m) All buildings must have articulation of all facades.
n) At least one significant horizontal facade variation in the wall plane is required at least every 60 feet.
o) Duplicating building facades on the same side of the street or in a repeating pattern shall not be allowed. This may be accomplished by varying the number of stories, roof type (including shed, gable, hip, Dutch, dormer roofs, etc.), or ridgeline directions to create variation. Color variation alone is not sufficient.
p) Architectural variation between each building segment is required.
q) Garages shall not be the major architectural feature of any building.
r) All units abutting to a public roadway shall utilize rear or side facing garages.
s) Entrances shall be pronounced with porticos, awnings, arches, columns, gables, porches, stoops or other three-dimensional architectural features.
t) Front doors to ground level apartment units shall face the road or front of the building and not towards a shared hallway.
u) The stairway leading to upper level units shall be located on the front of the building with a prominent architectural storefront creating a welcoming and defined entrance lobby. Window or blade signage located on the storefront should clearly label the building number and project name.
v) First floor apartment, townhome, and single-family unit entryways shall feature a covered front porch with enough space for two chairs and a walkway.
w) A minimum of three colors and materials per exterior elevation is required.
x) Exterior surface materials on every façade shall meet the requirements for front exterior walls found in SCC 10.30.020 (B) with the exception that no vinyl siding shall be permitted on any side.

10.100.050 Development Process

All projects within the Mixed-Use Zone shall enter into a development agreement with the city. The agreement must be approved by City Council concurrently with the rezone request. The agreement shall include the square footage of all proposed uses and the number of proposed residential units. Colored concept plans and exterior elevations shall be included as exhibits in the development agreement.

Upon application for the Mixed-Use Development Zone, the developer shall provide colored architectural elevations and colored concept plans showing the architecture and design of the proposed development. Elevation drawings shall include building materials and a table showing the square footage of each material, building height, and the total square footage of each facade. The concept plan shall include the location of each proposed building labeled with use and square footage, parking areas and number of stalls, existing buildings, existing mature trees, proposed amenities, landscape areas, proposed trees, and shrubs. The plan shall also include a table of the total site acreage, total combined building square footage, square footage of each proposed building, square footage of each use in each building, number of residential units in each building, number of commercial and/or office spaces, number of parking spaces, and total square footage of landscape areas. Upon zoning approval, the development plans shall be a binding zoning document that runs with the land.

If zoning is granted, prior to construction, all projects shall: submit a site plan application to be reviewed by the Architectural Review Committee and Planning Commission as detailed in SCC 10.20.090, submit a building permit application, and complete a pre-construction meeting with the Building Department.

10.100.060 Off-street parking and loading

No off-street parking stalls shall be allowed to be located between the front building facade and the public right of way or within any front yard. Enclosed garages are not required for residential units within the mixed-use zone. Parking for residential units shall be provided at a minimum ratio of 2 stalls per unit - 1 stall for the resident and 1 stall for visitors. Resident parking shall be located no further than 100 feet from the unit. Shared parking agreements with adjacent commercial uses for visitor parking is encouraged. Otherwise, off-street parking and loading shall be provided as specified in Chapter 10.40 SCC.

10.100.070 Signs.

The signs permitted in this zone shall be those allowed in residential or commercial zones as applicable, as specified in Chapter 10.45 SCC. Home Occupation businesses shall be limited to first floor window or first floor blade signs not to exceed 4 square feet. Businesses located in buildings with residential units on upper floors shall not install signage higher than the first floor.

COUNCIL AGENDA

September 24, 2019

ADMINISTRATIVE ITEM

Agenda Item **"h.2"** Edgewater Park Preliminary Plat

Factual Summation

Please review the following information. Any questions regarding this agenda item may be directed to Noah Steele, Community and Economic Development Director.

Location:	2950 South Bluff Road
Current Zoning:	PRD
General Plan:	PRD
Total Subdivision Area:	12.3 Acres
Number of Lots proposed:	51
Number of Lots Allowed by Zone	73

Summary

-The General Plan was amended to PRD on this property on 10/09/2018 (3-2 vote)

-The zoning was amended to PRD on this property on 11/27/2018 (3-2 vote)

-The Planning Commission reviewed this item on 9/17/19

-The Planning Commission is recommending approval (7-0 vote) of this plan with the following two recommendations:

1.Staff Comments are addressed prior to approval...as of this writing this includes 7 relatively minor items:

-Hydrant moved to neck of cul-de-sac
-28’ turning radius of temporary access road at bluff
-Updated Rendered landscape plan with new lot configuration
-Updated Fencing plan with new lot configuration
-Add trail crossing signs
-Add fire lane signs
-Add 'theme' elevations from builder that comply with ordinance

2. Permanent secondary fire access is provided within 2 years of occupancy of the 31st house in the development- this means the 'temporary secondary access gravel driveway would have to be upgraded to a full width asphalt road. (Most likely development to the west will complete a permanent secondary access into the project but want to cover our bases just in case)

Objectives of Discussion

1. Determine if the plans are in compliance with adopted city ordinances.

2. Decide if this is project is ready to go to the voting meeting on 10-8-19 and if it is on a consent or regular agenda.

Edgewater Park

2950 South Bluff Road

Legend

Property Outline

Park Dr
Trailside Dr
W-3000 S
W-2975 S
Syracuse Trail
2865 S
2890 S
2925 S
W-2850 S
1500 W
W-2920 S
S-1320 W
S-1260 W
S-1375 W
S-1325 W
S-1265 W
Carlton Way
3150 S
S-1275 W
S Bluff Rd
S Bluff Dr
N
800 ft

Google Earth

©2018 Google

Edgewater Park
2950 South Bluff Road

Legend
- A-1
- General Commercial
- PRD
- Property Outline
- R-1
- R-2 (3.79 dwellings per net acre)

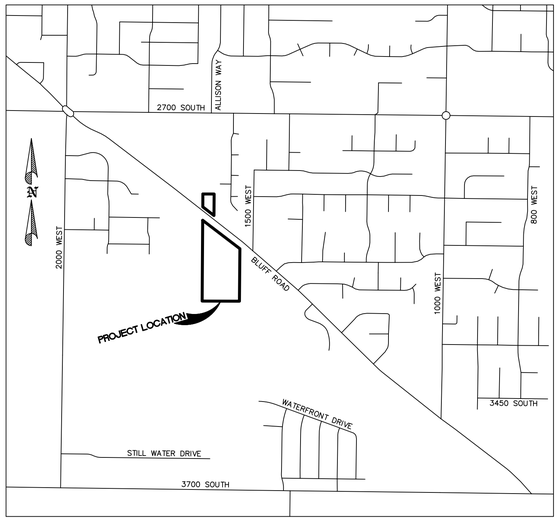
Park Dr
Trailside Dr
W 3000 S
W 2975 S
Syracuse Trail
2865 S
2890 S
2925 S
W 2850 S
1500 W
S 1375 W
S 1325 W
S 1265 W
Carlton Way
3150 S
S 1275 W
S Bluff Rd
S Bluff Dr

Google Earth
©2018 Google

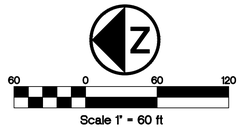
800 ft
N

MONTEREY PROPERTIES

LOCATED IN THE NORTHWEST QUARTER OF SECTION 22,
TOWNSHIP 4 NORTH, RANGE 2 WEST,
SALT LAKE BASE AND MERIDIAN
ALTA/NSPS LAND TITLE SURVEY



VICINITY MAP
SCALE: 1" = 1000'
SYRACUSE, UTAH



AS-SURVEYED DESCRIPTIONS

PARCEL 1

BEGINNING AT A POINT ON THE QUARTER SECTION LINE, SAID POINT BEING NORTH 89°44'21" WEST ALONG THE QUARTER SECTION LINE A DISTANCE OF 222.70 FEET FROM THE CENTER OF SECTION 22, TOWNSHIP 4 NORTH, RANGE 2 WEST, SALT LAKE BASE AND MERIDIAN, AND RUNNING THENCE NORTH 89°44'21" WEST ALONG THE QUARTER SECTION LINE A DISTANCE OF 520.50 FEET; THENCE NORTH 00°23'35" EAST 1128.56 FEET TO THE SOUTH RIGHT-OF-WAY LINE OF THE LAYTON CANAL; THENCE SOUTH 52°36'34" EAST ALONG SAID RIGHT-OF-WAY LINE A DISTANCE OF 654.24 FEET; THENCE SOUTH 00°33'01" WEST 733.65 FEET TO THE POINT OF BEGINNING.

CONTAINS 11.152 ACRES, MORE OR LESS

PARCEL 2

BEGINNING AT A POINT ON THE NORTH RIGHT-OF-WAY LINE OF BLUFF ROAD, SAID POINT ALSO BEING NORTH 89°44'21" WEST ALONG THE QUARTER SECTION LINE A DISTANCE OF 743.20 FEET AND NORTH 00°23'35" EAST 1316.24 FEET FROM THE CENTER OF SECTION 22, TOWNSHIP 4 NORTH, RANGE 2 WEST, SALT LAKE BASE AND MERIDIAN, AND RUNNING THENCE NORTH 00°23'35" EAST 179.86 FEET; THENCE NORTH 89°53'21" EAST 157.05 FEET; THENCE SOUTH 00°24'37" WEST 300.66 FEET TO SAID NORTH RIGHT-OF-WAY LINE; THENCE NORTH 52°20'31" WEST ALONG SAID NORTH RIGHT-OF-WAY LINE A DISTANCE OF 197.22 FEET TO THE POINT OF BEGINNING.

CONTAINS 0.866 ACRES, MORE OR LESS

SCHEDULE B-2 EXCEPTIONS

COMMITMENT NO. 80729 1ST AMEND

ITEMS 1-12 NOT ADDRESSED BY THIS SURVEY

ITEM 13 SUBJECT TO ANY DITCHES OR CANALS WITHIN THE SUBJECT PROPERTY.
(SURVEY NOTES: THE LAYTON CANAL RUNS ALONG THE NORTHERLY PORTION OF THE PROPERTY PER RECORD INFORMATION. THIS HAS BEEN REMOVED FROM THE BOUNDARY BASED UPON DEED AND PHYSICAL EVIDENCE FOUND IN THE PERFORMANCE OF THIS SURVEY.)

ITEM 14 A RIGHT OF WAY FOR ROAD AND INCIDENTAL PURPOSES OVER AND ACROSS THE NORTHERLY PORTION OF SAID PROPERTY.
(SURVEY NOTES: BLUFF ROAD RUNS ALONG THE NORTHERLY PORTION OF THE PROPERTY PER RECORD INFORMATION. THIS HAS BEEN REMOVED FROM THE BOUNDARY BASED UPON A FILED SURVEY AND PHYSICAL EVIDENCE FOUND IN THE PERFORMANCE OF THIS SURVEY.)

ITEM 15 NOT ADDRESSED BY THIS SURVEY

COMMITMENT NO. 80894

ITEMS 1-13 NOT ADDRESSED BY THIS SURVEY

ITEM 14 ANY MATTERS THAT MIGHT BE DISCLOSED BY AN ACCURATE SURVEY OF SAID PREMISES.
(SURVEY NOTES: THE RECORD DESCRIPTION OF THE PROPERTY IS DESCRIBED AS A SINGLE PARCEL, LESS AND EXCEPTING ANY PROPERTY WITHIN THE CANAL OR ROAD RIGHT-OF-WAYS. THIS CAUSES THE PARCEL TO BE DIVIDED INTO TWO SEPARATE TRACTS OF LAND.)

ITEM 15 A RIGHT OF WAY AND EASEMENT FOR THE LAYTON CANAL AND ALL FACILITIES APPURTENANT TO THE MAINTENANCE THEREOF, AS THE SAME MAY BE FOUND TO INTERSECT THE NORTHERLY PORTION OF THE HEREIN DESCRIBED PROPERTY.
(SURVEY NOTES: THE LAYTON CANAL RUNS ALONG THE NORTHERLY PORTION OF THE PROPERTY PER RECORD INFORMATION. THIS HAS BEEN REMOVED FROM THE BOUNDARY BASED UPON DEED AND PHYSICAL EVIDENCE FOUND IN THE PERFORMANCE OF THIS SURVEY.)

ITEM 16 A RIGHT OF WAY FOR ROAD AND INCIDENTAL PURPOSES OVER AND ACROSS THE NORTHERLY PORTION OF SAID PROPERTY FOR BLUFF ROAD.
(SURVEY NOTES: BLUFF ROAD RUNS ALONG THE NORTHERLY PORTION OF THE PROPERTY PER RECORD INFORMATION. THIS HAS BEEN REMOVED FROM THE BOUNDARY BASED UPON A FILED SURVEY AND PHYSICAL EVIDENCE FOUND IN THE PERFORMANCE OF THIS SURVEY.)

ITEM 17 A RIGHT OF WAY AND EASEMENT FOR THE SYRACUSE TRAIL AND ANY RIGHTS OF SYRACUSE CITY AND THE GENERAL PUBLIC IN AND TO THE SURROUNDING PROPERTY AS THE SAME MAY BE FOUND TO INTERSECT PART OF THE NORTHERLY PORTION OF THE HEREIN DESCRIBED PROPERTY.
(SURVEY NOTES: ANY PORTION OF THE TRAIL WHICH AFFECTS THE RECORD BOUNDS OF THE SURVEYED PROPERTY APPEAR TO BE WITHIN THE RIGHT OF WAY OF THE LAYTON CANAL RIGHT OF WAY AND IS ADDRESSED IN SIMILAR FASHION TO EXCEPTION 15 OF THIS TITLE REPORT.)

ITEM 18 THERE ARE NO RECORDED MEANS OF INGRESS OR EGRESS TO A PUBLIC ROAD FROM SAID PROPERTY AND IT IS ASSUMED THAT THERE EXISTS A VALID AND SUBSISTING EASEMENT FOR THAT PURPOSE OVER ADJOINING PROPERTIES, BUT THE COMPANY DOES NOT INSURE AGAINST ANY RIGHTS BASED ON A CONTRARY STATE OF FACT.
(SURVEY NOTES: PLANNED IMPROVEMENTS WITH THE DEVELOPMENT OF THE LAND WILL PROVIDE ACCESS TO THE PROPERTY DESCRIBED.)

ITEM 19 NOT ADDRESSED BY THIS SURVEY

COMMITMENT NO. 80897

ITEMS 1-15 NOT ADDRESSED BY THIS SURVEY

ITEM 16 A RIGHT OF WAY AND EASEMENT FOR THE LAYTON CANAL AND ALL FACILITIES APPURTENANT TO THE MAINTENANCE THEREOF, AS THE SAME MAY BE FOUND TO INTERSECT A PORTION OF THE SUBJECT PROPERTY.
(SURVEY NOTES: THE LAYTON CANAL RUNS ALONG THE NORTHERLY PORTION OF THE PROPERTY PER RECORD INFORMATION. THIS HAS BEEN REMOVED FROM THE BOUNDARY BASED UPON DEED AND PHYSICAL EVIDENCE FOUND IN THE PERFORMANCE OF THIS SURVEY.)

ITEM 17 A RIGHT OF WAY FOR ROAD AND INCIDENTAL PURPOSES OVER AND ACROSS THE SUBJECT PROPERTY FOR BLUFF ROAD.
(SURVEY NOTES: BLUFF ROAD RUNS ALONG THE NORTHERLY PORTION OF THE PROPERTY PER RECORD INFORMATION. THIS HAS BEEN REMOVED FROM THE BOUNDARY BASED UPON A FILED SURVEY AND PHYSICAL EVIDENCE FOUND IN THE PERFORMANCE OF THIS SURVEY.)

ITEM 18 A RIGHT OF WAY AND EASEMENT FOR THE SYRACUSE TRAIL AND ANY RIGHTS OF SYRACUSE CITY AND THE GENERAL PUBLIC IN AND TO THE SURROUNDING PROPERTY AS THE SAME MAY BE FOUND TO INTERSECT A PORTION OF THE SUBJECT PROPERTY.
(SURVEY NOTES: ANY PORTION OF THE TRAIL WHICH AFFECTS THE RECORD BOUNDS OF THE SURVEYED PROPERTY APPEAR TO BE WITHIN THE RIGHT OF WAY OF THE LAYTON CANAL RIGHT OF WAY AND IS ADDRESSED IN SIMILAR FASHION TO EXCEPTION 16 OF THIS TITLE REPORT.)

ITEM 19 NOT ADDRESSED BY THIS SURVEY

SURVEYOR'S CERTIFICATE:

TO: MONTEREY PROPERTIES, LLC;
INTEGRATED TITLE INSRUANCE SERVICES, LLC;
FIRST AMERICAN TITLE INSURANCE COMPANY;

THIS IS TO CERTIFY THAT THIS MAP OR PLAT AND THE SURVEY ON WHICH IT IS BASED WERE MADE IN ACCORDANCE WITH THE 2016 MINIMUM STANDARD DETAIL REQUIREMENTS FOR ALTA/NSPS LAND TITLE SURVEYS, JOINTLY ESTABLISHED AND ADOPTED BY ALTA AND NSPS, AND INCLUDES ITEMS 1, 2, 4, 5, 8, AND 13 OF TABLE A THEREOF. THE FIELD WORK WAS COMPLETED ON 10/12/2018.

DATE OF PLAT OR MAP: 10/31/2018

BOUNDARY DESCRIPTION

COMMITMENT NO. 80729 1ST AMEND

BEGINNING 414.9 FEET WEST FROM CENTER OF SECTION 22, TOWNSHIP 4 NORTH, RANGE 2 WEST, SALT LAKE MERIDIAN; RUNNING THENCE NORTH 1080.53 FEET, MORE OR LESS, TO THE SOUTH LINE OF PROPERTY CONVEYED IN BOOK 697 PAGE 978; THENCE NORTH 52°21' WEST 216.8 FEET; THENCE SOUTH 1212.93 FEET; THENCE EAST 171.1 FEET TO THE POINT OF BEGINNING.

EXCEPTING THEREFROM THAT PORTION LOCATED WITHIN THE BOUNDARIES OF THE CANAL AND THE ROAD.

COMMITMENT NO. 80897

BEGINNING 586.6 FEET WEST OF THE CENTER OF SECTION 22, TOWNSHIP 4 NORTH, RANGE 2 WEST, SALT LAKE MERIDIAN, THENCE NORTH 1497.12 FEET, THENCE WEST 157.05 FEET; THENCE SOUTH 1496.1 FEET; THENCE EAST 156.6 FEET TO THE POINT OF BEGINNING.

EXCEPTING THEREFROM THAT OR ANY PORTION LYING WITHIN THE BOUNDS OF THAT CERTAIN PROPERTY DEEDED TO THE UNITED STATE OF AMERICA IN THAT CERTAIN WARRANTY DEED AS ENTRY NO. 235531 IN BOOK 241 AT PAGE 61 AND IN BOOK 253 AT PAGE 571 OF OFFICIAL RECORDS.

ALSO LESS AND EXCEPTING THEREFROM ANY PORTION LYING WITHIN THE BOUNDS OF BLUFF ROAD.

COMMITMENT NO. 80894

BEGINNING 222.7 FEET WEST OF THE CENTER OF SECTION 22, TOWNSHIP 4 NORTH, RANGE 2 WEST, SALT LAKE MERIDIAN, AND RUNNING THENCE NORTH 932.83 FEET; THENCE NORTHWESTERLY 242.7 FEET; THENCE SOUTH 1080.53 FEET; THENCE EAST 192.2 FEET TO THE POINT OF BEGINNING.

EXCEPTING THEREFROM THAT OR ANY PORTION LYING WITHIN THE BOUNDS OF THAT CERTAIN PROPERTY DEEDED TO THE UNITED STATES OF AMERICA IN THAT CERTAIN WARRANTY DEED AS ENTRY NO. 235531 IN BOOK 241 AT PAGE 61 OF OFFICIAL RECORDS.

ALSO LESS AND EXCEPTING THEREFROM ANY PORTION LYING NORTH OF BLUFF ROAD.

BASIS OF BEARING

THE BASIS OF BEARING FOR THIS SURVEY IS NORTH 89°44'21" WEST BETWEEN THE CENTER AND THE WEST QUARTER CORNER OF SECTION 22, TOWNSHIP 4 NORTH, RANGE 2 WEST, SALT LAKE BASE AND MERIDIAN.

NARRATIVE OF BOUNDARY

THE PURPOSE OF THIS SURVEY WAS TO LOCATE AND MONUMENT ON THE GROUND THE SURVEYED PROPERTY AS SHOWN HEREON TO DEVELOP PARCEL 1.

THE RIGHT-OF-WAY FOR THE LAYTON CANAL WAS DETERMINED BY LOCATING AN EXISTING RIGHT-OF-WAY MARKER IN CONJUNCTION WITH DEEDS PROVIDED BY THE TITLE COMPANY. THE RIGHT-OF-WAY OF BLUFF ROAD WAS DETERMINED BY RELYING UPON A SURVEY PREPARED BY EPIC ENGINEERING ON FILE WITH THE OFFICE OF THE DAVIS COUNTY SURVEYOR AS FILE NO. 3276.

THE BOUNDARY GENERALLY AGREES WITH EXISTING OCCUPATION LINES. ANY VARIATIONS OF SUCH HAVE BEEN NOTED ON THIS MAP

FURTHERMORE, WHILE THIS SURVEY CERTIFIED TO TABLE 'A' ITEM 5 OF THE ALTA/NSPS LAND TITLE MINIMUM STANDARDS, TOPOGRAPHY OF PARCEL 2 AS SHOWN HEREON WAS NOT REQUESTED. THEREFORE, NO TOPOGRAPHY HAS BEEN SHOWN AS TO PARCEL 2.

GENERAL NOTES

(1) OTHER DOCUMENTS USED IN THE PREPARATION OF THIS SURVEY:
1. TITLE INSURANCE COMMITMENT ISSUED BY INTEGRATED TITLE INSURANCE SERVICES, LLC, DATED SEPTEMBER 13, 2018 AS COMMITMENT NO. 80729 1ST AMEND.
2. COMMITMENT FOR TITLE INSURANCE ISSUED BY FIRST AMERICAN TITLE INSURANCE COMPANY DATED APRIL 25, 2018 AS COMMITMENT NO. 80894
3. COMMITMENT FOR TITLE INSURANCE ISSUED BY FIRST AMERICAN TITLE INSURANCE COMPANY DATED APRIL 20, 2018 AS COMMITMENT NO. 80897
4. SURVEY PREPARED BY EPIC ENGINEERING ON FILE WITH THE OFFICE OF THE DAVIS COUNTY SURVEYOR AS FILE NO. 3276.
5. OTHER DOCUMENTS AS SHOWN ON THIS MAP

(2) WILDING ENGINEERING SURVEYED ABOVE GROUND VISIBLE EVIDENCE OF STRUCTURES THAT WOULD INDICATE THE POSSIBILITY OF AN EXISTING EASEMENT OR ENCUMBRANCE ON THE PROPERTY. A TITLE REPORT WHICH WOULD PROVIDE ADDITIONAL EVIDENCE OF EXISTING UTILITIES WAS NOT PROVIDED FOR THIS PROPERTY AT THE TIME THIS SURVEY WAS CONDUCTED.

LEGEND

- SECTION LINE
- FOUND SECTION CORNER
- EXISTING ROW CENTERLINE
- SET 5/8 REBAR AND CAP (WILDING ENGINEERING)
- (BOUNDARY LINE)
- ADJACENT PROPERTY / ROW LINE
- IRON/STEEL FENCE
- CHAIN LINK FENCE
- WIRE FENCE
- 1 → 2 ADJACENT STRUCTURES

WILDING
ENGINEERING
14721 South Heritage Crest Way
Bluffdale, Utah 84065
801.553.8112
www.wildingengineering.com

18097 ROS.dwg
PLOT DATE: Nov 14, 2018

NO.	REVISION	DATE

DRAWING TITLE: ALTA/NSPS LAND TITLE SURVEY
PROJECT NAME: MONTEREY PROPERTIES
DATE: 10/30/2018
SCALE: N/A
SHEET: 1 OF 2
LOCATION: 2955 S BLUFF ROAD
SYRACUSE, UTAH
DRAWN: KMD
CHECKED: SWD
PROJECT NUMBER: DAVIS

MONTEREY PROPERTIES

LOCATED IN THE NORTHWEST QUARTER OF SECTION 22,
TOWNSHIP 4 NORTH, RANGE 2 WEST,
SALT LAKE BASE AND MERIDIAN
ALTA/NSPS LAND TITLE SURVEY

60 0 60 120
Scale 1" = 60 ft

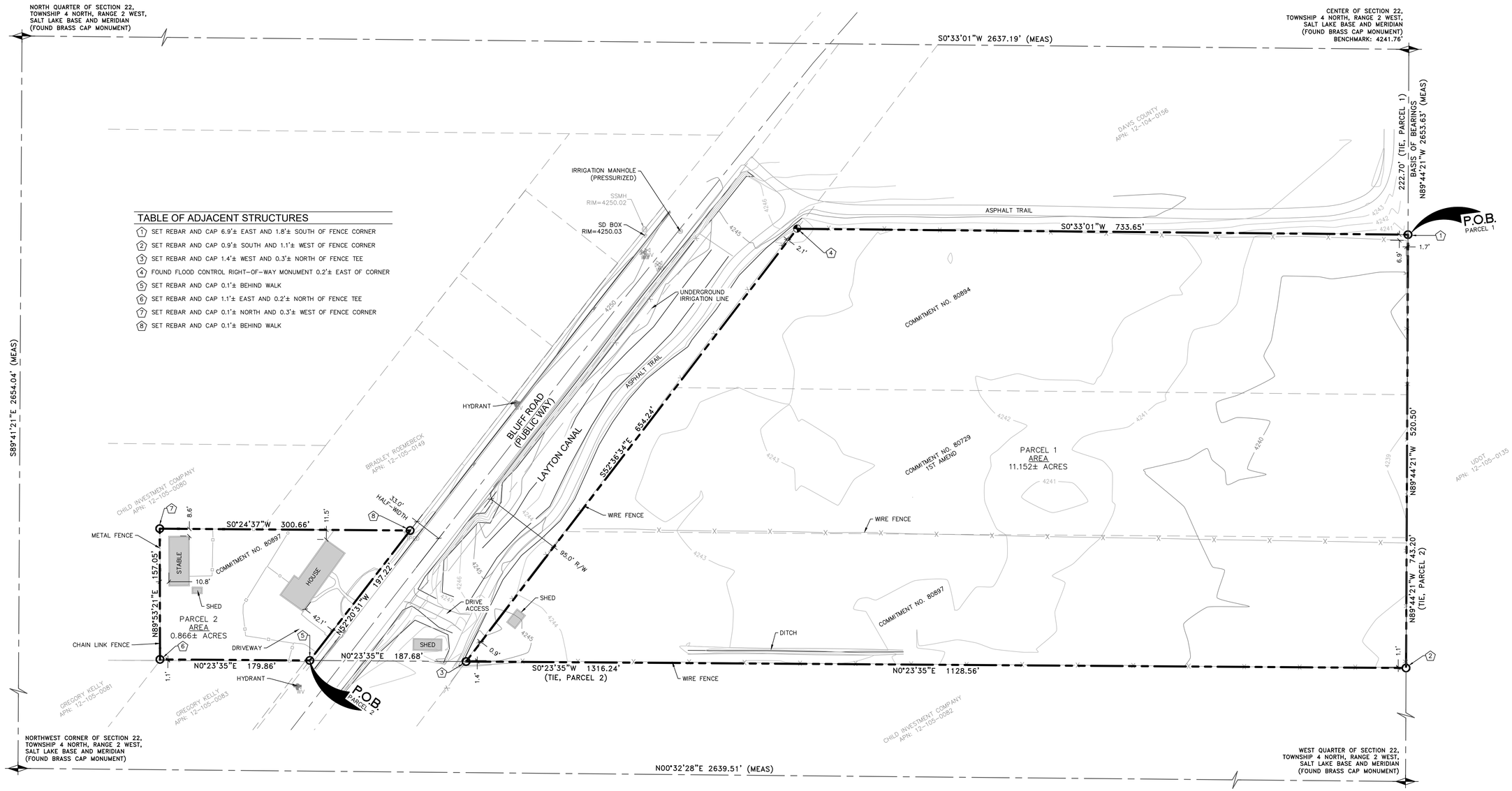


TABLE OF ADJACENT STRUCTURES

1. SET REBAR AND CAP 6.9'± EAST AND 1.8'± SOUTH OF FENCE CORNER
2. SET REBAR AND CAP 0.9'± SOUTH AND 1.1'± WEST OF FENCE CORNER
3. SET REBAR AND CAP 1.4'± WEST AND 0.3'± NORTH OF FENCE TEE
4. FOUND FLOOD CONTROL RIGHT-OF-WAY MONUMENT 0.2'± EAST OF CORNER
5. SET REBAR AND CAP 0.1'± BEHIND WALK
6. SET REBAR AND CAP 1.1'± EAST AND 0.2'± NORTH OF FENCE TEE
7. SET REBAR AND CAP 0.1'± NORTH AND 0.3'± WEST OF FENCE CORNER
8. SET REBAR AND CAP 0.1'± BEHIND WALK

WILDING ENGINEERING
14721 South Heritage Crest Way
Bluffdale, Utah 84065
801.553.8112
www.wildingengineering.com

18097 ROS.dwg
PLOT DATE: Nov 14, 2018

UTILITY STATEMENT:
THE UNDERGROUND UTILITIES SHOWN HEREON HAVE BEEN LOCATED FROM FIELD OBSERVATIONS AND UTILITY MARKINGS. THE SURVEYOR MAKES NO GUARANTEE THAT THE UNDERGROUND UTILITIES SHOWN HEREON COMPRISE ALL SUCH UTILITIES IN THE AREA, EITHER IN SERVICE OR ABANDONED. THE SURVEYOR FURTHER DOES NOT WARRANT THAT THE UNDERGROUND UTILITIES SHOWN HEREON ARE IN THE EXACT LOCATION INDICATED, ALTHOUGH THE SURVEYOR DOES STATE THAT THE UTILITIES SHOWN HEREON ARE LOCATED AS ACCURATELY AS POSSIBLE, FROM INFORMATION AVAILABLE AT THE TIME THE SURVEY WAS CONDUCTED. THE SURVEYOR HAS NOT PHYSICALLY LOCATED THE UNDERGROUND UTILITIES AND THE EXACT LOCATION OF SOME UTILITIES MAY REQUIRE FURTHER FIELD INVESTIGATION OR EXCAVATION TO DETERMINE THEIR PRECISE LOCATIONS.

NO.	REVISION	DATE

VERTICAL RELIEF SHOWN ON THIS MAP WAS ESTABLISHED FROM A GPS GROUND SURVEY. CONTOUR INTERVAL IS 1 FOOT.

DRAWING TITLE: ALTA/NSPS LAND TITLE SURVEY	PROJECT NAME: MONTEREY PROPERTIES	DATE: 10/30/2018	
LOCATION: 2955 S BLUFF ROAD	DRAWN: KMD / CHECKED: SWD	SCALE: 1" = 60'	
SYRACUSE, UTAH	PROJECT NUMBER: DAVIS	SHEET: 2 OF 2	

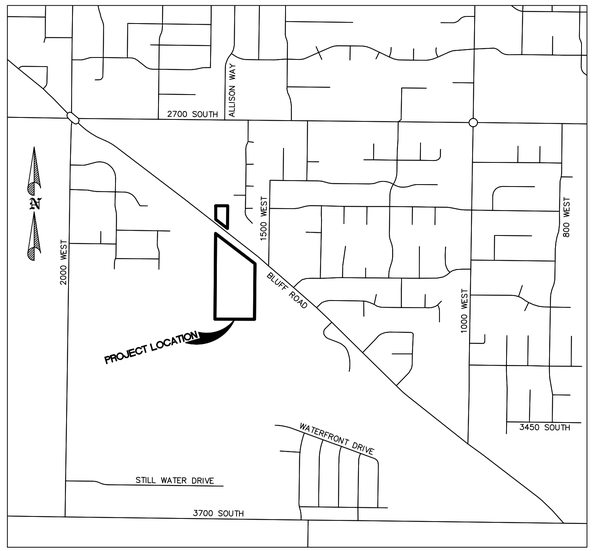
EDGEWATER PARK SUBDIVISION

LOCATED IN THE NORTHWEST QUARTER OF SECTION 22,
TOWNSHIP 4 NORTH, RANGE 2 WEST,
SALT LAKE BASE AND MERIDIAN,
SYRACUSE CITY, DAVIS COUNTY, STATE OF UTAH
PRELIMINARY PLAT

SEPTEMBER 2019

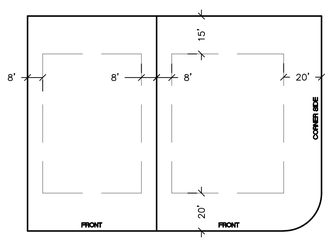
Curve Table					
Curve #	Length	Radius	Delta	Chord Bearing	Chord Distance
C1	65.49'	230.00'	16°18'56"	S29°30'01"W	65.27'
C2	223.87'	230.00'	55°46'11"	S06°32'33"E	215.14'
C3	5.87'	230.00'	1°27'45"	S35°09'31"E	5.87'
C4	65.13'	170.00'	21°56'59"	N24°54'54"W	64.73'
C5	42.53'	170.00'	14°19'59"	N06°46'25"W	42.42'
C6	65.96'	170.00'	22°13'51"	S26°32'34"W	65.55'
C7	95.99'	170.00'	32°21'04"	S00°44'53"E	94.72'
C8	56.27'	170.00'	18°57'58"	S26°24'24"E	56.02'
C9	145.65'	230.00'	36°16'59"	N17°44'54"W	143.23'
C10	45.10'	170.00'	15°11'58"	N07°59'34"E	44.97'
C11	23.53'	15.00'	89°52'04"	S45°19'37"W	21.19'
C12	23.60'	15.00'	90°07'56"	S44°40'23"E	21.24'
C13	23.49'	15.00'	89°42'37"	N45°24'20"E	21.16'
C14	23.64'	15.00'	90°17'23"	N44°35'40"W	21.27'
C15	13.09'	15.00'	49°59'41"	N24°26'49"W	12.68'
C16	42.77'	55.00'	44°33'09"	S27°10'06"E	41.70'
C17	38.17'	55.00'	39°45'36"	S14°59'17"W	37.41'
C18	35.55'	55.00'	37°01'55"	S53°23'02"W	34.93'
C19	152.29'	55.00'	158°38'43"	N28°46'39"W	108.10'
C20	187.84'	55.00'	195°40'38"	N47°17'36"W	108.97'

Curve Table					
Curve #	Length	Radius	Delta	Chord Bearing	Chord Distance
C21	13.09'	15.00'	49°59'41"	S25°32'52"W	12.68'



VICINITY MAP

SCALE: 1" = 1000'
SYRACUSE, UTAH



LOT SETBACK DETAIL

NOT TO SCALE

SURVEYOR'S CERTIFICATE:

I, KAGAN M. DIXON, DO HEREBY CERTIFY THAT I AM A PROFESSIONAL LAND SURVEYOR, AND THAT I HOLD LICENSE NO. 9061091 AS PRESCRIBED BY THE LAWS OF THE STATE OF UTAH. I FURTHER CERTIFY THAT, BY THE AUTHORITY OF THE OWNER, I HAVE MADE A SURVEY OF THE TRACT OF LAND SHOWN ON THIS PLAT AND DESCRIBED BELOW, AND THAT I HAVE SUBDIVIDED SAID TRACT OF LAND INTO LOTS, COMMON SPACES, AND STREETS, HEREAFTER TO BE KNOWN AS:

EDGEWATER PARK SUBDIVISION

AND THAT THE SAME HAS BEEN CORRECTLY SURVEYED AND STAKED ON THE GROUND AS SHOWN ON THIS PLAT.

DATE _____ SIGNATURE _____

PROFESSIONAL LAND SURVEYOR
KAGAN M. DIXON
No. 9061091
STATE OF UTAH

BOUNDARY DESCRIPTION

A TRACT OF LAND BEING SITUATE IN THE NORTHWEST QUARTER OF SECTION 22, TOWNSHIP 4 NORTH, RANGE 2 WEST, SALT LAKE BASE AND MERIDIAN, HAVING A BASIS OF BEARINGS OF NORTH 89°44'21" WEST BETWEEN THE CENTER AND THE WEST QUARTER OF SAID SECTION, SAID TRACT OF LAND BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

BEGINNING AT A POINT ON THE QUARTER SECTION LINE, SAID POINT BEING NORTH 89°44'21" WEST ALONG THE QUARTER SECTION LINE A DISTANCE OF 222.70 FEET FROM THE CENTER OF SECTION 22, TOWNSHIP 4 NORTH, RANGE 2 WEST, SALT LAKE BASE AND MERIDIAN, AND RUNNING THENCE NORTH 89°44'21" WEST ALONG THE QUARTER SECTION LINE A DISTANCE OF 520.50 FEET; THENCE NORTH 00°23'35" EAST 1247.51 FEET TO THE SOUTH RIGHT-OF-WAY LINE OF BLUFF ROAD; THENCE SOUTH 52°36'34" EAST ALONG SAID LINE A DISTANCE OF 654.64 FEET; THENCE SOUTH 00°33'01" WEST 852.35 FEET TO THE POINT OF BEGINNING.

CONTAINS 12.579 ACRES, MORE OR LESS
57 LOTS

OWNER'S DEDICATION

WE THE UNDERSIGNED OWNERS OF THE HEREIN DESCRIBED TRACT OF LAND, DO HEREBY SET APART AND SUBDIVIDE THE SAME INTO LOTS, COMMON SPACES, AND STREETS AS SHOWN ON THE PLAT AND NAME SAID TRACT EDGEWATER PARK SUBDIVISION, AND DO HEREBY DEDICATE TO PUBLIC USE ALL THOSE PARTS OR PORTIONS OF SAID TRACT OF LAND DESIGNATED AS STREETS, THE SAME TO BE USED AS PUBLIC THOROUGHFARES, ALSO TO GRANT AND DEDICATE A PERPETUAL RIGHT OF WAY AND EASEMENT OVER, UPON, AND UNDER THE LANDS DESIGNATED HEREON AS COMMON SPACE, PUBLIC UTILITY, STORM WATER DETENTION PONDS, AND DRAINAGE EASEMENTS, THE SAME TO BE USED FOR THE INSTALLATION, MAINTENANCE, AND OPERATION OF PUBLIC UTILITY SERVICE LINES, STORM DRAINAGE FACILITIES, OR PRESERVATION OF WATER CHANNELS IN THEIR NATURAL STATE, WHICHEVER IS APPLICABLE AS MAY BE AUTHORIZED BY THE GOVERNING AUTHORITY, WHICH NO BUILDINGS OR STRUCTURES BEING ERECTED WITHIN SUCH EASEMENTS AND DO HEREBY DEDICATE COMMON SPACES A, B, AND C TO THE HOME OWNER'S ASSOCIATION, TO BE OWNED AND MAINTAINED BY SAID HOME OWNER'S ASSOCIATION. FURTHER MORE THE LAND DESIGNATED AS TRAIL A, AND B TO BE OWNED BY FEDERAL BUREAU OF RECLAMATION AND TO BE MAINTAINED BY THE WEBER BASIN CONSERVANCY DISTRICT.

SIGNED THIS ___ DAY OF _____, A.D. 20___

_____
ALAN PRINCE, MANAGING MEMBER
MONTEREY DEVELOPMENT, LLC, A UTAH LIMITED LIABILITY COMPANY

LLC ACKNOWLEDGEMENT

STATE OF UTAH

COUNTY OF _____

ON THIS ___ DAY OF _____, A.D. _____, PERSONALLY APPEARED BEFORE ME _____, WHO BEING DULY SWORN OF AFFIRMED, DID SAY THAT (S)HE IS THE _____ OF _____, AND THAT THE WITHIN OWNER'S DEDICATION WAS SIGNED BY HIM/HER ON BEHALF OF SAID LLC BY AUTHORITY OF ITS BYLAWS, OR BOARD OF DIRECTORS, AND THAT SAID CORPORATION EXECUTED THE SAME.

_____ _____
SIGNATURE PRINTED NAME, A NOTARY PUBLIC COMMISSIONED IN UTAH

_____ _____
COMMISSION NUMBER EXPIRATION DATE

DOMINION ENERGY

WEBER BASIN WATER

ON BEHALF OF FEDERAL BUREAU OF RECLAMATION AND LAYTON CANAL COMPANY.

APPROVED THIS _____ DAY OF _____, A.D. 20____ BY ROCKY MOUNTAIN POWER.

_____
REPRESENTATIVE

ROCKY MOUNTAIN POWER

APPROVED THIS _____ DAY OF _____, A.D. 20____ BY ROCKY MOUNTAIN POWER.

_____
REPRESENTATIVE

SYRACUSE CITY ATTORNEY

APPROVED THIS ___ DAY OF _____, A.D. 20___ BY THE SYRACUSE CITY ATTORNEY.

_____
SYRACUSE CITY ATTORNEY

SYRACUSE CITY PLANNING COMMISSION

APPROVED THIS ___ DAY OF _____, A.D. 20___ BY THE SYRACUSE CITY PLANNING COMMISSION.

_____
CHAIRMAN, SYRACUSE CITY PLANNING COMMISSION

SYRACUSE CITY ENGINEER

I HEREBY CERTIFY THAT THIS OFFICE HAS EXAMINED THIS PLAT AND IT IS CORRECT IN ACCORDANCE WITH INFORMATION ON FILE IN THIS OFFICE.

_____
SYRACUSE CITY ENGINEER DATE

SYRACUSE CITY COUNCIL

PRESENTED TO THE SYRACUSE CITY COUNCIL THIS THE ___ DAY OF _____, A.D. 20___, AT WHICH TIME THIS SUBDIVISION WAS APPROVED AND ACCEPTED.

_____
SYRACUSE CITY MAYOR

ATTEST: _____
SYRACUSE CITY RECORDER

DAVIS COUNTY RECORDER

ENTRY NO. _____
FEE: $_____
FILED AND RECORDED: _____, A.D. 20___ AT _____AM/PM IN BOOK _____ OF THE OFFICIAL RECORDS, AT PAGE _____.
RECORDED FOR SYRACUSE CITY

_____ _____
DAVIS COUNTY RECORDER DEPUTY

WILDING ENGINEERING
14721 South Heritage Crest Way
Bluffdale, Utah 84065
801.553.8112
www.wildingengineering.com

EDGEWATER PARK SUBDIVISION
LOCATED IN THE NORTHWEST QUARTER OF SECTION 22,
TOWNSHIP 4 NORTH, RANGE 2 WEST,
SALT LAKE BASE AND MERIDIAN,
SYRACUSE CITY, DAVIS COUNTY, STATE OF UTAH

EDGEWATER PARK SUBDIVISION

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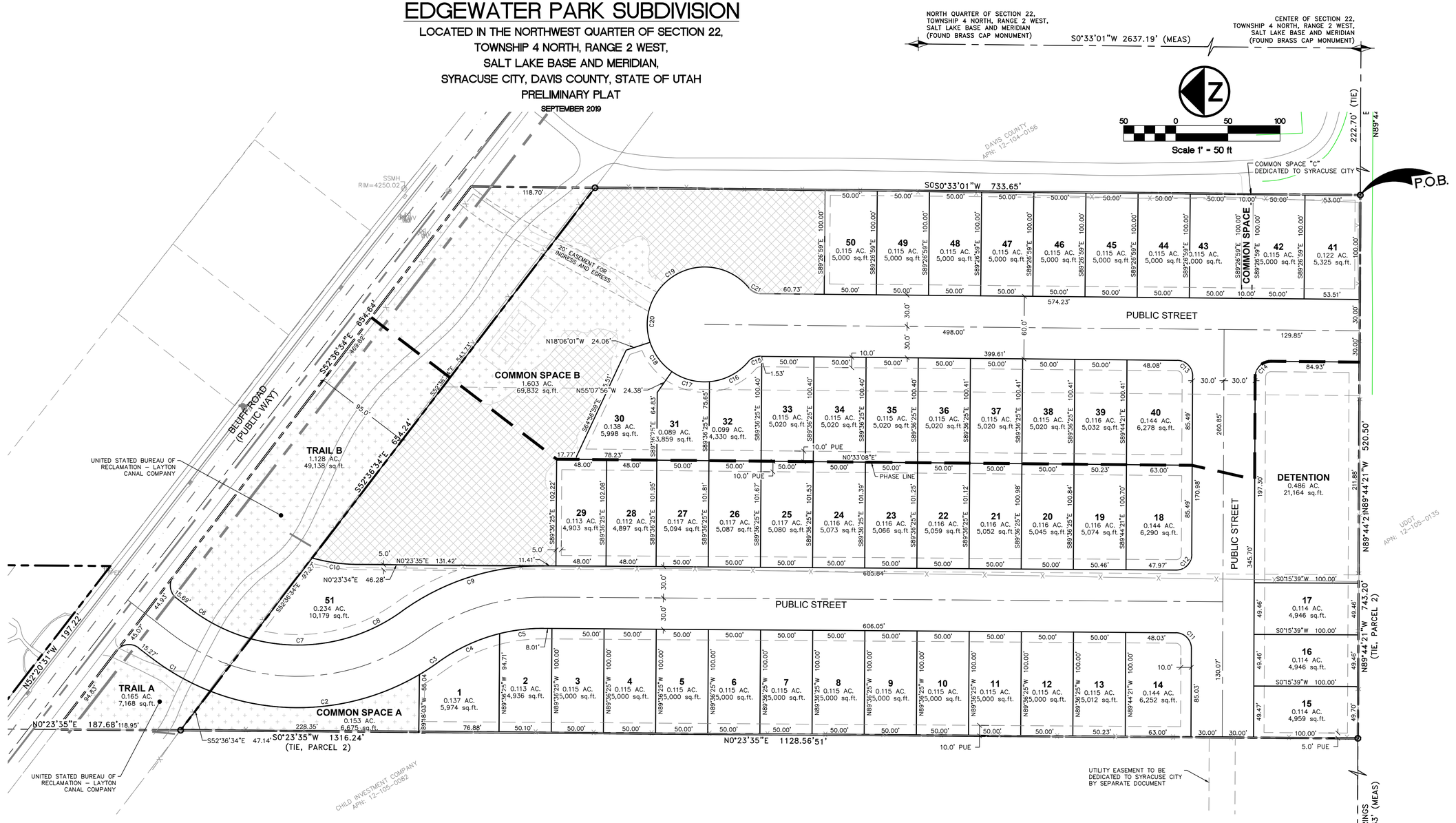
PRELIMINARY PLAT
SEPTEMBER 2019



1	0.137 AC. 5,974 sq.ft.	2	0.113 AC. 4,936 sq.ft.
3	0.115 AC. 5,000 sq.ft.	4	0.115 AC. 5,000 sq.ft.
5	0.115 AC. 5,000 sq.ft.	6	0.115 AC. 5,000 sq.ft.
7	0.115 AC. 5,000 sq.ft.	8	0.115 AC. 5,000 sq.ft.
9	0.115 AC. 5,000 sq.ft.	10	0.115 AC. 5,000 sq.ft.
11	0.115 AC. 5,000 sq.ft.	12	0.115 AC. 5,000 sq.ft.
13	0.115 AC. 5,012 sq.ft.	14	0.144 AC. 6,252 sq.ft.
15	0.114 AC. 4,959 sq.ft.	16	0.114 AC. 4,946 sq.ft.
17	0.114 AC. 4,946 sq.ft.	18	0.144 AC. 6,290 sq.ft.
19	0.116 AC. 5,074 sq.ft.	20	0.116 AC. 5,045 sq.ft.
21	0.116 AC. 5,052 sq.ft.	22	0.116 AC. 5,059 sq.ft.
23	0.116 AC. 5,066 sq.ft.	24	0.116 AC. 5,073 sq.ft.
25	0.117 AC. 5,080 sq.ft.	26	0.117 AC. 5,087 sq.ft.
27	0.117 AC. 5,094 sq.ft.	28	0.112 AC. 4,897 sq.ft.
29	0.113 AC. 4,903 sq.ft.	30	0.138 AC. 5,998 sq.ft.
31	0.089 AC. 3,859 sq.ft.	32	0.099 AC. 4,330 sq.ft.
33	0.115 AC. 5,020 sq.ft.	34	0.115 AC. 5,020 sq.ft.
35	0.115 AC. 5,020 sq.ft.	36	0.115 AC. 5,020 sq.ft.
37	0.115 AC. 5,020 sq.ft.	38	0.115 AC. 5,020 sq.ft.
39	0.116 AC. 5,032 sq.ft.	40	0.144 AC. 6,278 sq.ft.
41	0.122 AC. 5,325 sq.ft.	42	0.115 AC. 5,000 sq.ft.
43	0.115 AC. 5,000 sq.ft.	44	0.115 AC. 5,000 sq.ft.
45	0.115 AC. 5,000 sq.ft.	46	0.115 AC. 5,000 sq.ft.
47	0.115 AC. 5,000 sq.ft.	48	0.115 AC. 5,000 sq.ft.
49	0.115 AC. 5,000 sq.ft.	50	0.115 AC. 5,000 sq.ft.

COMMON SPACE A
0.153 AC.
6,675 sq.ft.

COMMON SPACE
1.603 AC.
69,832 sq.ft.

LEGEND

- SECTION LINE
- FOUND SECTION CORNER
- STREET CENTERLINE
- STREET MONUMENT TO BE INSTALLED
- SET 5/8 REBAR AND CAP (WILDING ENGINEERING)
- ADJACENT PROPERTY / ROW LINE
- POB — POINT OF BEGINNING
- PUBLIC UTILITY EASEMENT & DRAINAGE EASEMENT (PUE & DE)

COMMON SPACE	(131,203 SQ FT TOTAL AREA)	3.012 ACRES (23.9%)
	COMMON SPACE TYPE 'A' UNDISTURBED EMERGENT WET MEADOW	1.221 ACRES
	COMMON SPACE TYPE 'B' UPLAND/COMMUNITY AMENITIES	1.803 ACRES

NOTES:
1. A WILDING ENGINEERING REBAR AND CAP WILL BE SET AT THE LOT CORNERS AND THE OVERALL BOUNDARY CORNERS, AND A PLUG SET IN THE CURB ON LOT LINE PROLONGATIONS.
2. SEE SHEET 1 FOR LOT AREAS AND ADDRESSING.
3. COMMON SPACE/DETENTION BASIN PARCELS ARE TO BE OWNED AND MAINTAINED BY HOME OWNERS ASSOCIATION.
4. ALL EXISTING BUILDINGS/STRUCTURES TO BE REMOVED.
5. 2 PICKLEBALL COURT PARKING STALLS TO BE CONSTRUCTED UPON PHASE COMPLETION.

WILDING
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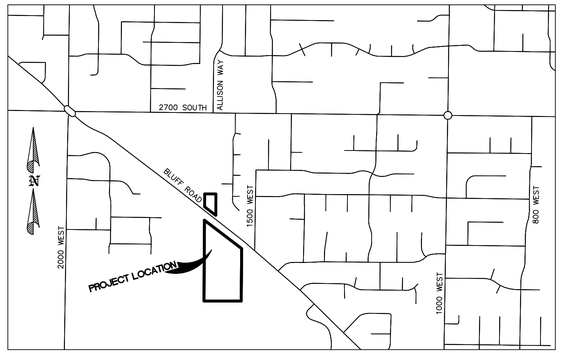
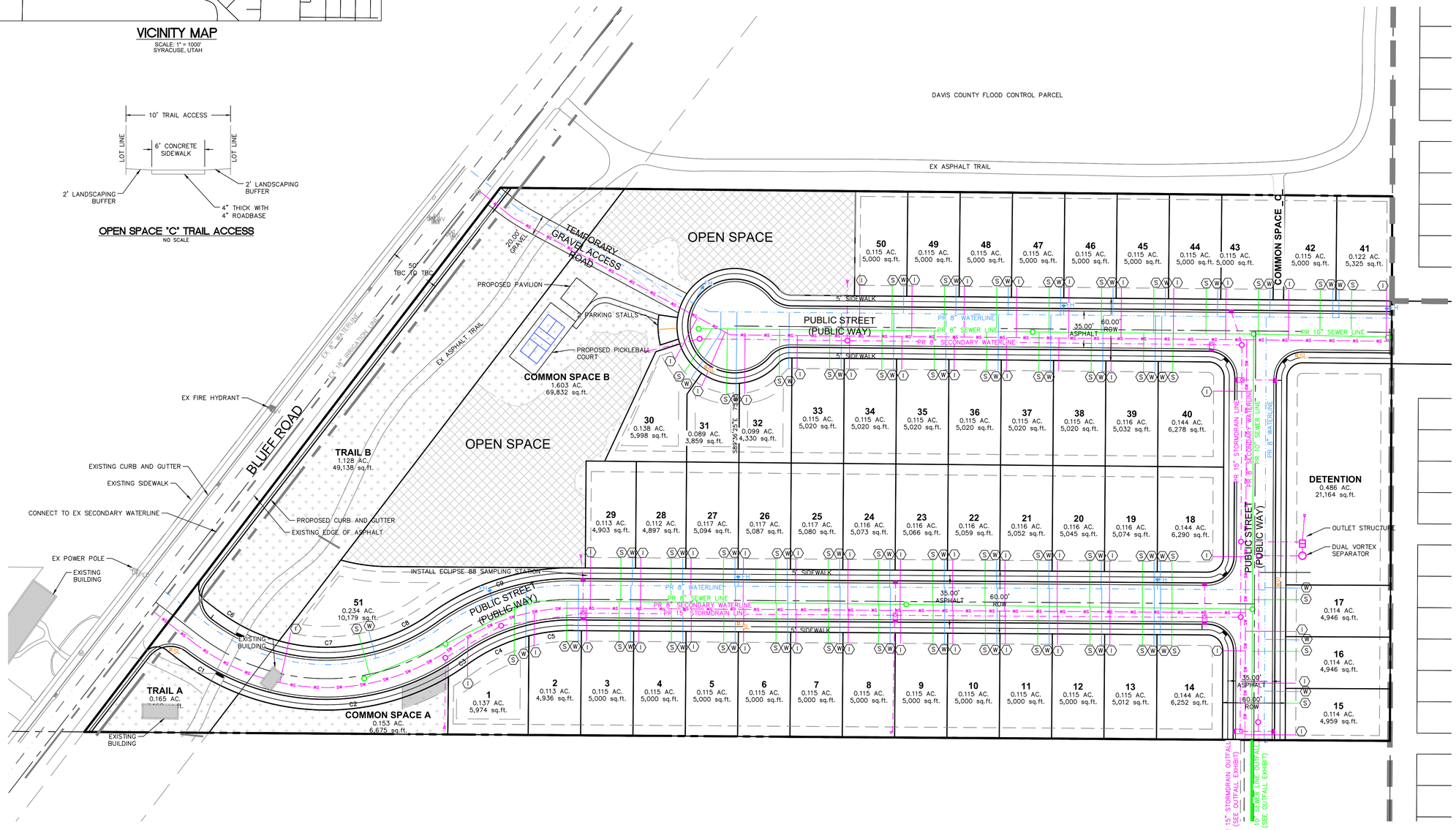
EDGEWATER PARK

OVERALL UTILITY PLAN



VICINITY MAP
SCALE: 1" = 1000'
SYRACUSE, UTAH

OPEN SPACE 'C' TRAIL ACCESS
NO SCALE



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DRAWING NOTES:

1. ALL WATERLINES ARE TO BE C900 PVC
2. ALL SEWER LINES ON SITE ARE TO BE 8" SDR 35 PVC @ 0.4% MINIMUM.
3. STORM DRAIN LINE ARE TO BE REINFORCED CONCRETE PIPE.
4. FIRE HYDRANTS SHALL BE EQUIPPED WITH AN INDEPENDENT LATERAL CONTROL VALVE PLACED AT THE BASE INLET OF THE FIRE HYDRANT.
5. THRUST BLOCKS SHALL BE PROVIDED ON ALL WATERLINES.
6. STREET LIGHTING TO BE INSTALLED PER SYRACUSE CITY STANDARDS.
7. THE PARKING STALLS ARE TO BE HOA OWNED AND MAINTAINED.
8. SYRACUSE CITY WILL NOT PLOW OR MAINTAIN THE TEMPORARY GRAVEL ACCESS ROAD.
9. NO BASEMENTS WILL BE PERMITTED ON THIS SITE.
10. ALL EXISTING BUILDINGS ON THE SITE ARE TO BE REMOVED.

Scale 1" = 50 ft

TABULATION TABLE

AREA TABULATIONS

TOTAL SITE AREA	12.57 AC
TOTAL LOTS SPACE	6.10 AC
OPEN SPACE	3.53 AC (28.1%)
TOTAL PUBLIC ROAD AREA	2.94 AC

NUMBER OF UNITS = 51

LEGEND

- PROPOSED WATER LINE — W
- PROPOSED SEWER LINE
- PROPOSED SECONDARY WATERLINE — SW
- PROPOSED STORM DRAIN
- PROPOSED CATCH BASIN
- PROPOSED FIRE HYDRANT — FH
- PROPOSED STREET LIGHT — SL
- PROPOSED 4" SEWER LATERAL — S
- PROPOSED 1" WATER SERVICE — W
- PROPOSED 1" IRR SERVICE — I

NO.	REVISION	DATE

PROJECT INFORMATION

EDGEWATER PARK

OVERALL UTILITY PLAN

SYRACUSE UTAH

DRAWN	CHECKED	PROJECT #
SWR	JRP	18097

PROFESSIONAL ENGINEER
No. 9259147
JASON REDD PETERSON
09/06/2013
STATE OF UTAH
ENGINEER'S STAMP

DATE 06/13/19

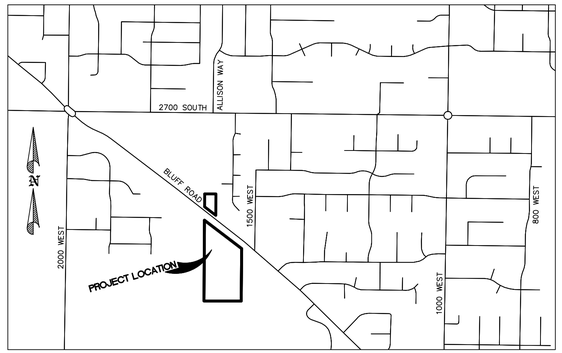
SCALE 1" = 50'

SHEET C201

G:\DATA\18097 Syracuse, Bluff DR - Alan Prince\dwg\Design\18097 Overall Drawings - Preliminary.dwg
PLOT DATE: Sep 06, 2019

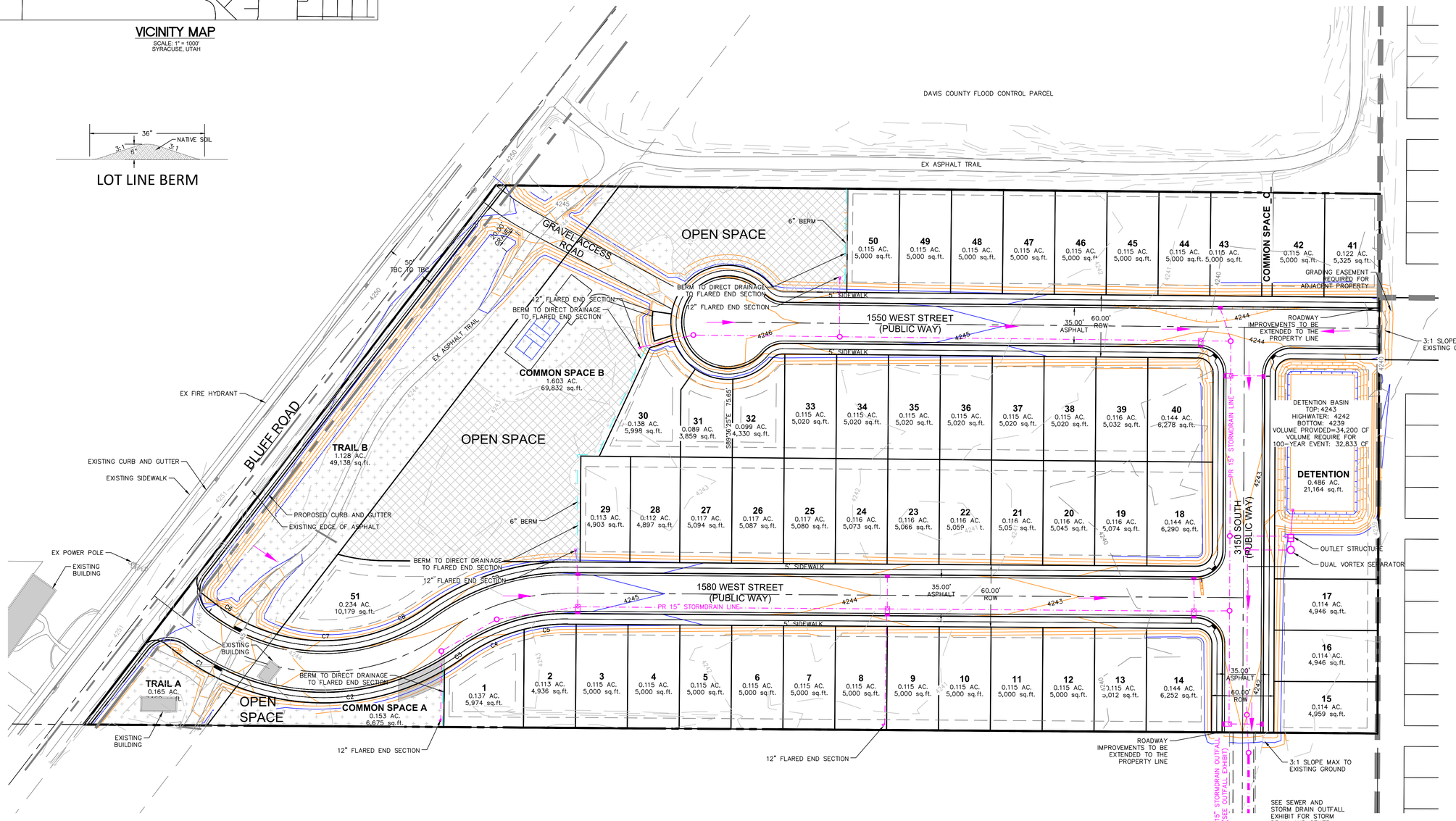
EDGEWATER PARK

OVERALL GRADING AND DRAINAGE PLAN



VICINITY MAP
SCALE: 1" = 1000'
SYRACUSE, UTAH

LOT LINE BERM



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DRAWING NOTES:

1. ALL STORM DRAIN LINE TO BE A MINIMUN OF 15" RCP UNLESS OTHERWISE NOTED.
2. DRAINAGE CALCULATIONS AND PIPE SIZING WILL BE COMPLETED DURING FINAL APPROVAL WITH CONSTRUCTION DRAWINGS.
3. THE DETENTION BASIN IS SIZED FOR THE 100 YEAR 24 HOUR STORM EVENT WITH A 0.2 CFS/AC RELEASE RATE.
4.

Scale 1" = 50 ft

LEGEND

- PROPOSED CONTOUR
- PROPOSED INDEX
- EXISTING CONTOUR
- EXISTING INDEX CONTOUR
- UTILITY EASEMENT
- PROPOSED SWALE
- DRAINAGE DIRECTION
- PROPOSED CATCH BASIN
- PROPOSED CLEANOUT
- PROPOSED COMBO BOX

NO.	REVISION	DATE

PROJECT INFORMATION

EDGEWATER PARK

OVERALL GRADING AND DRAINAGE PLAN

SYRACUSE UTAH

DRAWN	CHECKED	PROJECT #
SWR	JRP	18097

PROFESSIONAL ENGINEER
No. 9259147
JASON REDD PETERSON
09/06/2019
STATE OF UTAH

ENGINEER'S STAMP

DATE: 06/13/19

SCALE: 1" = 50'

SHEET: C202

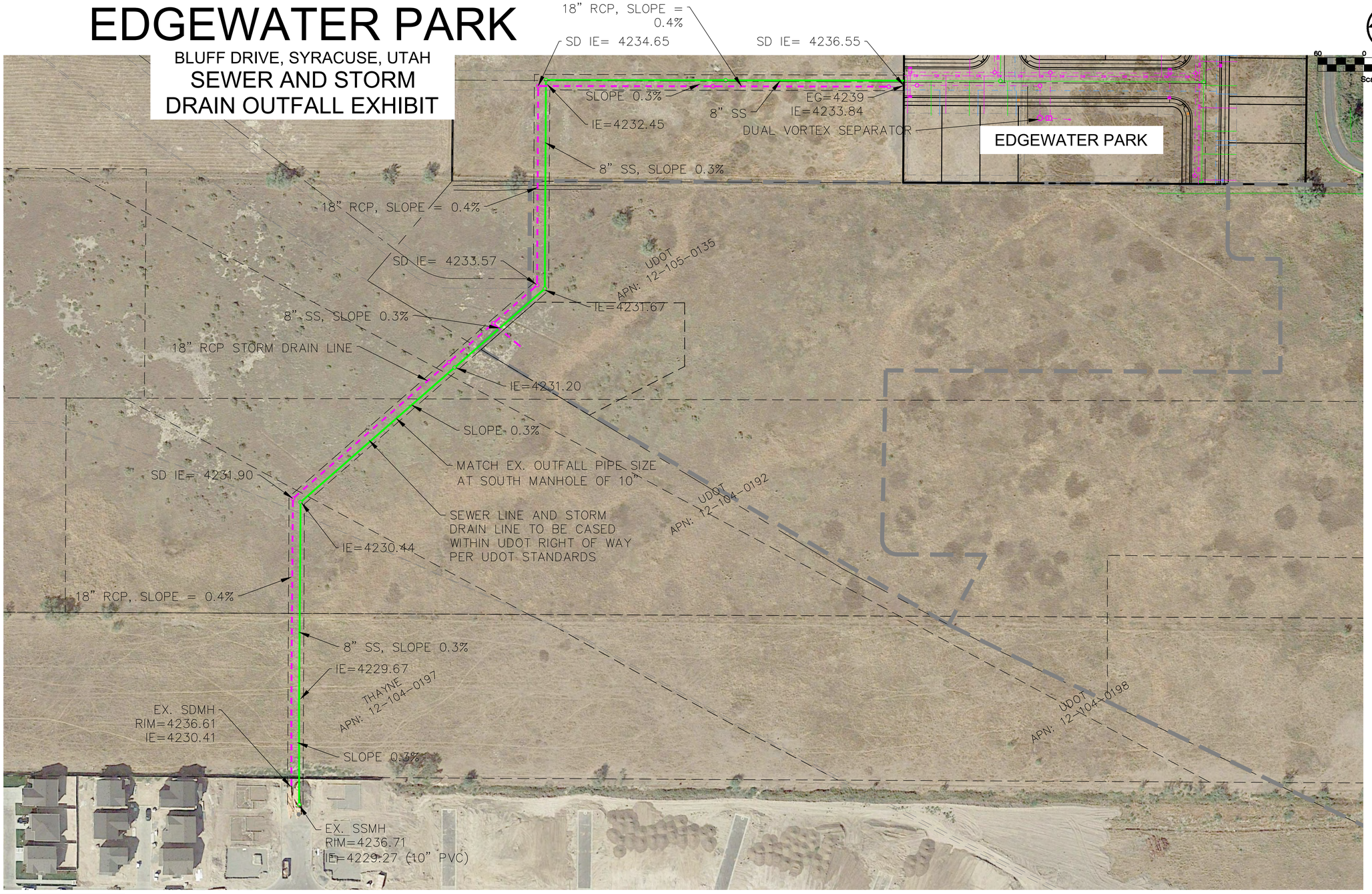
G:\DATA\18097 Syracuse, Bluff DR - Alan Prince\dwg\Design\18097 Overall Drawings - Preliminary.dwg
PLOT DATE: Sep 06, 2019

EXHIBIT E

EDGEWATER PARK

BLUFF DRIVE, SYRACUSE, UTAH

SEWER AND STORM DRAIN OUTFALL EXHIBIT



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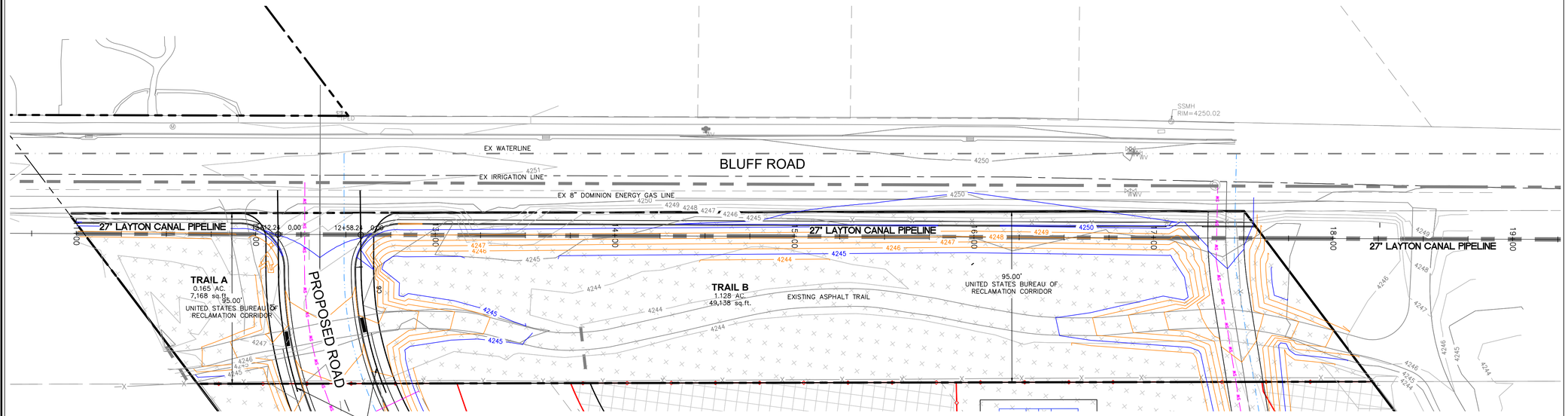
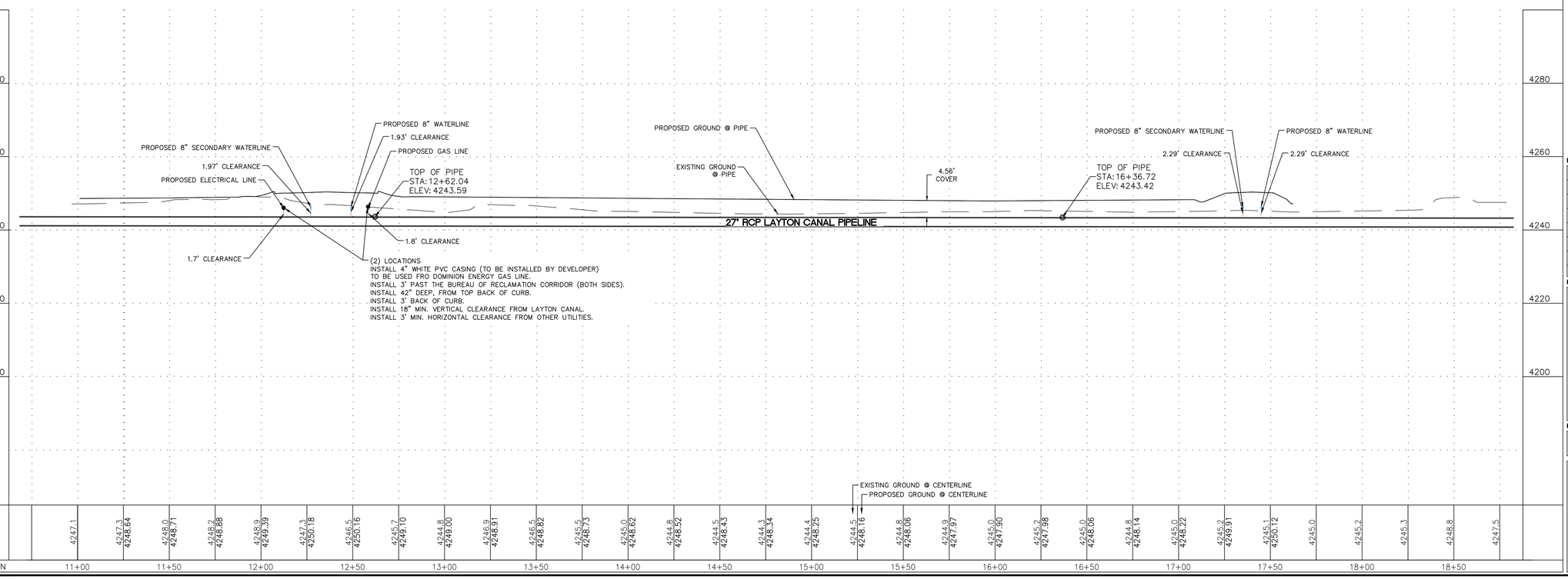
18097 Sewer Outfall Exhibit.dwg
PLOT DATE: Sep 05, 2019

NO.	REVISION	DATE

DRAWING TITLE	SEWER AND STROM DRAIN OUTFALL EXHIBIT
PROJECT NAME	EDGEWATER PARK
LOCATION	2955 S BLUFF ROAD
	SYRACUSE, UTAH
DRAWN	JRP
CHECKED	GDW
PROJECT NUMBER:	18097
DATE	3/1/2019
SCALE	1" = 60'
SHEET	1 OF 1



SCALES
HOR. 1" = 30'
VER. 1" = 15'



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DRAWING NOTES:

1. ASSUME 4' OF COVER OVER PROPOSED WATER, ELECTRICAL AND GAS LINES.

G:\DATA\18097 Syracuse, Bluff DR - Alan Prince\dwg\Bureau of Reclamation Crossing Exhibit.dwg
PLOT DATE: Sep 05, 2019

NO.	REVISION	DATE

PROJECT INFORMATION

EDGEWATER PARK CROSSING EXHIBIT

SYRACUSE, UTAH

DRAWN	CHECKED	PROJECT #
JRP		18097

DATE 04/26/19
HORIZONTAL SCALE 1" = 30'
VERTICAL SCALE 1" = 15'
SHEET 1 OF 1

ENGINEER'S STAMP

EDGE WATER PARK

57 LOT SINGLE FAMILY PLANNED COMMUNITY

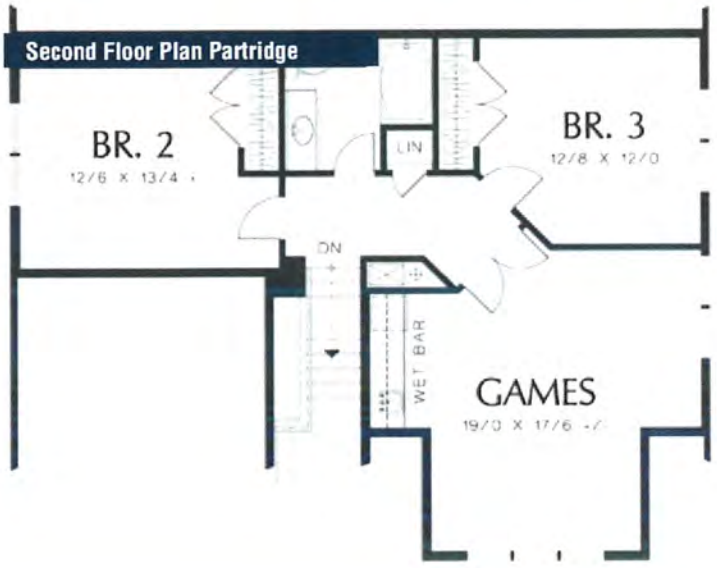
OVERVIEW

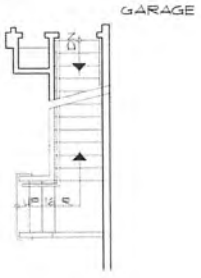
Colors, patterns, and elevations may be exchanged or changed by the builder who purchases these lots. If any styles or colors are significantly different than those that have been presented and registered with these documents as part of the approval process, said request-for-change must be approved by Syracuse City.

EDGE WATER PARK
57 LOT SINGLE FAMILY PLANNED COMMUNITY

Partridge5903

EXTERIOR STYLES: Craftsman European Traditional





TOTAL SQ. FT.: 2,230
1ST FLOOR SQ. FT.: 1,379
2ND FLOOR SQ. FT.: 851
BEDROOMS: 3
BATHROOMS: 2.1
GARAGE: 2
STORIES: 2

MAIN CEILING HEIGHT: Varies'
FRAMING: 2x6
ROOF FRAMING: Truss
ROOF PITCH: Primary: 10/12
WIDTH: 40' 0"
HEIGHT: 28' 10"
DEPTH: 55' 4"

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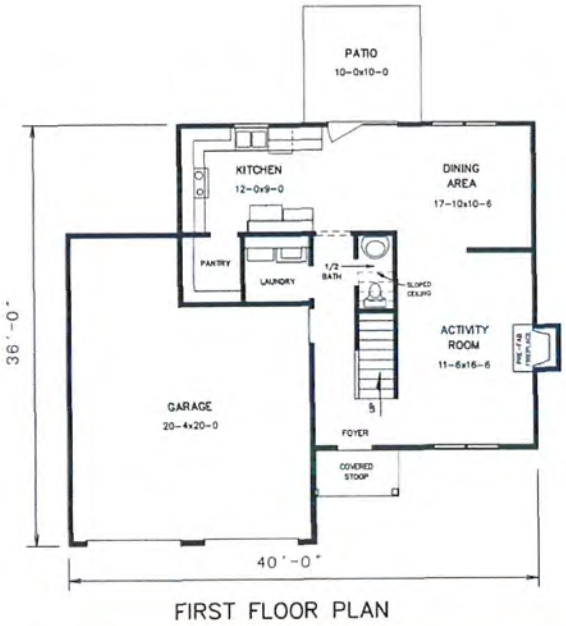
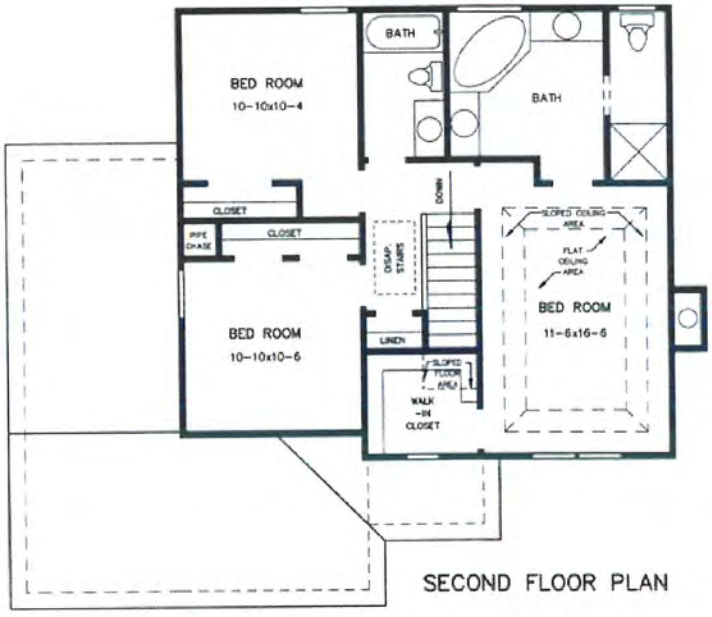
EDGE WATER PARK
57 LOT SINGLE FAMILY PLANNED COMMUNITY

Robin7739

EXTERIOR STYLES: Craftsman Traditional



FIRST FLOOR PLAN



SECOND FLOOR PLAN

TOTAL SQ. FT.: 1,553	STORIES: 2	Secondary: 3/12	UNHEATED LIVING SPACE:
1ST FLOOR SQ. FT.: 716	MAIN CEILING HEIGHT: 8'	WIDTH: 40' 0"	Garage: 480
2ND FLOOR SQ. FT.: 837	UPPER CEILING HEIGHT: 8'	HEIGHT: 30' 0"	Porch: 29
BEDROOMS: 3	FRAMING: 2x4	DEPTH: 36' 0"	Patio: 100
BATHROOMS: 2.1	ROOF FRAMING: Stick	EXTERIOR STYLES: Country Traditional	
GARAGE: 2	ROOF PITCH: Primary: 10/12		

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EDGE WATER PARK

57 LOT SINGLE FAMILY PLANNED COMMUNITY

LARK9839

EXTERIOR STYLES: Craftsman Traditional

TOTAL SQ. FT.: 1,465	STORIES: 2	Porch: 10/12	Farm House
1ST FLOOR SQ. FT.: 633	MAIN CEILING HEIGHT: 8'	WIDTH: 40' 0"	Lake
2ND FLOOR SQ. FT.: 832	UPPER CEILING HEIGHT: 8'	HEIGHT: 28' 1"	UNHEATED LIVING SPACE:
BEDROOMS: 3	FRAMING: 2x6	DEPTH: 25' 0"	Garage: 367
BATHROOMS: 2.1	ROOF FRAMING: Truss	EXTERIOR STYLES: Collage	
GARAGE: 1	ROOF PITCH: Primary: 7/12	Country	

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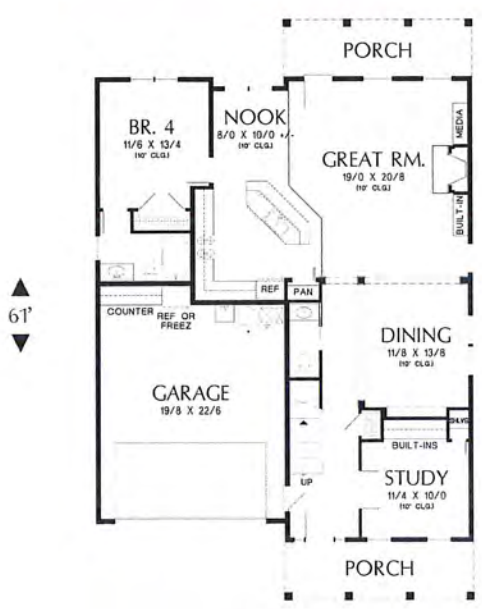
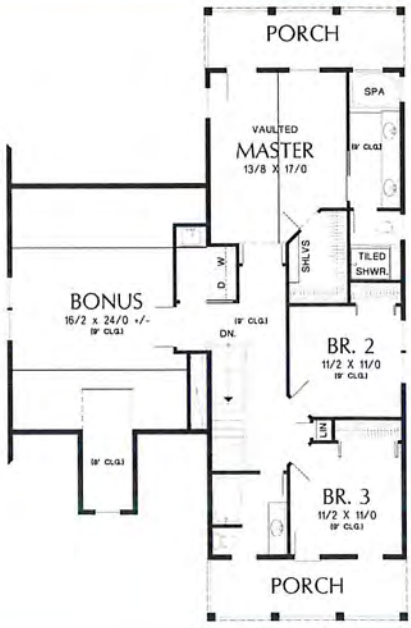
EDGE WATER PARK
57 LOT SINGLE FAMILY PLANNED COMMUNITY

HERRING4064

EXTERIOR STYLES: Craftsman Traditional





OTAL SQ. FT.: 2,400	GARAGE: 2	ROOF PITCH: Primary: 10/12	EXTERIOR STYLES: Southern Traditional
1ST FLOOR SQ. FT.: 1,433	STORIES: 2	Secondary: 8/12	UNHEATED LIVING SPACE:
2ND FLOOR SQ. FT.: 967	MAIN CEILING HEIGHT: 10'	Dormer: 10/12	Garage: 480
BONUS: 491	UPPER CEILING HEIGHT: Varies'	WIDTH: 40' 0"	Porch: 240
BEDROOMS: 4	FRAMING: 2x6	HEIGHT: 29' 6"	Deck: 240
BATHROOMS: 3.1	ROOF FRAMING: Truss	DEPTH: 61' 0"	

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EDGE WATER PARK
57 LOT SINGLE FAMILY PLANNED COMMUNITY

SANDHILL3086

EXTERIOR STYLES: Craftsman Traditional

TOTAL SQ. FT.: 1,529
1ST FLOOR SQ. FT.: 1,529
BEDROOMS: 3
BATHROOMS: 2.0
GARAGE: 2
STORIES: 1

MAIN CEILING HEIGHT: Varies'
UPPER CEILING HEIGHT: '
FRAMING: 2x6
ROOF FRAMING: Truss
ROOF PITCH: Primary: 6/12
Gable: 8/12

WIDTH: 40' 0"
HEIGHT: 25' 5"
DEPTH: 57' 0"
EXTERIOR STYLES: Cottage
Craftsman
Ranch

UNHEATED LIVING SPACE:
Garage: 419
Patio: 127

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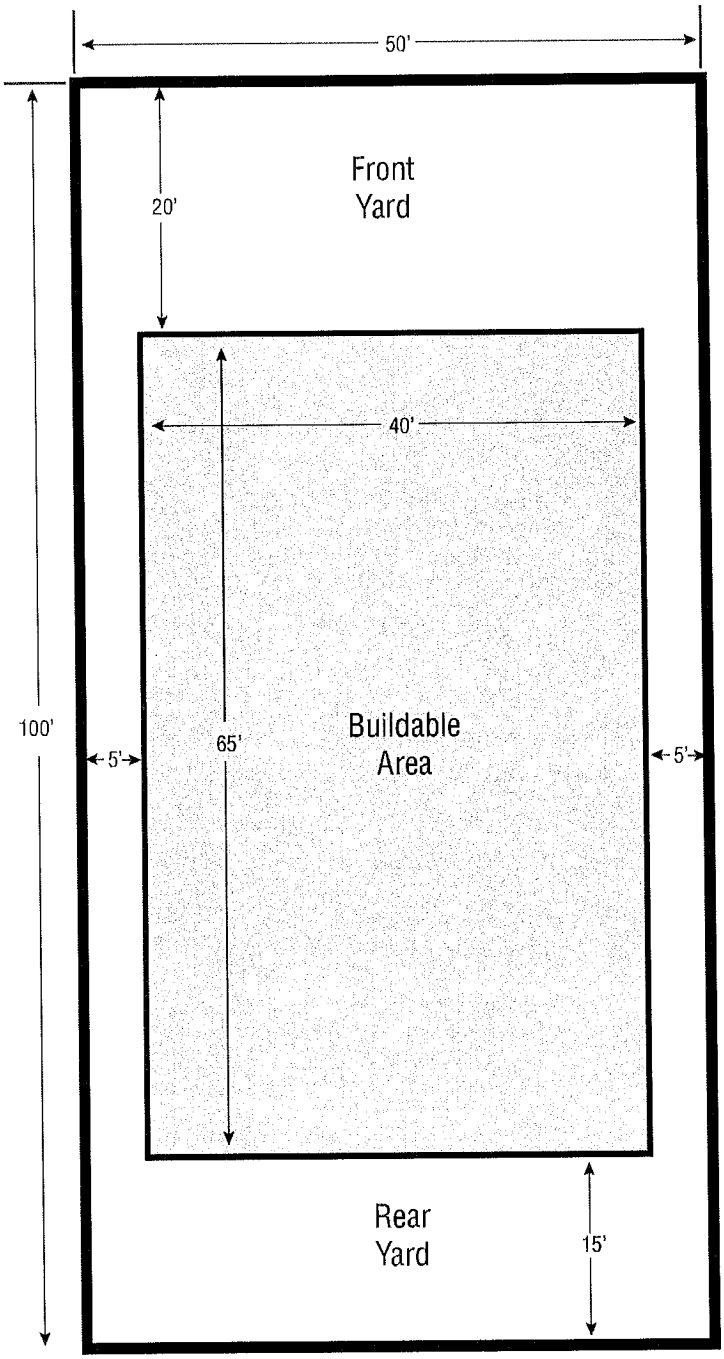
EDGE WATER PARK

57 LOT SINGLE FAMILY PLANNED COMMUNITY

TYPICAL BUILDING LOT



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EDGE WATER PARK
57 LOT SINGLE FAMILY PLANNED COMMUNITY

SHINGLES

Arc architectural Shingles

3 -Tab Shingles

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EDGE WATER PARK
57 LOT SINGLE FAMILY PLANNED COMMUNITY

HARDIE BOARD

HORIZONTAL PANELS

VERTICAL PANELS

TRADITIONAL LAP

DUTCH LAP

BOARD & BATTEN

BEADED

SHINGLES

SCALLOPS

Hardie Board
Plank, Panel, Batten and Shingle Colors and Samples

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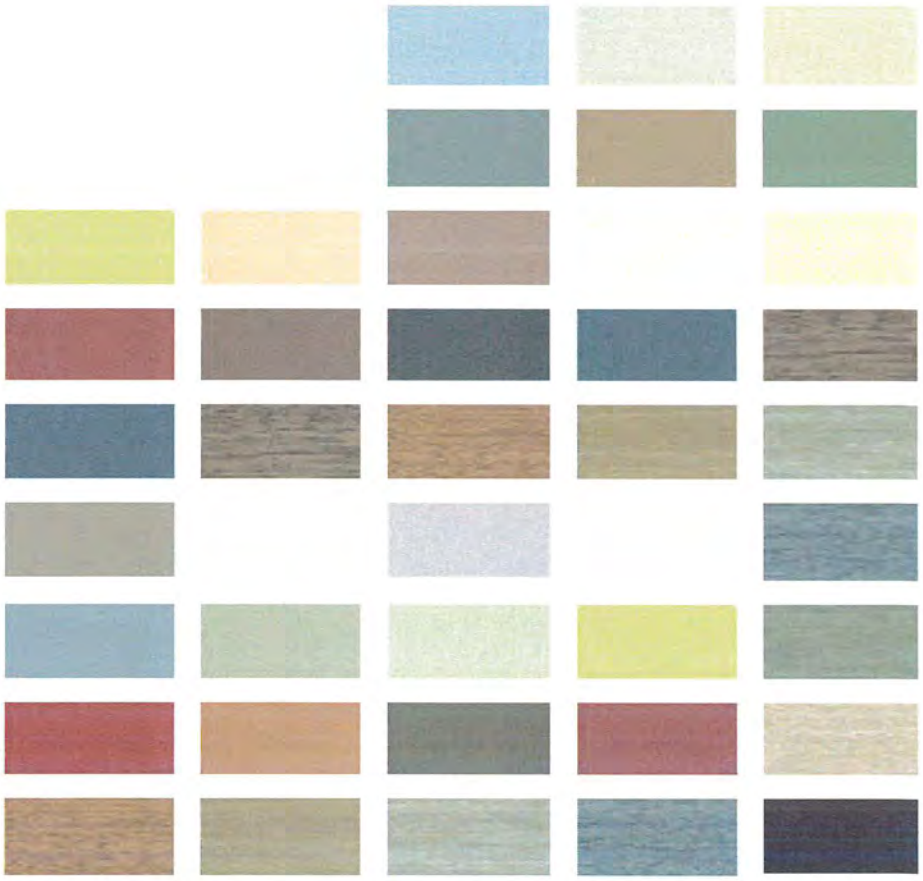
EDGE WATER PARK
57 LOT SINGLE FAMILY PLANNED COMMUNITY

SIDING, RAIN GUTTERS AND EVES



Different samples of eves, rain gutter colors and siding.

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EDGE WATER PARK
57 LOT SINGLE FAMILY PLANNED COMMUNITY

BRICK

Cape Cod

Champagne

Chardonnay

Charleston

Hampton

Mahogany

Old Baltimore

Old Canterbury

Clifton

Coal

Columbia

Old Virgina

Ponderous

Sage

Samples of brick and Hardie board

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EDGE WATER PARK

57 LOT SINGLE FAMILY PLANNED COMMUNITY

ROCK AND STONE

Western Ledge Stak | French Chateau | River Rock | Weathered Edge

Fast Stak | Bluff Stone | Splitface | Southeastern Ledgestone

Cut Fieldstone | Prairie Bluff | Ohio Rubble | Cliffstone

Montana Ledge | Washed River Rock | Pebble Stone | Country Ledge

Sangria | Bavarian Castle | Venetian Cobble | Italian Fieldstone

Mountain Blend | Long Island Stak | Stonebrick | Tumbled

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EDGE WATER PARK

57 LOT SINGLE FAMILY PLANNED COMMUNITY

STUCCO COLOR

102 Brite White	310 China White	106 Pearl Ash	139 Adobe Accent	110 Van Dyke
103 Natural White	115 Beach	112 Sandlewood Beige	133 Driftwood	114 Mauve
104 Dover Sky	107 Sunset Yellow	117 Colonial Tan	108 Manor White	116 Victorian Lace
131 Gull Gray	109 Eggshell Cream	142 Spectrum Brown	105 Suede	132 Mountain Fog
111 Prairie Clay	113 Amarillo White			

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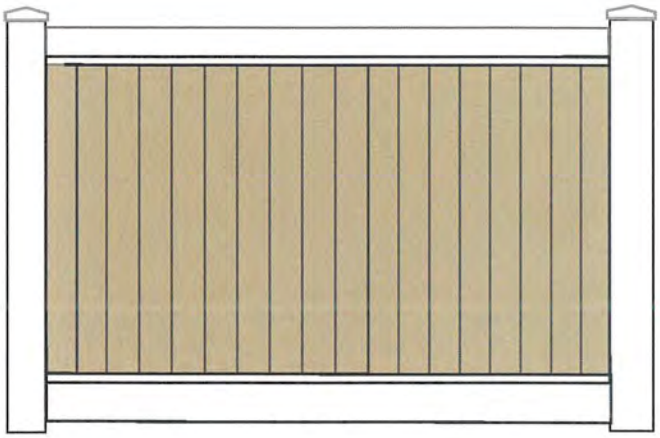
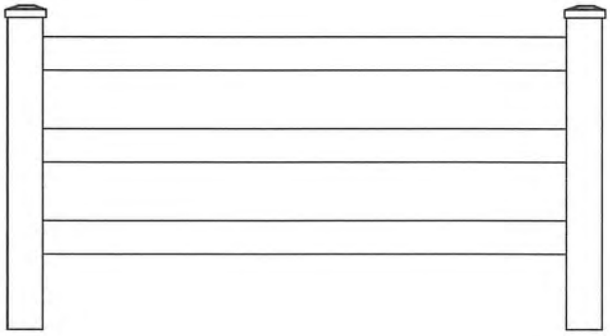
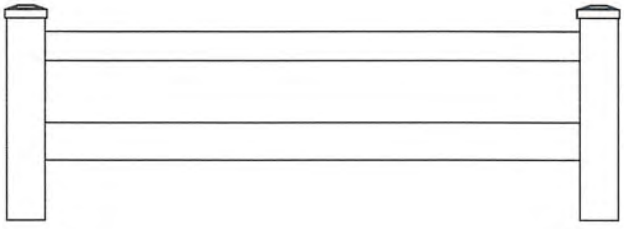
EDGE WATER PARK

57 LOT SINGLE FAMILY PLANNED COMMUNITY

FENCE







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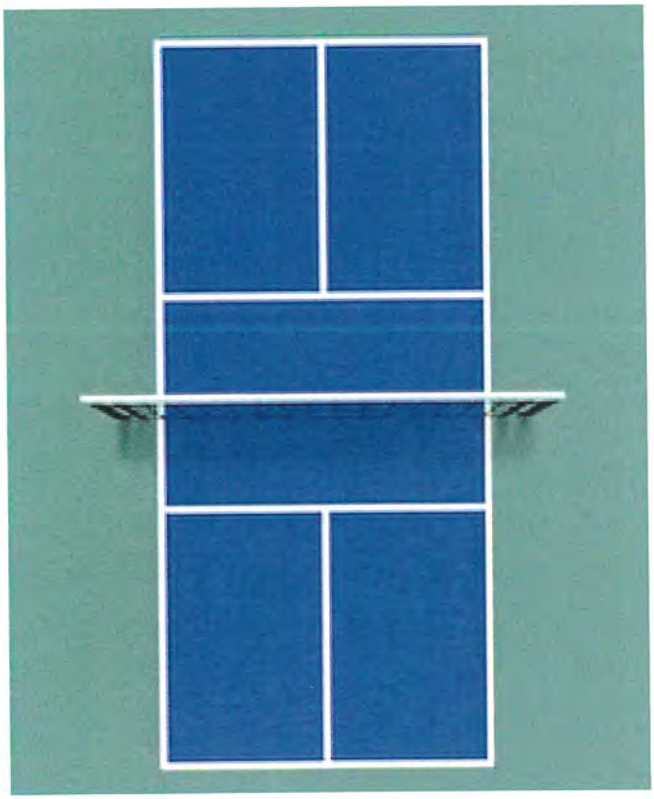
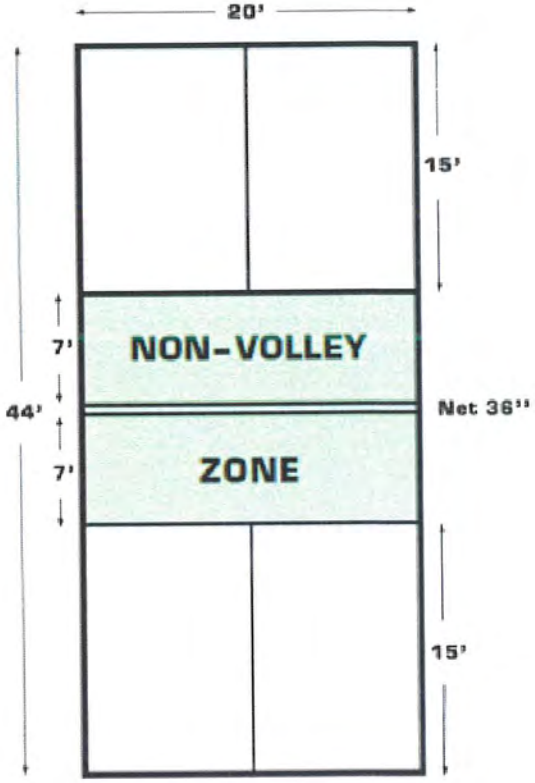
EDGE WATER PARK
57 LOT SINGLE FAMILY PLANNED COMMUNITY

Pickleball Court





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EDGE WATER PARK
57 LOT SINGLE FAMILY PLANNED COMMUNITY

RULES AND RESTRICTIONS

1. Meet Syracuse City height restrictions (no more than 30 feet tall)
2. No home to be more than 2 stories in height
3. All homes are for single family ownership. No multi-family occupancy of any given home
4. All homes to comply with Syracuse City Masonry (brick or stone fascia) requirements".
5. No home with less then a single-car garage. Double garages highly encouraged
6. All homes are required to have Front Yard Landscaping (to include front-yard sod, two 2"-caliper trees, and a minimum of 5 one-gallon shrubs installed at time of closing, or escrowed with City for completion of same once weather permits).
7. No homes with less than 1000' area of square space. (Finished Living Area)

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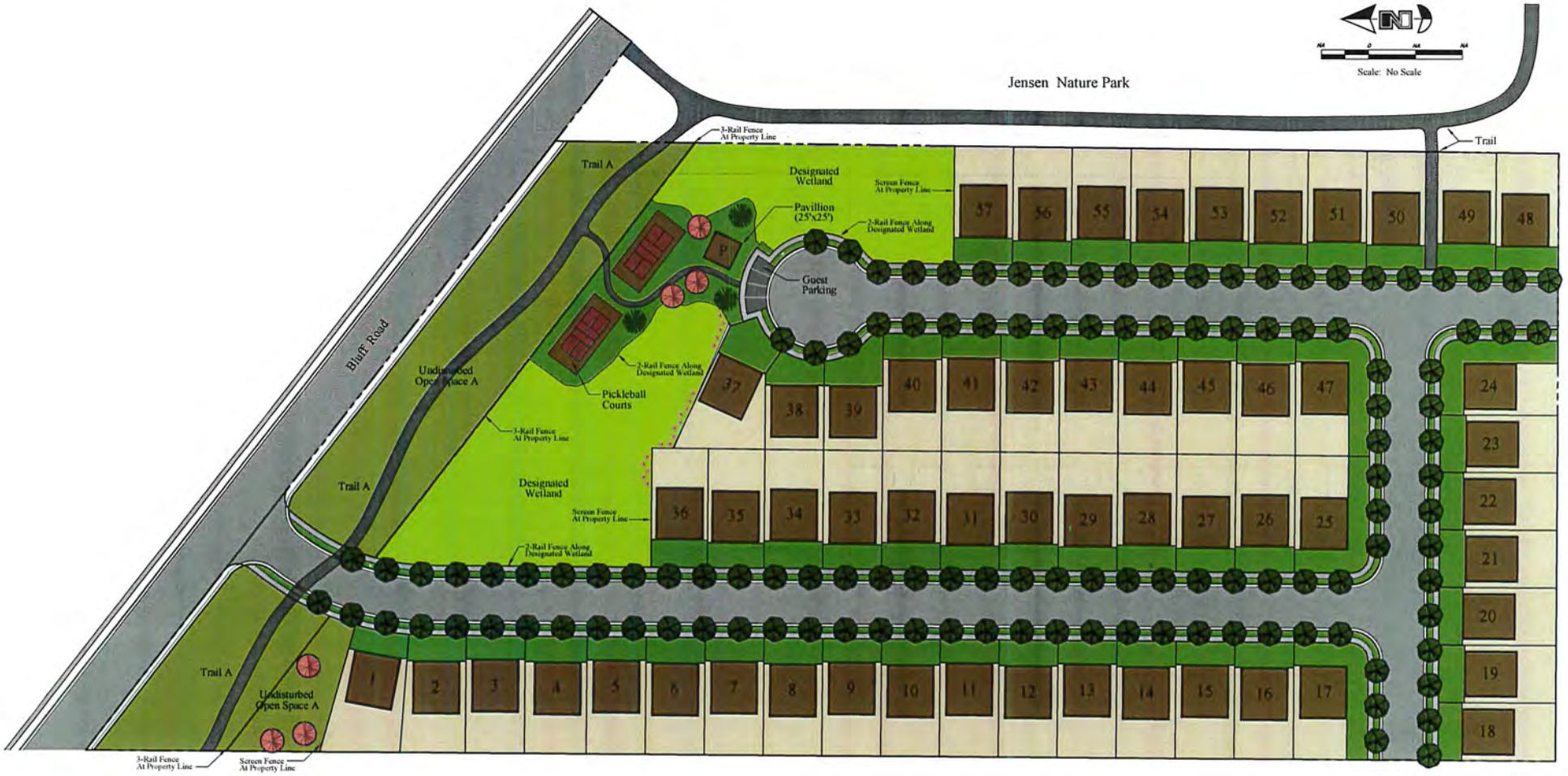
IMPORTANT NOTE: *While every effort was made to color match the samples, the colors represented in the color collections and design are approximations only. The colors displayed must be made from actual product applied by the applicator under actual job conditions to ensure color.*

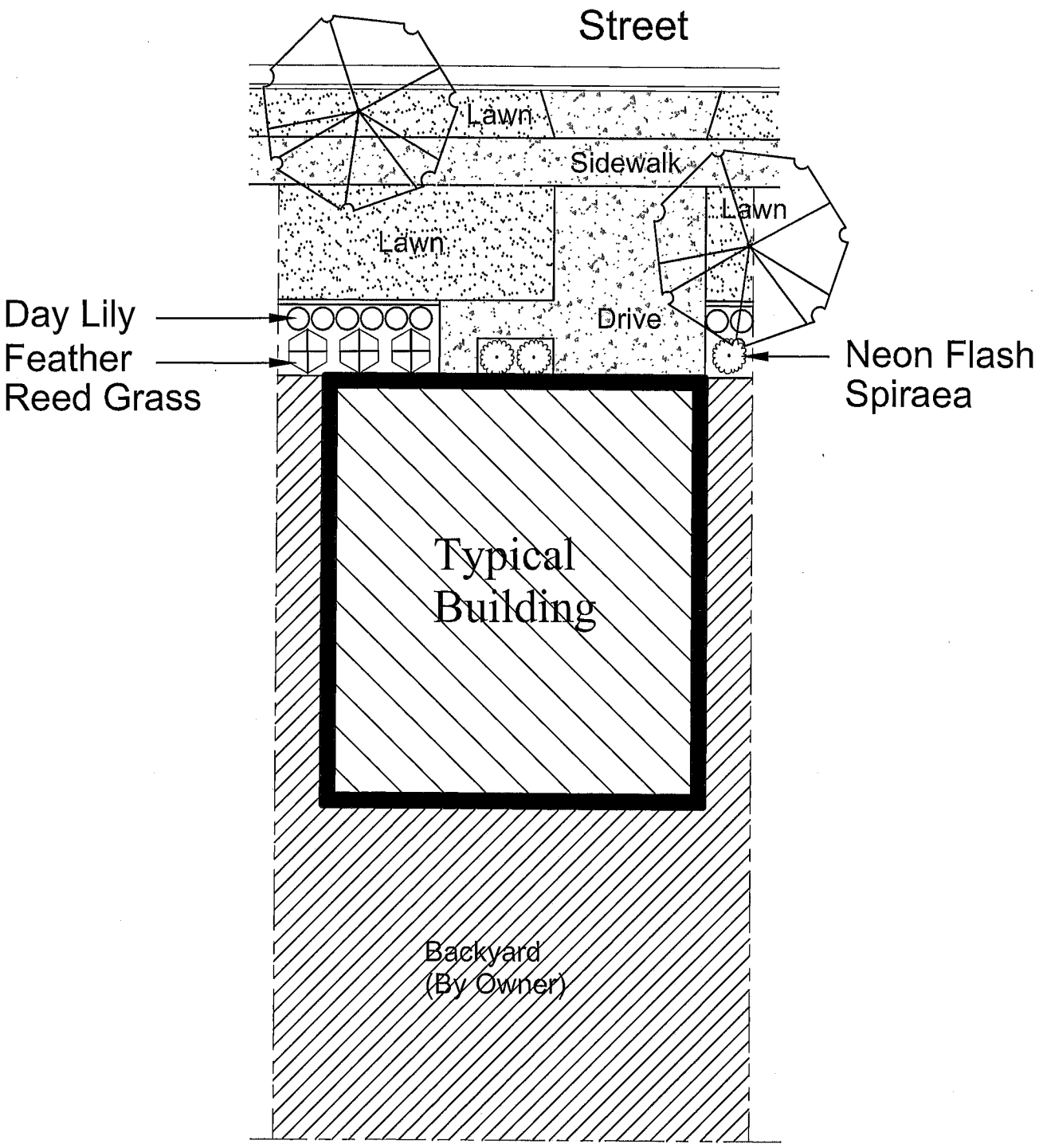


Plant List (TREES)

Symbol	Botanical Name	Common Name
	Celtis occidentalis	Common Hackberry
	Tilia tomentosa 'Sterling Silver'	Sterling Silver Linden
	Zelcova serrata 'Village Green'	Village Green Zelcova
	Picea pungens	Colorado Spruce
	Pinus flexilis	Limber Pine
	Pinus heldreichii	Bosnian Pine
	Crataegus crus-galli	Cockspur Hawthorn
	Malus x. 'Spring Snow'	Spring Snow Crabapple
	Syringa reticulata	Japanese Flowering Lilac

EDGEWATER PARK

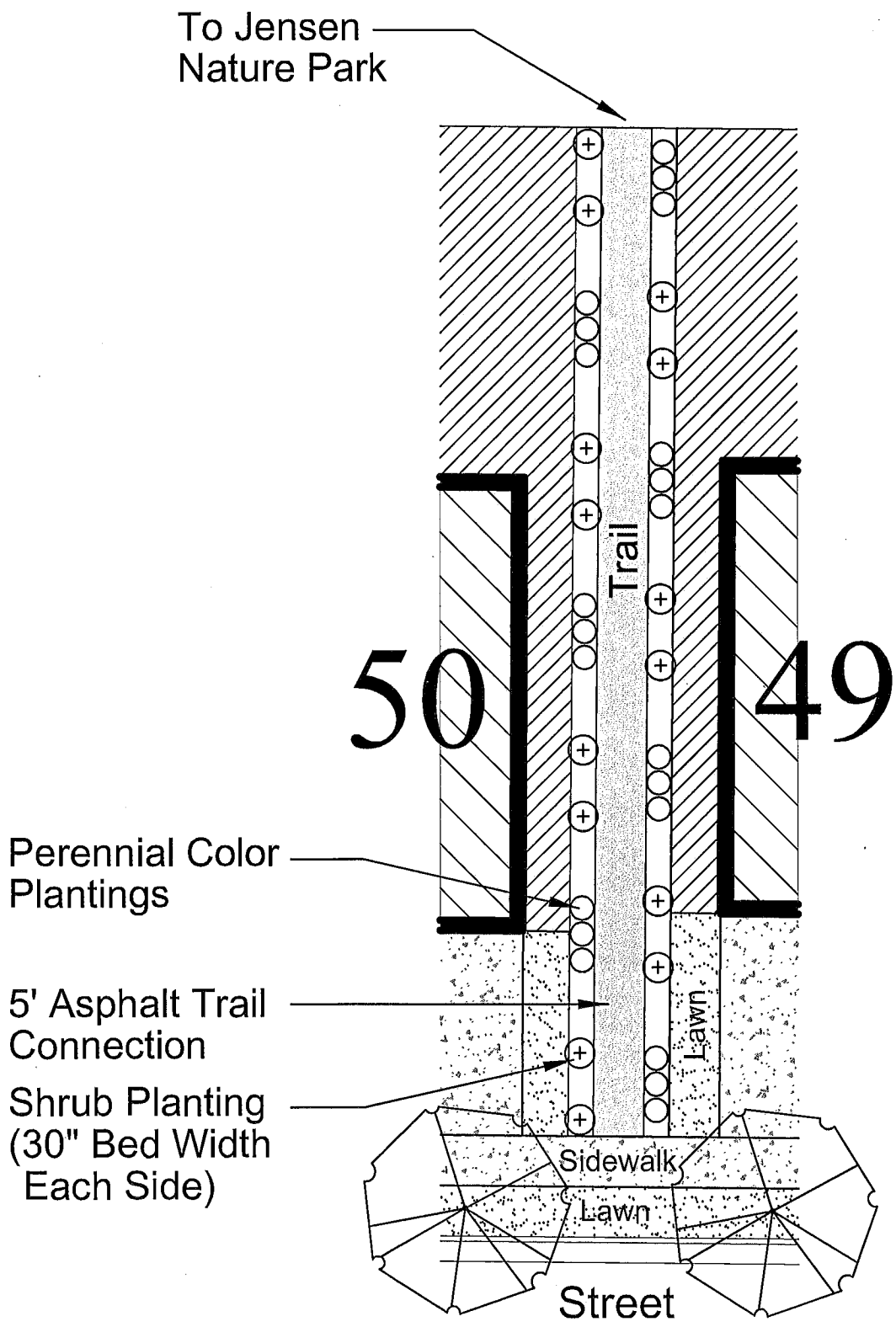
PRD Zone Bluff Drive - Syracuse, Utah



Typical Building
Planting / Layout

EDGEWATER PARK

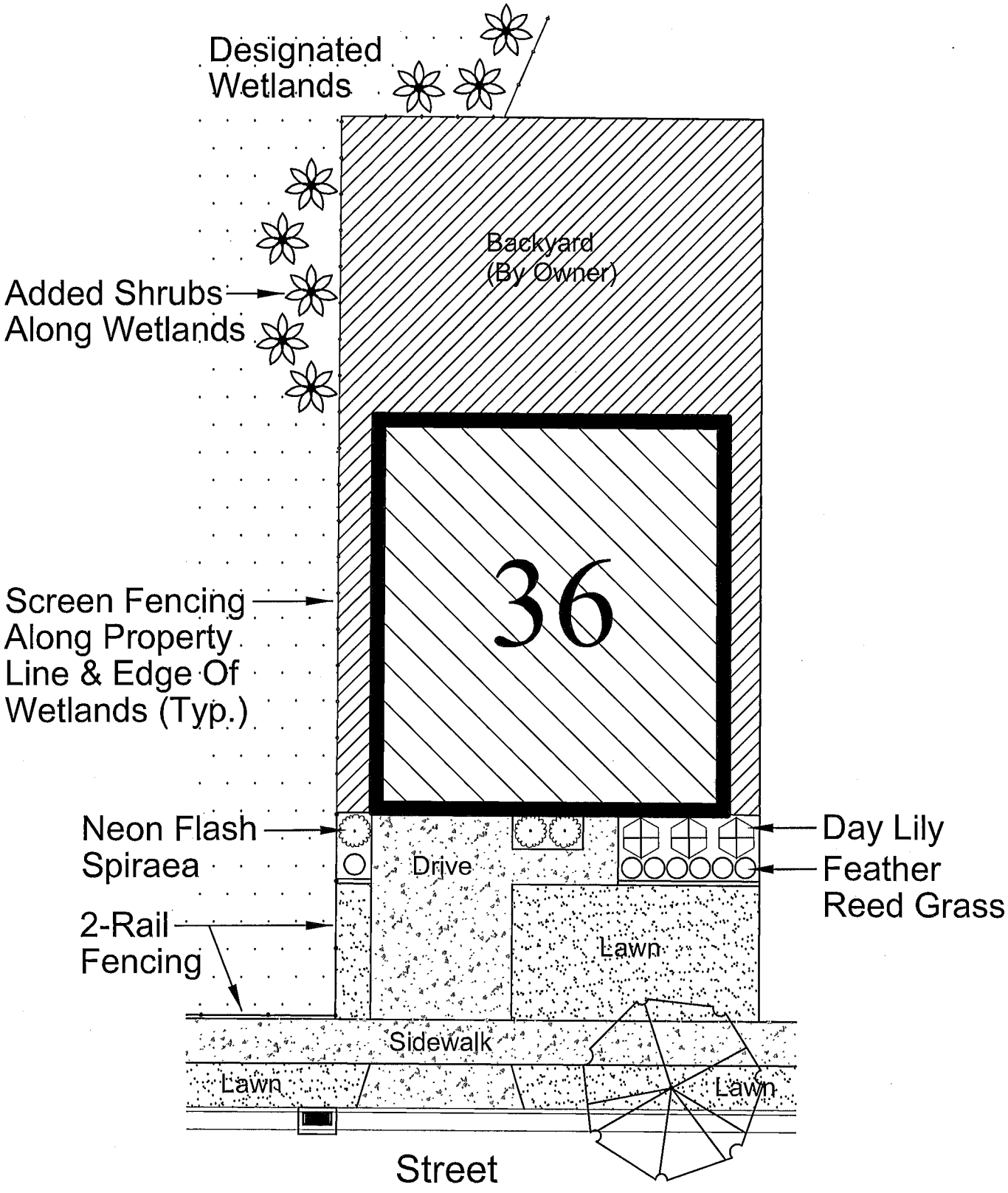
PRD Zone Bluff Drive - Syracuse, Utah



Trail Connection
To Jensen Park

EDGEWATER PARK

PRD Zone Bluff Drive - Syracuse, Utah

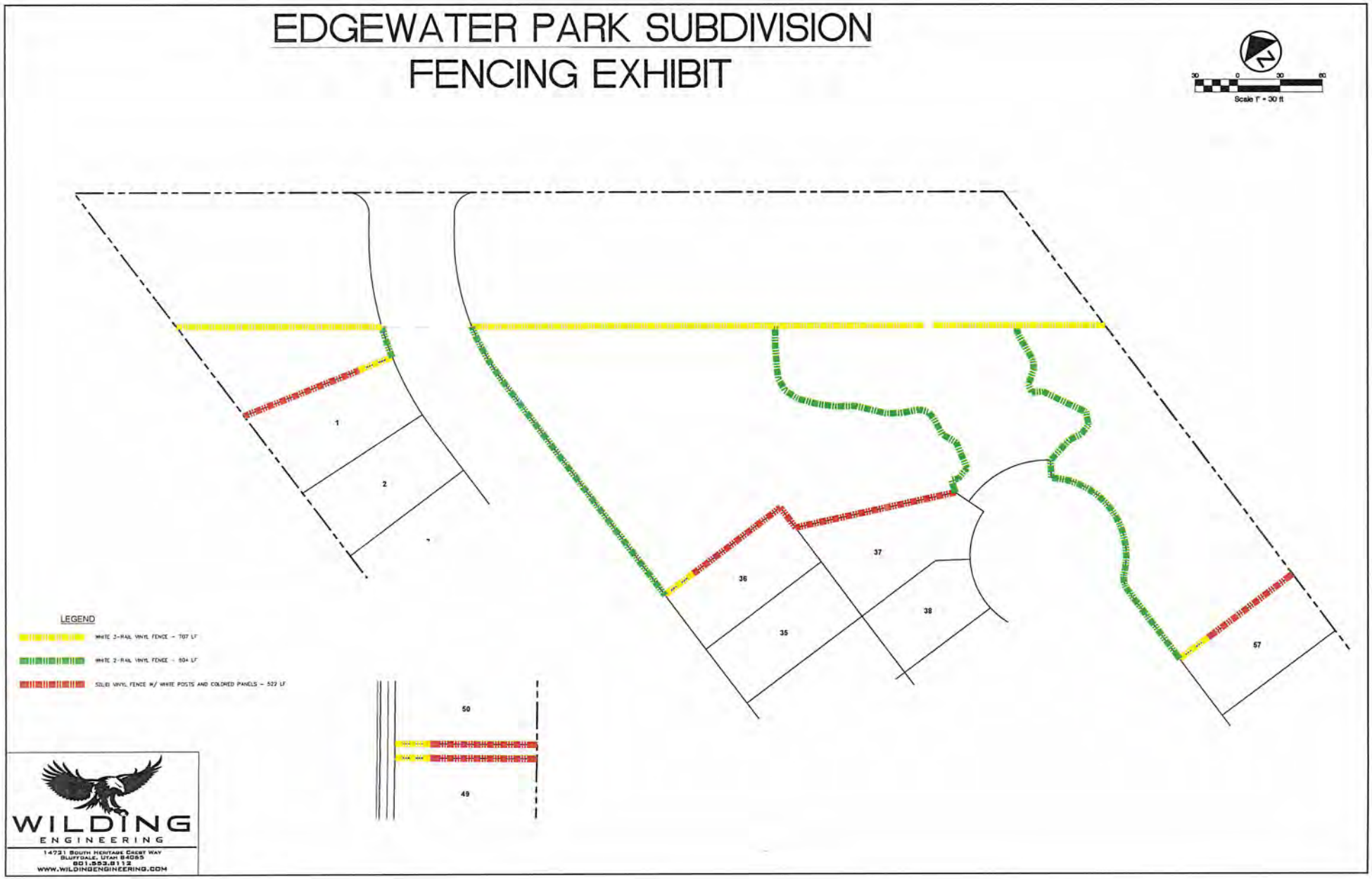


Typical Building
Along Wetlands

EDGEWATER PARK

PRD Zone Bluff Drive - Syracuse, Utah

EDGEWATER PARK SUBDIVISION
FENCING EXHIBIT



WILDING
ENGINEERING
14721 South Heritage Crest Way
Bluffdale, Utah 84065
801.553.8112
www.wildingengineering.com

PRD ZONING ORDINANCE

10.75.010 Purpose.

The purpose of this zone is to allow diversification in the relationship of residential uses to its sites and permit directed flexibility of site design. Further, its intent is to encourage a more efficient use of the land and the reservation of a greater proportion of common space for recreational and visual use than other residential zones may provide and to encourage a variety of dwelling units that allow imaginative concepts of neighborhood and housing options and provide variety in the physical development pattern of the City. This will allow the developer to more closely tailor a development project to a specific user group, such as retired persons.

The intent of this zone is to encourage good neighborhood design while ensuring compliance with the intent of the subdivision and zoning ordinances. The development shall contain common or open space and amenities for the enjoyment of the planned community that are developed and maintained through an active homeowners' association or similar organization with appointed management.

10.75.020 Permitted uses.

The following are permitted uses by right provided the parcel and building meet all other provisions of this title and any other applicable ordinances of Syracuse City:

(A) Accessory uses and buildings (maximum 200 square feet; only allowed with nonattached dwelling units).

(B) Churches, synagogues, and temples.

(C) Dwelling units, single-family.

(D) Dwelling units, townhome duplex, triplex, fourplex, fiveplex, or sixplex. No apartments.

(E) Educational services.

(F) Household pets.

(G) Private parks.

(H) Public and quasi-public buildings.

(I) Residential facilities for persons with disabilities and assisted living centers.

10.75.030 Conditional uses.

The following may be permitted conditional uses, after approval as specified in SCC 10.20.080:

(A) Day care centers (major). Nonattached dwellings only.

(B) Home occupations (minor or major). Major CUP limited to nonattached dwellings.

(C) Temporary commercial uses (see SCC 10.35.050) (minor).

(D) Temporary use of buildings (see SCC 10.30.100(A)(12)) (minor).

10.75.040 Minimum lot standards.

All lots shall be developed and all structures and uses shall be placed on lots in accordance with the following standards:

(A) Density. Density shall be allowed according to the following conditions. If a property meets the following requirements, it is not intended to be construed that the City Council must automatically approve the application. The legislative powers are nevertheless available to disapprove a zoning or general plan map amendment application as deemed necessary by the Council.

(1) Six units per acre are allowed when:

(a) The proposed project has frontage upon a collector road.*

(2) Nine units per acre are allowed only when one of the following is met:

(a) Have frontage and access upon an arterial road.*

(b) Share a property line with an existing general commercial, professional office, or industrial development.

(3) Twelve units per acre are allowed only when three of the following are met:

(a) Have frontage and access upon a major arterial* that is owned and maintained by the State Department of Transportation.

(b) Be within the town center overlay zone.

(c) Have frontage upon the intersection of either two arterials or a collector and an arterial road.*

(d) Is located within one-quarter mile walking distance to bus, train, or other public transit stop/station and has frontage and access upon an arterial roadway.*

*(4) Road classifications are identified in the adopted transportation master plan's existing street network.

(B) Common Space. A minimum of 20 percent of the gross acreage of the project shall be developed as common space, or with an in-lieu payment and common space as detailed in subsection (B)(2) of this section.

(1) Common space areas shall:

(a) Be landscaped by the developer with turf, trees, shrubs, ground cover, amenities, and an automatic sprinkling system.

(b) Be equally accessible and distributed for all residents of the HOA community. Access by the general public may be included as agreed upon in a development agreement.

(c) Be generally contiguous, not a collection of remnants.

(d) Create an open atmosphere where development does not feel overly intense.

(e) Not include required front, side, and rear yard areas towards common space acreage.

(f) Be administered by an active homeowners' association.

(g) Be permanently restricted from future development and shown on the subdivision plat as perpetually common.

(h) Include multiple amenities from the following list: club house, tennis court, pickleball court, basketball court, playground, community garden, picnic shelter, swimming pool, park benches, walking trails, outdoor exercise equipment, dog park, or splash pad. City Council shall approve all proposed amenities and may approve an amenity not included in this list.

(i) Include approved amenities in each segment of common area; landscaping alone does not qualify a segment as common space.

(j) Common spaces shall be installed proportional to the progress of the development. Common space amenities not completed before the recording of the phase that it resides in shall be guaranteed with an escrow agreement amount equivalent to the cost to install said amenity.

(2) In-Lieu Fee for Required Common Space. An in-lieu fee may be accepted for the development of a nearby City park under the following conditions:

(a) The developer initiates a request to pay a fee in lieu of required common space by petitioning the City at the same time that the concept plan is under review.

(b) The proposed project shall be located within one-half mile (measured in a straight line) of an existing or future Syracuse City park as identified in the adopted parks master plan. Measurement shall be made from the nearest property line of the park to the nearest property line of the development project.

(c) The in-lieu fee shall not be approved if any portion of the proposed development is further than one mile from the nearest receiving park property boundary.

(d) The park property to receive the fee money shall be identified and approved in conjunction with the concept plan.

(e) Qualification of an off-site location to receive in-lieu-of-common-space fees shall be approved by City Council based upon the development needs and priorities stated in the adopted parks master plan, and such qualification shall be decided at the time that the Council reviews the concept plan.

(f) The spending of in-lieu fees shall be limited to the determined off-site receiving location and for no other civic or private use.

(g) If the City Council does not accept the request for in-lieu fees based off the qualifiers stated herein, the development shall build the on-site common space as required by the RPC zone.

(h) If a fee is accepted in lieu of common space, the project will nevertheless be required to build at a minimum: one on-site common amenity such as a tot lot, sport courts, and/or pool occupying at least five percent of the total project land area. All on-site landscaping and common space amenities shall be maintained by an HOA.

(i) The fee money will be due to the City prior to recording of the final subdivision plat proportionate to each phase as applicable.

(j) Development may be allowed on the land that has been accounted for through the collection of in-lieu fees at a density not to exceed the maximum units per acre prescribed by the zone.

(k) In-lieu fees shall be calculated on an individual basis. In-lieu fee amount shall be roughly equivalent to the value of forgone on-site common space area(s) and improvements. Fees shall be determined using mutually accepted methods for cost estimating the dollar amount needed to build the equivalent park improvements and acquire the land needed for said park space. Credit for on-site common space developed beyond the minimum five percent identified in subsection (B)(2)(h) of this section, and actually built within the development, may be subtracted from the estimated fee due.

(l) The agreed upon fee amount, percentage of provided on-site and off-site in-lieu fee, and park development cost per square foot shall be included in a development agreement.

(3) The aesthetic and landscaping proposals shall provide for trees and shrubs that break up the look of having the same building style duplicated throughout the development and shall be in accordance with the Architectural Review Guide.

(C) The development design shall include direct automobile access to an arterial, or collector roadway, by way of a full width and dedicated right-of-way designed for the movement of automobile traffic or private access road meeting International Fire Code (IFC) standards.

(D) Lot Width. Determined by development plan.

(E) Front Yard. Twenty feet.

(F) Side Yards. A minimum of 10 feet between primary structures and five feet from the property line. If the height of the structure exceeds two stories, then the minimum side yard shall then be 16 feet between primary structures and eight feet from the property line.

(G) Rear Yard. A minimum of 15 feet.

(H) Building Height. As allowed by current adopted building code, with a maximum height of 35 feet to the top of the roof structure. Units located adjacent to single-family detached homes, or units that are within the density category of six units per acre as specified within subsection (A) of this section, shall be limited to a maximum of two stories and/or 30 feet, whichever is shorter.

(I) Architecture.

(1) Horizontal rooflines visible from a public street shall feature breaks or variation at a minimum of every 30 feet. Variation can be accomplished by:

(a) Vertical offset in ridge line;

(b) Gables;

(c) False parapets;

(d) Exaggerated cornices;

(e) Dormers;

(f) Vegetated terraces; or

(g) Other architectural features such as trellises, cornices, portals or porches.

(2) Duplicating building facades on the same side of the street shall not be allowed more frequently than every third building or in a repeating pattern.

(3) Garages shall not be the major architectural feature of the building.

(4) Garages are encouraged to be recessed from the front facade, or be side or rear fed.

(5) All units shall feature a front porch or balcony with sufficient space for two seats and a walkway.

(6) Buildings shall be positioned on the site so that all front doors face the public road or private drive.

(7) When a unit has frontage onto both a public road and private drive, the front door shall face the public road.

(8) Architectural variation between each household unit is required.

10.75.050 Development plan and agreement requirements.

(A) Subdivision ordinance requirements shall generally apply to planned residential communities. The developer shall submit a residential development plan of all project phases for City consideration and approval and shall integrate the proposed development plan into a development agreement between the developer and City. The development agreement shall undergo an administrative review process to ensure compliance with adopted City ordinances and standards with approval by the City Council. The subdivider shall develop the property in accordance with the development agreement and current City ordinances in effect on the approval date of the agreement, together with the requirements set forth in the agreement, except when federal, state, county, and/or City laws and regulations, promulgated to protect the public's health, safety, and welfare, require future modifications under circumstances constituting a rational public interest.

(B) A planned residential development must have a minimum of 4.5 acres.

(C) Repealed by Ord. 19-04.

(D) The development agreement shall show the location and building elevations with exterior building materials, size, and general footprint of all dwelling units and other main buildings and amenities.

(E) The development agreement shall include landscaping, fencing, and other improvement plans for common or open spaces, with the landscaping designed in accordance with an approved theme to provide unity and aesthetics to the project. The plan shall include all special features, such as ponds, fountains, signs, walking paths, inviting entryways, etc., together with a landscape planting plan. Common space should be the emphasis for the overall design of the development, with various community facilities grouped in places well related to the common space and easily accessible to pedestrians.

(F) A planned residential community shall be of sufficient size, composition, and arrangement to enable its feasible development as a complete unit, managed by a legally established homeowners' association and governed by enforceable, duly recorded CC&Rs.

(G) The development agreement shall include a building theme showing detail in the unification of exterior architectural style, building materials, and color and size of each unit; however, the intent is not to have the design so dominant that all units are identical. Residential dwellings shall comply with SCC 10.30.020.

10.75.060 Street design.
The land use authority may approve an alternative street design. The developer may dedicate street rights-of-way to the City so long as they are built per the City's standard street section as found in the public works department adopted development standards. Private access roads not meeting the city's street standards shall at a minimum meet the fire code as directed by the Fire Marshal and be maintained by and dedicated to an HOA.

10.75.070 Off-street parking and loading.
An enclosed garage shall be provided for car parking with each unit and a minimum of 50 percent of the units shall have a two-car garage. If the unit features a side or rear-fed garage, on-street parallel parking stalls may be counted towards the required visitor parking. On-street stalls shall be well marked with paint. Otherwise, off-street parking and loading shall be as specified in Chapter 10.40 SCC.

10.75.080 Signs.
The signs permitted in this zone shall be those allowed in residential zones by Chapter 10.45 SCC.

10.75.090 Land use approval process.
(A) Due to the unique nature of planned residential developments, an alternate approval process is hereby adopted. This process is adopted to ensure that the land use authority has a clear understanding of the nature of the proposed development prior to giving zone approval, and then expediting development after approval is given. It also calls for more detailed plans as the project develops, so that a property owner will have opportunities to receive input from the City Council on the project prior to investing in detailed plans.

(B) Requests for general plan map amendment, pursuant to SCC 10.20.060, shall be accompanied by the documents required for a subdivision concept plan, as provided in Chapter 8.20 SCC, for the entire development. These items shall be considered concurrently, with input provided by the Planning Commission and City Council to the property owner during the

approval process. The City Council is the land use authority for this joint application, with the Planning Commission acting in a recommending capacity.

(C) Requests for an amendment to the zoning map, pursuant to SCC 10.20.070, shall be accompanied by the documents required for a preliminary subdivision review, as provided in Chapter 8.25 SCC, for the entire development. The application shall also be accompanied, to the extent Chapter 8.25 SCC does not require it, by:

(1) Master plan, including lot sizes and densities for each lot;

(2) Circulation plan;

(3) Architectural theme plan; and

(4) Landscaping theme plan.

(D) The preliminary subdivision plat shall be considered concurrently with the zoning map amendment. The City Council is the land use authority for this joint application, with the Planning Commission acting in a recommending capacity. Once approved, the preliminary subdivision plat shall be considered a binding zoning document. The applicant must also execute a development agreement in connection to the zoning map amendment.

(E) Final subdivision approval for each phase of development for a master planned community shall proceed as provided in Chapter 8.30 SCC.

(F) The entirety of the proposed project must be presented and approved in one approval process. After the City Council grants preliminary approval of a development, no additional phases may be added.

(G) PRD zone entitlement is contingent upon the developer following the concurrently approved preliminary subdivision plat and the required development agreement. The development agreement shall run with the land and remain in force for the original developer. All subsequent owners of at least five percent of the land originally proposed to be developed shall be bound to the terms of the original agreement and plat until the conclusion of development. Failure of the developer to comply with the terms of the development agreement or preliminary subdivision plat may result in the Council reverting zoning back to the designation that existed prior to the zoning map amendment.6

TO: Community Development, Attention: Royce Davies
FROM: Golden Barrett, Fire Marshal
RE: Edgewater Park Preliminary Plan

DATE: 09/11/2019

I have reviewed the plan submitted for the above referenced project. The Fire Prevention Division of this department has the following comments/concerns.

1. Would like to move Cul-de-sac fire hydrant to the neck of the cul-de-sac, this will help prevent any snow build-up around the hydrant as a result of snow removal.

2. The gravel access road will need to comply with IFC Appendix D. The turning radius at the intersection of Bluff road will need to have a 28' Radius on both sides. This will allow large apparatus to make the turn.

3. Gravel road will need to comply IFC 2018 Appendix D Section D102 being capable of supporting a 75,000 pound load, wet or dry.

4. Fire Lane signage for gravel access road will need to be placed in accordance with 2018 IFC Appendix D 103.6 and D103.6.1 on the entry and exit of lane.

5. In the drawing notes, it states that Syracuse City will not maintain or plow the gravel road. I would like to ensure that the HOA knows that they will need to maintain and plow the road so accessibility is properly kept clear from snow accumulation, weed growth or other obstructions.

6. I have not seen the drawing for the approach on and off the gravel access road. I would like to ensure the gravel road has an appropriate approach. Fire apparatus should not be expected to drive over steep curb to get access on or off the gravel access road.

Please note: If the HOA decides to install a gate to keep residents from utilizing the gravel road, there are additional requirements listed in IFC appendix D103.5 for a gate. Coordination with the fire department is required. The fire department does not require a gate at this time.

Please note: The temporary access road for fire suppression access is temporary in nature and should not become permanent, if another City approved access road has not been installed 2 years from the start of construction a permanent approved access road shall be constructed to meet the IFC requirements. When an additional access road has been completed, notification to the fire department

shall be made 2 weeks before the removal of the temporary access road.

These plans have been reviewed for Fire Department requirements only. Other departments must review these plans and will have their requirements. This review by the Fire Department must not be construed as final approval from Syracuse City.

Golden T Barrett

Fire Marshal
Syracuse City fire Department
Office 801-614-9614
GBarrett@syracuseut.com

Mayor
Mike Gailey

City Council
Corinne Bolduc
Lisa Bingham
David Maughan
Jordan Savage
Doug Peterson

City Manager
Brody Bovero

Preliminary Subdivision Plan Review

9/11/2019

Dear Applicant,

The Syracuse City Community and Economic Development Department has conducted a review of the Edgewater Park Preliminary Subdivision Plan for compliance with the city's adopted land use ordinance. Please address the following comments:

Plat:

1. Provide an updated landscape plan matching changes in the plat.

Architecture:

2. Most plans do not meet the brick/rock/stone requirements in SCC 10.30.020(B).
3. All plans need a front porch with space for two seats and a walkway per SCC 10.75.040(I)(5).
4. Garages should be recessed from the front façade of each house per SCC 10.75.040(I)(3 and 4).
5. All single-family detached homes must have two-car garages per SCC 10.30.020(B)(3)(a).

For Reference:

6. Wetland easements are strongly suggested for all Jurisdictional Wetlands per the Army Corps of Engineers.

Please contact me with any questions concerning this project.

Regards,

Royce Davies
City Planner
(801) 614-9632
rdavies@syracuseut.com

COUNCIL AGENDA

September 24, 2019

LEGISLATIVE ITEM

Agenda Item **"h.3"** Proposed Amendment to 5.20.200 - Alcohol Proximity

Factual Summation

Please review the following information. Any questions regarding this agenda item may be directed to Noah Steele, CED Director.

Summary

Maverik gas station has submitted an application and fee to the city requesting to amend ordinance 5.20.200 so that they can sell beer at their store located on the corner of 2000 W and 1700 S. The Maverick license would be considered an 'off premise beer retailer' which is the same kind of license that Smith's or Walmart has. Our ordinance had duplicated text from prior state law concerning proximity limitations to 'community locations' such as parks, schools and churches. State law has changed in recent years to remove such restrictions for 'off-premise beer retailers,' and allows cities to impose proximity requirements. Proximity requirements still apply under state law for other alcohol licenses. The City code is prohibiting them from getting a local consent to sell beer on site because of the proximity to Centennial Park; state code would not prohibit it. The City is free to change its proximity requirements.

Objectives of Discussion

1. Decide if the city should amend the ordinance to allow beer sales at this location

2. If yes, instruct staff as to what the language should say and the date of the meeting that it should be placed on. Draft language is included.

5.20.200 Qualifications.

(A) No beer retailers, including all allowed on-premises retailers and off-premises retailers, shall be established within 600 feet of any community location, as measured from the nearest entrance of the outlet by following the shortest route of either ordinary pedestrian traffic or, where applicable, vehicular travel along public thoroughfares, whichever is the closer, to the property boundary of the community location. No beer retailers licensee premises shall be established within 200 feet of any community location, measured in a straight line from the nearest entrance of the proposed outlet to the nearest property boundary of the community location.

5.20.020 Definitions.

"Community location" means a public or private school, a church, a public library, a public playground or a public park.

Chapter 5.20
ALCOHOLIC BEVERAGES[1]

Sections:

Article I. Administration

5.20.010 Authority.
5.20.020 Definitions.
5.20.030 General restrictions.
5.20.040 Licensee compliance with other laws.

Article II. Liquor License Local Consents

5.20.050 Local consent for package agency.
5.20.060 Local consent for private club liquor licenses.
5.20.070 Local consent for alcoholic beverage manufacturing licenses.
5.20.080 Local consent for liquor warehousing license.

Article III. Restaurant Liquor License Local Consent

5.20.090 The City's power to grant local consent – Limitations.
5.20.100 Application and renewal requirements.
5.20.110 Duties of the City before granting consents.
5.20.120 Grant of consent.
5.20.130 Qualifications.
5.20.140 Bond.
5.20.150 Operational restrictions.

Article IV. Special Use Permits

5.20.160 Single event permits.

Article V. Beer Retailer Licenses

5.20.170 General restrictions.
5.20.180 The City's power to grant licenses – Limitations.
5.20.190 Applications and renewal requirements.
5.20.200 Qualifications.
5.20.210 Duties of the City before granting licenses.
5.20.220 Bond.
5.20.230 Operational restrictions.
5.20.240 On-premises beer retailer/restaurant.
5.20.250 Brew restaurant.
5.20.260 On-premises beer retailer/tavern.
5.20.270 Off-premises beer retailer.

Article VI. Beer Wholesaling License Local Consents

5.20.280 Local consent for beer wholesaling license.
5.20.290 Application and renewal requirements.
5.20.300 Duties of the City before granting consents.
5.20.310 Qualifications.
5.20.320 Bond.
5.20.330 Operational restrictions.

Article I. Administration

5.20.010 Authority.

SHARE

The provisions of this chapter are enacted pursuant to the authority set forth in Section 10-8-42, Utah Code Annotated 1953, as amended, and applicable provisions of the Utah Alcoholic Beverage Control Act, as set forth in Section 32B-1-101, et seq., Utah Code Annotated 1953, as amended. The provisions and regulations set forth in this chapter are an exercise of the police powers of the City for the protection of public health, safety and welfare. [Ord. 11-08 § 1 (Exh. A); Code 1971 § 6-4-010.]

5.20.020 Definitions.

SHARE

All words and phrases used in this chapter shall have the following meanings, unless a different meaning clearly appears from the context:

“Alcoholic beverages” means “beer” and “liquor” as the terms are defined in this section.

“Beer” means a product that (1) contains at least one-half percent alcohol by volume, but not more than four percent alcohol by volume or 3.2 percent alcohol by weight, and (2) is obtained by fermentation, infusion, or decoction of malted grain. Moreover, the term “beer” applies to products that contain alcohol in the specified percentages and are referred to as beer, ale, porter, stout, lager, or a (nonflavored) malt beverage.

“Brew pub” means any restaurant that has within or contiguous to its premises a brewer which manufactures alcoholic beverages for on-premises sale and consumption.

“Brewer” means any person or facility engaged in manufacturing beer, malt liquor, or malted beverages.

“Church” means a building set apart primarily for the purpose of worship in which religious services are held and with which clergy is associated, and the main body of which is kept for that use and not put to any other use inconsistent with its primary purpose and which is tax exempt under the laws of this state.

“City” means Syracuse City.

“Club” and/or “private association” means any nonprofit corporation operating as a social club, dining club, recreational,

fraternal or athletic association, or kindred association, whether incorporated or not, which maintains facilities which are restricted to a clientele or group other than the general public and which sells or dispenses alcoholic beverages.

“Commission” means the State of Utah Alcoholic Beverage Control Commission.

“Community location” means a public or private school, a church, a public library, a public playground or a public park.

“Licensee” means any person(s) holding any beer, liquor or private club license in connection with the operation of a place of business or private club in the City. This term shall also include any employee of the licensee.

“Licensed premises” means any room, house, building, structure or place occupied by any person licensed to sell beer on any premises under this title; provided, that in any multiroomed establishment, an applicant for a Class B license shall designate a room or portion of the building of such business for the sale of beer, which portion so specifically designated in the application and in the license issued pursuant thereto shall be the licensed premises. Multiple dining facilities located in one building and owned or leased by one licensed applicant shall be deemed to be only one licensed premises.

“Liquor” means alcohol, or any alcoholic, spiritous, vinous, fermented, malt, or other liquid, or combination of liquids, a part of which is spiritous, vinous, or fermented, and all other drinks, or drinkable liquids that contain more than one-half percent of alcohol by volume and is suitable to use for beverage purposes. “Liquor” does not include any beverage defined as a beer, malt liquor, or malted beverage that has an alcohol content of less than four percent alcohol by volume.

“Package agency” means a retail liquor location operated under an agreement with the department by a person other than the state who is authorized by the commission in accordance with Chapter 2, Part 6, of the Alcoholic Beverage Control Act to sell packaged liquor for consumption off the premises of the package agency.

“Park” means a piece of public, private or neighborhood ground within the City boundaries that is set apart for the use of the public, whether developed or undeveloped, and that is usually, or may be, planted with trees, lawns, or other shrubbery. The park may include within its boundary facilities for sport, entertainment, dancing, recreation, swimming or a park may be planned for such future use of any and all other facilities.

“Person” means any individual, partnership, firm, corporation, association, business trust, or other form of business enterprise including the receiver or trustee, and the plural as well as the singular number, unless the intent to give a more limited meaning is disclosed by the context.

“Playground” means any public, private or neighborhood area which may or may not include play equipment where children go for physical activity and/or to play.

“Restaurant” means any business establishment, engaged primarily in serving complete meals to the general public, where a variety of foods are prepared, located on a premises having adequate culinary fixtures for food preparation and dining accommodations with sufficient seating to concurrently serve a minimum of 25 customers.

“Retailer” means any person engaged in the sale or distribution of alcoholic beverages to the consumer.

“School” means any building used primarily for the general education of minors. “School” does not include nursery schools, infant day care centers, or trade or technical schools.

“Sell,” “sale,” or “to sell” means any transaction, exchange, or barter whereby, for any consideration, an alcoholic beverage is

either directly or indirectly transferred, solicited, ordered, delivered for value, or by any means or under any pretext is promised or obtained, whether done by a person as a principal, proprietor, or as an agent, servant, or employee, unless otherwise defined in this chapter or the rules made by the Commission.

“Single event” means a convention, civic, or community enterprise conducted by a bona fide corporation, nonprofit organization, church, political organization, or association or a recognized subordinate lodge, chapter, or other local unit thereof.

“State store” means a facility for the sale of package liquor located on premises owned or leased by the state and operated by state employees. “State store” does not apply to any licensee, permittee, or to package agencies.

“Tavern” means any business establishment engaged primarily in the retail selling or distribution of beer to public patrons for consumption on the establishment’s premises. “Tavern” includes beer bars, parlors, lounges, cabarets, and night clubs where the revenue from the sale of beer exceeds the revenue of the sale of food, although food need not be sold in such establishments.

“Trail” means a linear corridor of property which is planned as part of the parks and trails master plan or recognized as a City facility by the parks and trails master plan, although not classified as a park, and maintained by the City for the purpose of recreation and alternate transportation as a part of the transportation system, thus not designed or intended for use by unaccompanied small children. A trail is not a park for purposes of the ordinance codified in this chapter. [Ord. 11-08 § 1 (Exh. A); Code 1971 § 6-4-020.]

5.20.030 General restrictions.

SHARE

(A) Manufacturer/Brewer. Except as set forth in Section 32B-11-202, Utah Code Annotated 1953, as amended, a person may not manufacture any alcoholic beverage in the City unless an alcoholic beverage manufacturing license has been issued by the Commission. A separate license is required for each place of manufacture, storage, and sale of alcoholic beverages. Whether independent or associated with a restaurant, a brewer requires local consent from the City Council. Violation of this subsection is a Class B misdemeanor.

(B) Advertising. It shall be unlawful to advertise the sale of alcoholic beverages in violation of the Utah Alcoholic Beverage Control Act. Permitted signage shall comply with requirements contained in Chapter 10.45 SCC, the Syracuse City sign ordinance. There shall be no advertising within the City that in any manner attempts to promote or increase the sale or consumption of alcoholic beverages. [Ord. 11-08 § 1 (Exh. A); Code 1971 § 6-4-030.]

5.20.040 Licensee compliance with other laws.

SHARE

(A) Each licensee shall comply with all applicable federal, state and local laws. Failure to do so may result in the suspension or revocation of the licensee’s license, permit or consent.

(B) If any licensee neglects, fails or refuses to pay the amount assessed for any license renewal when it becomes due and payable, such licensee shall be subject to all additional penalties as set forth in this title or in the business licensing ordinances of Syracuse City and the same shall be collected as other licenses are collected, paid and enforced. [Ord. 11-08

§ 1 (Exh. A); Code 1971 § 6-4-040.]

Article II. Liquor License Local Consents

5.20.050 Local consent for package agency.

SHARE

The City shall not issue or grant local consent to a state package agency. Package agencies shall not conduct business at a location within the City. [Ord. 11-08 § 1 (Exh. A); Code 1971 § 6-4-200.]

5.20.060 Local consent for private club liquor licenses.

SHARE

The City shall not grant local consent for a state private club liquor license for businesses located within Syracuse City. [Ord. 11-08 § 1 (Exh. A); Code 1971 § 6-4-210.]

5.20.070 Local consent for alcoholic beverage manufacturing licenses.

SHARE

The City may not grant local consent for alcoholic beverage manufacturing licenses, except for brew restaurants. Alcoholic beverage manufacturers shall only be allowed in conjunction with a brew restaurant within the City. The City's grant or denial of a license application for a brew restaurant shall be deemed either denial or approval, respectively, of any required local consent. [Ord. 11-08 § 1 (Exh. A); Code 1971 § 6-4-220.]

5.20.080 Local consent for liquor warehousing license.

SHARE

The City shall not issue local consent for any liquor warehousing license for any business located in the City. Liquor warehousing businesses shall not conduct business from a location within the City. [Ord. 11-08 § 1 (Exh. A); Code 1971 § 6-4-230.]

Article III. Restaurant Liquor License Local Consent

5.20.090 The City's power to grant local consent – Limitations.

SHARE

(A) The City may issue local consent for a state full-service restaurant liquor license or for a state limited-service restaurant liquor license for businesses located in the City. Local consent will not be granted until the applicant has met all applicable City and state requirements.

(B) A person may not sell or offer for sale in a restaurant any alcoholic beverage subject to liquor licensure unless a restaurant liquor license has been issued by the state, following local consent. A separate grant of local consent is required for each place of business and for each premises having different ownership. Separate business licenses shall be required

for each business name utilized. Violation of this section is a Class B misdemeanor.

(C) The City may only grant local consent for a state restaurant liquor license when the applicant is in compliance with all provisions of the Syracuse City Code. [Ord. 11-08 § 1 (Exh. A); Code 1971 § 6-4-300.]

5.20.100 Application and renewal requirements.

SHARE

(A) Each person seeking a restaurant liquor license consent under this article shall file a written application with the Community Development Director, in a form prescribed by the City. It shall be accompanied by:

(1) A nonrefundable application fee in an amount as set forth in the City's consolidated fee schedule;

(2) A statement of the purpose for which the applicant has applied for the consent to a restaurant liquor license;

(3) A signed consent form granting an irrevocable license to the City permitting any authorized representative of the City or any Law Enforcement Officer unrestricted right to enter and inspect the premises; and

(4) Any other documents and evidence the City may require by rule or policy to allow complete evaluation of the application.

(B) Each application shall be signed and verified by oath or affirmation by an executive officer or any person specifically authorized by the corporation or association to sign the application, to which shall be attached written evidence of said authority.

(C) Prior to operating under the authority of this chapter, each approved applicant must obtain and provide to the business License Administrator proof of:

(1) Respective state licensure immediately upon state approval (not more than one year from approval of the original local consent);

(2) A surety compliance bond in the amount of $5,000;

(3) Respective federal licensure immediately upon federal approval, if any.

(D) All City restaurant liquor consents expire on December 31st of each year. Persons desiring to renew their consent shall submit a renewal fee and a completed renewal application to the City no later than October 31st of the year the consent expires. Failure to meet the renewal requirements results in an automatic forfeiture of the consent effective on the date the existing consent expires. Renewal applications shall be in a form prescribed by the City and shall be accompanied by:

(1) Proof of a surety compliance bond in the amount of $5,000;

(2) The consent application/renewal fee; and

(3) Copies of current state and federal licenses.

(E) If any restaurant liquor consent holder does not immediately notify the City of any change in the ownership of the entity

holding the consent, or in the case of a Utah corporate owner of any change in the corporate officers or directors, the City may suspend or revoke that license. [Ord. 11-08 § 1 (Exh. A); Code 1971 § 6-4-310.]

5.20.110 Duties of the City before granting consents.

SHARE

Before any restaurant liquor license consent may be granted by the administrator, the City may conduct investigations and hold on-site inspections of the premises by license review authorities as directed by the administrator for the purpose of gathering information and making recommendations to the administrator to aid in the determination regarding local consent. Reviews and inspections conducted by license review authorities include, but are not limited to:

(A) Conformance with all appropriate building codes, as inspected and verified by the Building Inspection Division of the Community Development Department;

(B) Police and criminal background check and clearance by the City Police Department;

(C) Zoning and planning review by the Community Development Department to address issues of locality, proximity, building design and conformance with relative code;

(D) Fire Department inspections of premises and determination of code compliance;

(E) Reviews and inspections by various health officers, including City and state representatives making determinations regarding hazardous waste, solid waste, environmental health, pretreatment requirements, and other health issues which may be presented;

(F) The City review for state and federal identification of business, including identification of the business ownership and entity structure, employer's withholding account number, federal employer identification number, state sales and use tax number, workers' compensation insurance carrier policy number and expiration date, business name registration number, Utah corporate identification number or limited liability company identification number (when applicable), and proof of bonding with the City as the named insured;

(G) The City review for complete information on the application, including the provision of:

(1) Authorized signature on the application and written evidence of said authority;

(2) Appropriate application and license fees; and

(3) Any other documentation considered necessary to render a determination. [Ord. 11-08 § 1 (Exh. A); Code 1971 § 6-4-320.]

5.20.120 Grant of consent.

SHARE

The Community Development Director shall grant local consent for the issuance of a restaurant liquor license to any applicant that meets all conditions, criteria and restrictions as set forth in this title and the Alcoholic Beverage Control Act. [Ord. 11-08 § 1 (Exh. A); Code 1971 § 6-4-330.]

5.20.130 Qualifications.

If any person to whom a consent has been issued under this chapter no longer possesses the qualifications required by this chapter and Title 32B, Utah Code Annotated 1953, for obtaining that consent, the business License Administrator may suspend or revoke that consent. [Ord. 11-08 § 1 (Exh. A); Code 1971 § 6-4-340.]

5.20.140 Bond.

Restaurant liquor consentees shall acquire and maintain a surety compliance bond in the amount of $5,000 prior to operating under the authority of the license. Evidence of such bonding shall be provided to the City annually with each consent renewal submission. [Ord. 11-08 § 1 (Exh. A); Code 1971 § 6-4-350.]

5.20.150 Operational restrictions.

Each person granted local consent for a restaurant liquor license shall conform to all the operational restrictions assigned by this title and the Alcoholic Beverage Control Act, including the following conditions:

(A) Transfers will not be granted from one person, partnership or corporation to another person, partnership or corporation.

(B) There shall be no transfer of a restaurant liquor license consent from one location to another without prior written approval of the administrator. Transfers may be granted for a change of location within the City by the original consentee providing all qualifying conditions are met.

(C) Each separate location must be separately licensed.

(D) Each location with more than one type of operation, more than one business name, or more than one specific ownership must have a separate license/consent for each and must submit applications for licensure which includes diagrams depicting the boundaries of the premises for each as well as defining the distinctive operations. [Ord. 11-08 § 1 (Exh. A); Code 1971 § 6-5-360.]

Article IV. Special Use Permits

5.20.160 Single event permits.

(A) Permit Required. Before any operator, participant or sponsor of a single event may sell beer at retail for on-premises consumption at the event, a single event permit must be obtained from the City.

(B) Application. An applicant seeking a single event permit to sell beer within the City for consumption on the premises of a single event shall provide a written application on forms provided by the City. The application shall be accompanied by:

(1) The City fee for a single event permit as set forth in the City's consolidated fee schedule and evidence of necessary regulatory approvals to conduct the single event;

(2) Evidence of proximity to any community location;

(3) A site plan of the location of the single event, including clear depiction of consumption areas and areas where the applicant proposes to keep, store and sell beer;

(4) A statement of the purpose of the association, corporation, church or political organization or its local lodge, chapter, or other local unit;

(**5**) A signed consent form stating that authorized representatives of the City, including any City Law Enforcement Agency, will have unrestricted right to enter the premises during the event;

(6) Proper verification evidencing that the person signing the application is authorized to act on behalf of the association, corporation, church or political organization conducting the single event; and

(7) Any other information the City may require to accurately evaluate the merits of the application.

(C) Operational Restrictions. Each person granted a single event permit and the employees, management and personnel of the permittee shall abide by the following conditions and requirements. Failure to comply may result in suspension or revocation of the permit or other criminal or civil action taken against individual employees or management personnel.

(1) A single event permit shall entitle the licensee to sell beer on the premises described therein, in containers of a size not to exceed one liter capacity, for consumption on the permitted premises.

(2) Each permittee shall retain all invoices, vouchers, sales slips, receipts and other records of commodity purchases from all suppliers. Such records shall be available for inspection and audit by the City license official at any time following the close of the semi-annual period, and for 18 months thereafter. Failure to properly maintain such records for such inspection and audit shall be cause for revocation of the single event permit.

(3) No person under the age of 21 years shall sell or serve beer for a single event permit.

(4) Beer purchased at a single event shall not be removed from the single event premises.

(**5**) No person shall be allowed to bring any alcoholic beverages onto the premises of the single event. Officers, managers, employees or agents of the permittee shall not allow a person to bring onto the single event premises any alcoholic beverage for on-premises consumption or allow consumption of any such alcoholic beverage on the premises. If any permittee or any of its officers, managers, employees or agents violates this subsection, the City may immediately suspend or revoke the single event permit.

(6) No person engaged in the service of alcohol on the premises of a single event, while on duty, shall consume any alcoholic beverages or be under the influence of any alcoholic beverages.

(7) A permittee may not charge more than the maximum amount set forth in the permit for any alcoholic beverage.

(8) Each permittee shall post in a prominent place in the area in which alcohol is being sold, served and consumed:

(a) A copy of the permit;

(b) A list of the operational restrictions and requirements of single event permittees set forth in this section; and

(c) A sign in large letters stating:

WARNING

THE CONSUMPTION OF ALCOHOLIC BEVERAGES PURCHASED IN THIS ESTABLISHMENT MAY BE HAZARDOUS TO YOUR HEALTH AND THE SAFETY OF OTHERS.

(d) A sign in large letters stating:

WARNING

DRINKING ALCOHOL DURING PREGNANCY HAS BEEN LINKED TO BIRTH DEFECTS AND IS THE LEADING KNOWN PREVENTABLE CAUSE OF MENTAL RETARDATION.

(9) Alcohol purchased for the event may not be stored in any place other than that described in the application and designated on the permit.

(10) Alcohol purchased for the event may not be sold or served in any place other than the site described in the application and designated on the permit.

(11) Alcohol may not be sold, served, or otherwise furnished on the day of any regular general election, regular primary election, or statewide special election until after the polls are closed.

(12) Public advertising of the event may not include reference to the availability of any alcoholic beverage at the event. However, the permittee may use signs or similar displays at the site of the event to inform attendees of the locations where alcoholic beverages are being dispensed.

(13) Single event permittees shall be subject to all the restrictions set forth in Sections 32B-9-304 and 32B-9-305, Utah Code Annotated 1953.

(14) A single event permittee may not engage in or allow any form of gambling, or have any video gaming device as defined and proscribed by Title 76, Chapter 10, Part 11, Gambling, Utah Code Annotated 1953, on the premises serviced by the single event permittee.

(15) A single event permit shall not authorize the storage, sale or consumption of alcoholic beverages at an event for any period exceeding 72 hours.

(D) Monetary Value of Permit.

(1) A person having been granted a single event permit shall not sell, exchange, barter, give or attempt in any way to dispose of the permit whether for monetary gain or not.

(2) A single event permit has no monetary value for purpose of any type of disposition.

(E) Restriction on Permits. No person or entity may be issued more than two single event permits in any calendar year. [Ord.

11-08 § 1 (Exh. A); Code 1971 § 6-4-400.]

Article V. Beer Retailer Licenses

5.20.170 General restrictions.

SHARE

(A) It is unlawful for any person to engage in the business of the sale of light beer at retail in bottles or draft within the corporate limits of the City without first having procured a license from the City as provided in this chapter. A separate license shall be required for each place of sale and the license shall at all times be conspicuously displayed in the place to which it shall refer or for which it shall be issued. All licensees shall comply with the UABC and use of City licenses granted under this chapter shall not be allowed until the required state and federal licenses have been authorized and are in effect.

(B) Except as set forth in Section 32B-11-202, Utah Code Annotated 1953, as amended, it is unlawful for any person within the corporate limits of the City to malt, ferment or manufacture homebrew or for any person to have in his possession, keep or store for the purpose of sale, giving away or exchanging homebrew containing one-half of one percent or more alcohol by weight.

(C) It is unlawful for any person to have in her or his possession within the corporate limits of the City any beer which has not been manufactured by a regularly licensed brewer.

(D) No person shall sell light beer at any public dance or to any person intoxicated or under the influence of an intoxicating beverage. No person shall sell, serve or give beer to any person under the age of 21 years.

(E)(1) It is unlawful to sell, serve or give away light beer or any other alcoholic beverage except during hours allowed by state law.

(2) No licensee shall violate the terms of the license issued. No licensee shall permit light beer or any other alcoholic beverages to be consumed on licensed premises at any time it is unlawful to sell the same.

(F) Violation of this section is a Class B misdemeanor. Should the City be required to take action to suspend a license on more than one occasion within a three-year period, the beer retailer license shall be revoked for a period of not less than one year. [Ord. 11-08 § 1 (Exh. A); Code 1971 § 6-4-500.]

5.20.180 The City’s power to grant licenses – Limitations.

SHARE

(A) The City may issue beer retailer licenses and brew restaurant licenses to businesses located in this City, and may regulate the sale, service, distribution and consumption of alcoholic beverages for each type of license provided by this chapter in conformance with state laws and City codes.

(B) The type of licenses issued under this chapter are known as off-premises beer retailer, on-premises beer retailer/restaurant and brew restaurant licenses.

(C) A person may not sell at retail any beer beverage unless a beer retailer license has been issued by this City and state. A separate license is required for each place of business and for each premises having different ownership. A separate

business license is required for each business name used. One business name (DBA) may be used for each premises and the most appropriate City alcoholic beverage license may be applied for on behalf of each premises. The applicant shall not misrepresent either the boundaries of the premises, the ownership of the business operation, the type of business conducted nor the business name(s) used. Violation of this subsection is a Class B misdemeanor.

(D) The City may prescribe by policy, directive, or rule, consistent with this chapter, the general operational requirements of licensees relating to:

(1) Physical facilities;

(2) Other matters considered appropriate by the City as they are allowed by state law.

(E) The City may grant licenses to beer retailers, with the following limitations:

(1) On-premises beer retailer/restaurant licenses shall be limited to one per 2,000 population.

(2) Off-premises beer retailer licenses shall not be limited in number.

(3) Brew restaurant licenses shall be limited to one per 5,000 population. [Ord. 11-08 § 1 (Exh. A); Code 1971 § 6-4-510.]

5.20.190 Applications and renewal requirements.

SHARE

(A) Each person seeking a beer retailer license of any kind under this chapter shall file a written application with the Community Development Director, in a form prescribed by the City. The application shall be accompanied by:

(1) A nonrefundable application fee in the amount set forth in the City's consolidated fee schedule;

(2) A statement of the purpose for which the applicant has applied for the beer retailer license;

(3) A signed consent form granting an irrevocable license to the City permitting any authorized representative of the City or any Law Enforcement Officer unrestricted right to enter and inspect the premises; and

(4) Any other documents and evidence the City may require by rule or policy to allow complete evaluation of the application.

(B) Each application shall be signed and verified by oath or affirmation by an executive officer or any person specifically authorized by the corporation or association to sign the application, to which shall be attached written evidence of said authority.

(C) Prior to operating under the authority of this chapter, each approved applicant must obtain and provide to the License Administrator proof of:

(1) Respective state licensure immediately upon state approval (not more than one year from approval of the original local consent);

(2) A surety compliance bond in the amount of $5,000;

(3) Respective federal licensure immediately upon federal approval.

(D) All City beer retailer licenses expire on December 31st of each year. Persons desiring to renew their license shall submit the renewal fee and completed renewal application to the City no later than October 31st of the year the license expires. Failure to meet the renewal requirements results in an automatic forfeiture of the license effective on the date the existing license expires. Renewal applications shall be in a form prescribed by the City and shall be accompanied by:

(1) Proof of a surety compliance bond in the amount of $5,000;

(2) The license renewal fee; and

(3) Copies of current state and federal licenses.

(E) If any beer retailer licensee does not immediately notify the City of any change in the ownership of the entity holding the license, or, in the case of a Utah corporate owner, of any change in the corporate officers or directors, the City may suspend or revoke that license. [Ord. 11-08 § 1 (Exh. A); Code 1971 § 6-4-520.]

5.20.200 Qualifications.

SHARE

(A) ~~No beer retailers, including all allowed on- premises retailers and off-premises retailers, shall be established within 600 feet of any community location, as measured from the nearest entrance of the outlet by following the shortest route of either ordinary pedestrian traffic or, where applicable, vehicular travel along public thoroughfares, whichever is the closer, to the property boundary of the community location. No beer retailers licensee premises shall be established within 200 feet of any community location, measured in a straight line from the nearest entrance of the proposed outlet to the nearest property boundary of the community location.~~

Proximity requirements to community locations shall be in conformance with Utah DABC standards.

(B) The City may not grant a beer retailer license to any sole proprietor, partner, managing agent, officer, director, or stockholder who holds at least 20 percent of the total issued and outstanding stock of an applicant corporation that is unqualified to acquire the respective state license because that person has been convicted of any offense identified in UABC Section 32B-1-304 or does not qualify for state licensure for any other reason.

(C) If a proprietor, employee, partner, managing agent, officer, director, or stockholder, who holds at least 20 percent of the total issued and outstanding stock of a corporation that has been granted a beer retailer license, is convicted of any offense provided in UABC Section 32B-1-304, the City may take emergency action by immediately revoking the license without further notice to the licensee. The state will be notified of City action regarding the local license(s). A letter may be sent to the licensee confirming the action taken by the City.

(D) Upon the arrest of any beer retailer licensee on any charge set forth in Utah Alcoholic Beverage Control Act Section 32B-1-304, the administrator or chief of police or their designee may take emergency action by immediately suspending the operation of the licensee according to the procedures and requirements set forth in Title 63G, Chapter 4, Section 46B, Utah Code Annotated 1953, as amended from time to time, for the period during which the criminal matter is being adjudicated. Any such action taken by the City will be communicated to the Department of Alcoholic Beverage Control and a letter confirming those actions may be sent to the licensee.

(E) If any person to whom a license has been issued under this chapter no longer possesses the qualifications required by this chapter and Title 32B, Utah Code Annotated 1953, for obtaining that license, the License Administrator may suspend or revoke that license or consent. [Ord. 11-08 § 1 (Exh. A); Code 1971 § 6-4-530.]

5.20.210 Duties of the City before granting licenses.

SHARE

Before any beer retailer license may be granted by the License Administrator, the City may conduct investigations and hold on-site inspections of the premises by license review authorities as directed by the License Administrator for the purpose of gathering information and making recommendations to the License Administrator as to whether or not a license should be granted. This information shall be forwarded to the License Administrator to aid in the determination regarding licensure. Reviews and inspections conducted by license review authorities include, but are not limited to:

(A) Conformance with all appropriate building codes, as inspected and verified by the Building Inspection Division of the Community Development Department;

(B) Police and criminal background check and clearance by the City Police Department;

(C) Zoning and planning review by the Community Development Department to address issues of locality, proximity, building design and conformance with relative code;

(D) Fire Department inspections of premises and determination of code compliance;

(E) Reviews and inspections by various health officers, including City and state representatives making determinations regarding hazardous waste, solid waste, environmental health, pretreatment requirements, and other health issues which may be presented;

(F) City review for state and federal identification of business, including identification of the business ownership and entity structure, employer's withholding account number, federal employer identification number, state sales and use tax number, workers' compensation insurance carrier policy number and expiration date, business name registration number, Utah corporate identification number or limited liability company identification number (when applicable), and proof of bonding with the City as the named insured;

(G) City review for complete information on the individual owner, or any partner, managing agent, officer, director, or stockholder, who holds at least 20 percent of the total issued and outstanding stock of a corporation, including the provision of:

(1) Social Security Administration number;

(2) Number on driver's license or nondriver identification issued by the state of Utah;

(3) Home address and home telephone number;

(4) Date of birth, including month, day and year;

(5) Complete personal name, including first, middle and last names;

(6) Status as either a United States citizen or valid United States work authorization;

(7) Statement under perjury of the accuracy and completeness of the application, the licensee's agreement to notify the City immediately of any changes to the ownership or other qualifying criteria, and granting permission to authorized representatives of the City and state to enter the premises;

(8) Authorized signature on the application and written evidence of such authority;

(9) Appropriate application and license fees;

(10) Compliance with distance and proximity requirements equal to those specified by the Alcoholic Beverage Control Act for alcoholic beverage retailer categories; and

(11) Any other documentation considered necessary to render a determination. [Ord. 11-08 § 1 (Exh. A); Code 1971 § 6-5-540.]

5.20.220 Bond.

SHARE

(A) Off-premises beer retailer licensees shall acquire and maintain in force a surety compliance bond in the amount of $5,000 prior to operating under the authority of the license. Evidence of such bonding shall be provided to the City annually with each license renewal submission.

(B) On-premises beer retailer licensees shall acquire and maintain in force a surety compliance bond in the amount of $5,000 prior to operating under the authority of the license. Evidence of such bonding shall be provided to the City annually with each license renewal submission. [Ord. 11-08 § 1 (Exh. A); Code 1971 § 6-4-550.]

5.20.230 Operational restrictions.

SHARE

Each person granted a beer retailer license shall conform to all the operational restrictions assigned by the Alcoholic Beverage Control Act, including the following conditions:

(A) Transfers will not be granted from one person, partnership or corporation to another person, partnership or corporation.

(B) There shall be no transfer of a beer retailer license from one location to another without prior written approval of the administrator. Transfers may be granted for a change of location within the City by the original licensee, providing all qualifying conditions are met.

(C) Each separate location must be separately licensed.

(D) Each location with more than one type of operation, more than one business name, or more than one specific ownership must have a separate license for each and must submit applications for licensure which includes diagrams depicting the boundaries of the premises for each as well as defining the distinctive operations. [Ord. 11-08 § 1 (Exh. A); Code 1971 § 6-4-560.]

5.20.240 On-premises beer retailer/restaurant.

SHARE

(A) An on-premises beer retailer/restaurant license shall entitle the licensee to sell light beer for consumption on the retailer's premises and to all of the privileges granted by local ordinances to the holder of an on-premises beer retailer license and in accordance with the Alcoholic Beverage Control Act.

(B) Beer sales may not exceed 40 percent of total sales. If the gross sales of the business enterprise during any quarter of a calendar year develop so that the primary revenue resource becomes beer, the on-premises beer retailer/restaurant license shall be automatically suspended until the appropriate revenue basis is regained. Should the City be required to take action on more than one such noncompliance within a three-year period, the on-premises beer retailer/restaurant license shall be revoked for a period of not less than one year. The on-premises beer retailer/restaurant shall be required to report to the City on a quarterly basis the gross revenue from beer sales and gross revenue from all other sales and may be audited to determine compliance at any point.

(C) If any portion of relative code is not complied with, all City licenses for the premises may be revoked or suspended. [Ord. 11-08 § 1 (Exh. A); Code 1971 § 6-4-570.]

5.20.250 Brew restaurant.

SHARE

(A) A brew restaurant license shall entitle the licensee to manufacture and sell light beer for consumption on the retailer's premises and to all of the privileges granted by local ordinances to the holder of a brew restaurant retailer license and in accordance with the Alcoholic Beverage Control Act.

(B) Beer sales may not exceed 40 percent of total sales. If the gross sales of the business enterprise during any quarter of a calendar year develop so that the primary revenue resource becomes beer, the brew restaurant license shall be automatically suspended until the appropriate revenue basis is regained. Should the City be required to take action on more than one such noncompliance within a three-year period, the brew restaurant license shall be revoked for a period of not less than one year. The brew restaurant shall be required to report to the City on a quarterly basis the gross revenue from beer sales and gross revenue from all other sales and may be audited to determine compliance at any point.

(C) If any portion of an applicable code is not complied with, all City licenses for the premises may be revoked or suspended. [Ord. 11-08 § 1 (Exh. A); Code 1971 § 6-4-580.]

5.20.260 On-premises beer retailer/tavern.

SHARE

The City shall not grant any license for an on-premises beer retailer/tavern. [Ord. 11-08 § 1 (Exh. A); Code 1971 § 6-4-590.]

5.20.270 Off-premises beer retailer.

SHARE

(A) An off-premises beer retailer license shall entitle licensee to sell beer on the licensed premises in original containers for consumption off the premises in accordance with state and local law.

(B) Off-premises beer retailer licenses shall be granted only to those applicants whose business enterprise at the proposed location is one which would typically be classified as primarily a grocery or convenience store and which sells a variety of food items and other items typically found in a grocery store. Beer sales shall not exceed 40 percent of the total revenue for any off-premises beer retailer. If the gross sales of the business enterprise during any quarter of a calendar year develop so that the primary revenue resource becomes beer, the off- premises beer retailer license shall be automatically suspended until the appropriate revenue basis is regained. Should the City be required to take action on more than one such noncompliance within a three-year period, the off-premises beer retailer license shall be revoked for a period of not less than one year. The off-premises beer retailer shall be required to report to the City on a quarterly basis the gross revenue from beer sales and gross revenue from all other sales and may be audited to determine compliance at any point.

(C) Off-premises beer retailers must post a clearly visible sign approved by the City Business License Division, no less than one square foot in size, which warns customers of the penalty consequent to the sale or distribution of alcoholic beverages to minors (persons under 21 years of age). [Ord. 11-08 § 1 (Exh. A); Code 1971 § 6-4-595.]

Article VI. Beer Wholesaling License Local Consents

5.20.280 Local consent for beer wholesaling license.

SHARE

(A) The City may grant local consent to state beer wholesaling licenses for businesses which are located in this City. Beer wholesaling license issuance shall be determined by the DABC and shall entitle the licensee to only those privileges they may have by virtue of having been issued a state license and shall thereafter exercise the privileges granted them under the UABC only as they are in harmony with the state license(s) issued and with City Code. Such local consent will not be granted until the applicant has met all applicable City and state requirements.

(B) A person may not wholesale beer unless a beer wholesaling local consent has been issued by the City and any appropriate license has been issued by the state and federal governments. A separate consent is required for each beer wholesale location. A separate business license is required for each business name used. One business name (DBA) may be used for each premises and the most appropriate City alcoholic beverage license may be applied for on behalf of each premises. The applicant shall not misrepresent either the boundaries of the premises, the ownership of the business operation, the type of business conducted nor the business name(s) used. Violation of this subsection is a Class B misdemeanor.

(C) The City may prescribe by policy, directive, or rule, consistent with this chapter, the general operational requirements of consentees relating to:

(1) Physical facilities;

(2) Other matters considered appropriate by the City as they are allowed by state law.

(D) Violation of this section is a Class B misdemeanor. [Ord. 11-08 § 1 (Exh. A); Code 1971 § 6-4-600.]

5.20.290 Application and renewal requirements.

SHARE

(A) Each person seeking a beer wholesaling local consent under this chapter shall file a written application with the City, in a form prescribed by the City. It shall be accompanied by:

(1) A nonrefundable application fee in an amount as set forth in the City's consolidated fee schedule;

(2) A statement of the purpose for which the applicant has applied for the consent to a beer wholesaling license;

(3) A signed consent form granting an irrevocable license to the City permitting any authorized representative of the City or any Law Enforcement Officer unrestricted right to enter and inspect the premises; and

(4) Any other documents and evidence the City may require by rule or policy to allow complete evaluation of the application.

(B) Each application shall be signed and verified by oath or affirmation by an executive officer or any person specifically authorized by the corporation or association to sign the application, to which shall be attached written evidence of said authority.

(C) Prior to operating under the authority of this chapter, each approved applicant must obtain and provide to the Business License Administrator proof of:

(1) Respective state licensure immediately upon state approval (not more than one year from approval of the original local consent);

(2) A surety compliance bond in the amount of $5,000;

(3) Respective federal licensure immediately upon federal approval.

(D) All City beer wholesaling consents expire on December 31st of each year. Persons desiring to renew their consent shall submit a renewal fee and a completed renewal application to the City no later than October 31st of the year the consent expires. Failure to meet the renewal requirements results in an automatic forfeiture of the consent effective on the date the existing consent expires. Renewal applications shall be in a form prescribed by the City and shall be accompanied by:

(1) Proof of a surety compliance bond in the amount of $5,000;

(2) The consent renewal fee; and

(3) Copies of current state and federal licenses.

(E) If any consentee does not immediately notify the City of any change in ownership of the business, or, in the case of a Utah corporate owner, of any change in the corporate officers or directors, the City may suspend or revoke that consent. [Ord. 11-08 § 1 (Exh. A); Code 1971 § 6-4-610.]

5.20.300 Duties of the City before granting consents.

SHARE

Before any beer wholesaling consent may be granted by the administrator, the City may conduct investigations and hold on-site inspections of the premises by license review authorities as directed by the administrator for the purpose of gathering information and making recommendations to the administrator as to whether or not local consent should be granted. This information shall be forwarded to the administrator to aid in the determination regarding local consent. Reviews and inspections conducted by license review authorities include, but are not limited to:

(A) Conformance with all appropriate building codes, as inspected and verified by the Building Inspection Division of the Community Development Department;

(B) Police and criminal background check and clearance by the City Police Department;

(C) Zoning and planning review by the Community Development Department to address issues of locality, proximity, building design and conformance with relative code;

(D) Fire Department inspections of premises and determination of code compliance;

(E) Reviews and inspections by various health officers, including City and state representatives making determinations regarding hazardous waste, solid waste, environmental health, pretreatment requirements, and other health issues which may be presented;

(F) City review for state and federal identification of business, including identification of the business ownership and entity structure, employer's withholding account number, federal employer identification number, state sales and use tax number, workers' compensation insurance carrier policy number and expiration date, business name registration number, Utah corporate identification number or limited liability company identification number (when applicable), and proof of bonding with the City as the named insured;

(G) City review for complete information on the application, including the provision of:

(1) Authorized signature on the application and written evidence of such authority;

(2) Appropriate application and consent fees; and

(3) Any other documentation considered necessary to render a determination. [Ord. 11-08 § 1 (Exh. A); Code 1971 § 6-4-620.]

5.20.310 Qualifications.

SHARE

If any person to whom a consent has been issued under this chapter no longer possesses the qualifications required by this chapter and Title 32B, Utah Code Annotated 1953, for obtaining that license, the Business License Administrator may suspend or revoke that consent. [Ord. 11-08 § 1 (Exh. A); Code 1971 § 6-4-630.]

5.20.320 Bond.

SHARE

Beer wholesaling consentees shall acquire and maintain in force a surety compliance bond in the amount of $5,000 prior to operating under the authority of the consent. Evidence of such bonding shall be provided to the City annually with each consent renewal submission. [Ord. 11-08 § 1 (Exh. A); Code 1971 § 6-4-640.]

5.20.330 Operational restrictions.

SHARE

Each person granted a beer wholesaling consent shall conform to all the operational restrictions assigned by the UABC with the following amendment:

(A) Transfers will not be granted from one person, partnership or corporation to another person, partnership or corporation.

(B) There shall be no transfer of a beer wholesaling consent from one location to another without prior written approval of the administrator. Transfers may be granted for a change of location within the City by the original consentee, providing all qualifying conditions are met.

(C) Each separate location must be separately licensed.

(D) Each location with more than one type of operation, more than one business name, or more than one specific ownership must have a separate license/consent for each and must submit applications for licensure which includes diagrams depicting the boundaries of the premises for each as well as defining the distinctive operations. [Ord. 11-08 § 1 (Exh. A); Code 1971 § 6-4-650.]

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[1]Prior legislation: Ords. 02-07, 05-10, 06-26, 08-02 § 25 and 09-01.

COUNCIL AGENDA
September 24, 2019

Agenda Item **"i"** Public Works Facility Modifications

Factual Summation

- Any questions regarding this agenda item may be directed at Robert Whiteley

- The proposed Fields Subdivision will construct 2400 West Street which is shown on the City's Master Transportation Plan as a collector road. The construction of this road will require modifications to the City's Public Works Facility to continue operations.

- Public Works is recommending a future road just north of the Public Works Facility to access the unimproved land to the east. The recommendation is to construct just the intersection at 2400 West now and build the remainder of the road in the future. This will allow semi-trucks and Fire Department Apparatus to continue using the existing gravel road to access the Public Works facility and the fueling station.

- The existing Public Works storm drain outfalls into a ditch on private property. This ditch requires frequent maintenance to keep clear. The recommendation is to tie the outfall into the new storm drain in 2400 West.

- Recommend looping the dead-end culinary water main back through to 2400 West Street.

- The functionality of the existing RV dump location currently has the following issues:
    - Trailers have difficulty maneuvering through the parking lot
    - On Sundays significant queuing occurs for trailers waiting to dump
    - This queueing blocks Public Works access to the gate in the event of an emergency

  The RV dump will no longer function in its current location and to reduce the existing issues with the RV dump, Public Works is proposing to move the RV dump north, with access off 2400 West Street, and add a second dump station. 2400 West will ultimately have a connection from Gentile to 2700 South which will provide good access for trailers without trying to weave through residential neighborhoods.

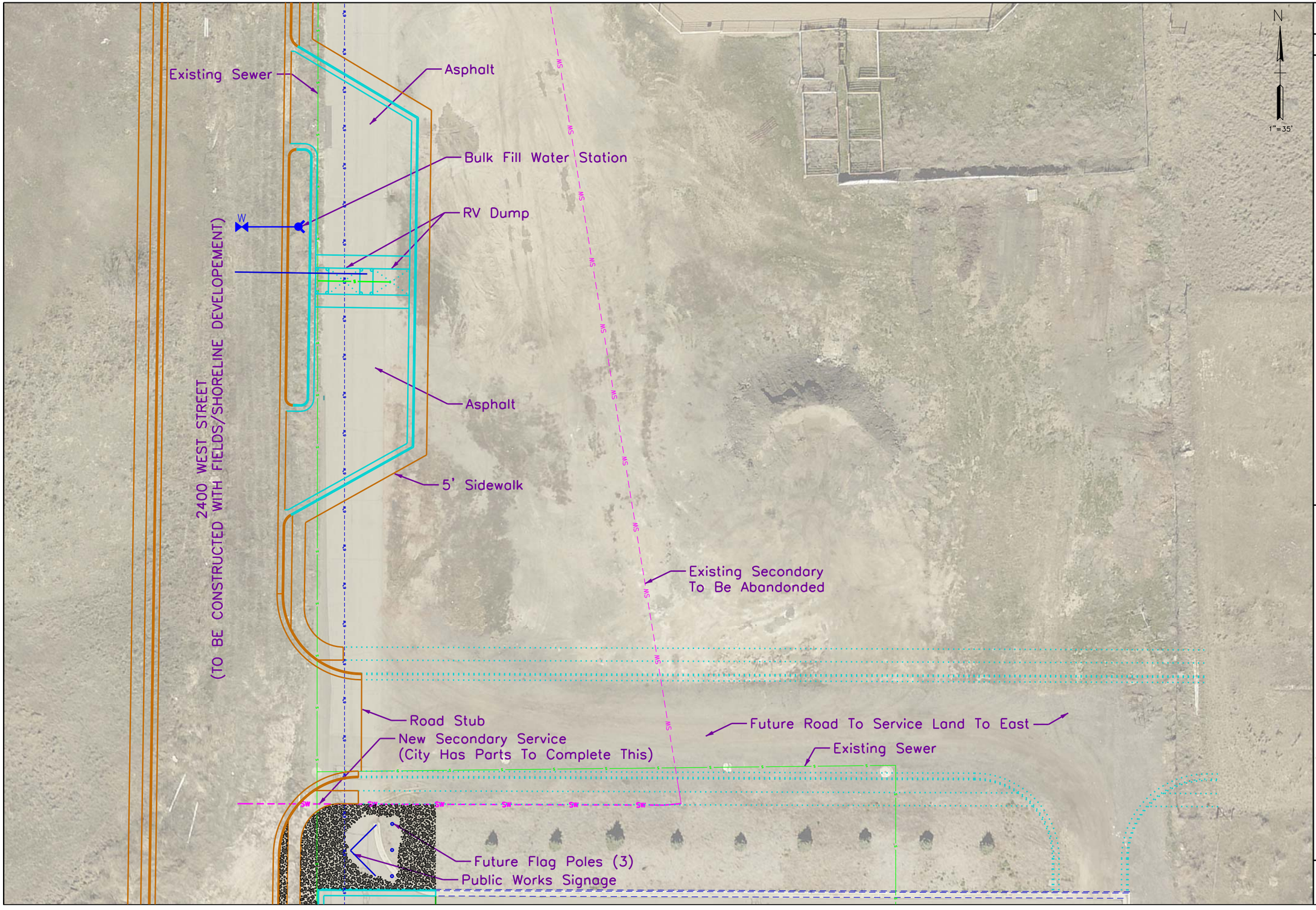
- When future funding is available, Phase 2 of the modifications would recommend constructing an 8' concrete wall around the Public Works Facility to increase security and reduce noise complaints.

- Consideration should be given to the potential of the Parks Maintenance Facility being constructed in this area.

Action Items

The following items outline the actions to be taken:

1. Whether Council will entertain funding all or a portion of the proposed improvements.



LAST UPDATED:
AUGUST 19, 2019

DRAWN BY: BB

PUBLIC WORKS SHOP IMPROVEMENTS

SYRACUSE CITY EST. 1935

SHEET:
1 OF 3

Saw Cut Existing Asphalt
30" Curb & Gutter
Existing RV Dump Location
Remove & Replace Existing Asphalt
Saw Cut Existing Asphalt
Current Location Of Bulk Water Fill Station
30" Curb & Gutter
Existing Gate Location
8' Concrete Wall
New Automatic Gate Location
8' Concrete Wall
Rock Mulch (Typ)
8' Concrete Wall
8' Concrete Wall
8' Concrete Wall
8' Concrete Wall
2400 WEST STREET
(TO BE CONSTRUCTED WITH FIELDS/SHORELINE DEVELOPEMENT)

N
1"=35'

LAST UPDATED: AUGUST 19, 2019

DRAWN BY: BB

PUBLIC WORKS SHOP IMPROVEMENTS

SYRACUSE CITY EST. 1935

SHEET: 2 OF 3

2400 WEST STREET
(TO BE CONSTRUCTED WITH FIELDS/SHORELINE DEVELOPEMENT)

8' Concrete Wall

Existing Waterline

Culinary Water Main
To Be Looped

8' Concrete Wall

N

1"=35'

8' Concrete Wall

8' Concrete Wall

3200 SOUTH STREET
(TO BE CONSTRUCTED WITH FIELDS/
SHORELINE DEVELOPEMENT)

New Storm Drain Outfall To
New SD In 2400 West

Existing Storm Drain
Outfall To Be Abandoned

LAST UPDATED:
AUGUST 19, 2019

DRAWN BY: BB

PUBLIC WORKS SHOP IMPROVEMENTS

SYRACUSE CITY EST. 1935

SHEET:
3 OF 3

Public Work Shop Parking Lot
Probable Cost Opinion

PHASE 1															
Item No	**Bid Item**	**Unit**	**Quantity**	**Unit Price**	**Extended Price**	**General Fund??Building Maintenance??**		**Road Impact Fee**		**Sewer**		**Storm Drain**		**Culinary Capital 501670**	
1	30" Curb & Gutter	LF	496	$35.00	$17,360.00		$0.00	156	$5,460.00	340	$11,900.00		$0.00		$0.00
2	*Bulk Water Fill Station w/ Backflow	LS	1	$6,000.00	$6,000.00		$0.00		$0.00		$0.00		$0.00	1	$6,000.00
3	*Public Works Singe & Lighting	EA	0	$7,000.00	$0.00	1	$7,000.00		$0.00		$0.00		$0.00		$0.00
4	*Saw Cut, Concrete & Asphalt Removal	LS	1	$2,000.00	$2,000.00		$0.00	1	$2,000.00		$0.00		$0.00		$0.00
5	*Dump Station W/ Water	LS	2	$4,000.00	$8,000.00		$0.00		$0.00	2	$8,000.00		$0.00		$0.00
6	*6" Minus Rock W/ Weed Barrier/Roadbase	TON	300	$30.00	$9,000.00		$0.00	300	$9,000.00		$0.00		$0.00		$0.00
7	*Loop Culinary Water Main	LS	1	$3,500.00	$3,500.00		$0.00		$0.00		$0.00		$0.00	1	$3,500.00
8	*Reroute Storm Drain Outfall	LS	1	$5,000.00	$5,000.00		$0.00		$0.00		$0.00	1	$5,000.00		$0.00
9	*Landscaping	LS	1	$7,000.00	$7,000.00	1	$7,000.00		$0.00		$0.00		$0.00		$0.00
10	Automatic Gate	LS	1	$25,000.00	$25,000.00		$0.00	1.00	$25,000.00		$0.00		$0.00		$0.00
11	Adjust Valve To Grade & Install Concrete Collar	EA	2	$715.00	$1,430.00		$0.00	2	$1,430.00		$0.00		$0.00		$0.00
12	Adjust Manhole To Grade & Install Concrete Collar	EA	1	$1,050.00	$1,050.00		$0.00	1	$1,050.00		$0.00		$0.00		$0.00
13	High Density Mineral Bond Seal	SF	11800	$0.22	$2,596.00		$0.00	4,300	$946.00	7,500	$1,650.00		$0.00		$0.00
14	4" Bituminous Asphalt	SF	11800	$3.00	$35,400.00		$0.00	4,300	$12,900.00	7,500	$22,500.00		$0.00		$0.00
				Total		$14,000.00		$57,786.00		$44,050.00		$5,000.00		$9,500.00	$130,336.00

*To be completed by City crews - costs for materials only
**Prices do not include construction of 2400 West Street

PHASE 2							
Item No	**Bid Item**	**Unit**	**Quantity**	**Unit Price**	**Extended Price**	**Unknown Funding Source????**	
1	8' Concrete Wall	LF	1579	$160.00	$252,640.00	1,579	$252,640.00
2	***Flag Poles	EA	4	$3,500.00	$14,000.00	4	$14,000.00
				Total		$266,640.00	

***Possible future donation opportunity

COUNCIL AGENDA

September 24, 2019

Agenda Item **"j"** Discussion regarding various amendment proposals to the Personnel Policies and Procedures Manual.

Factual Summation

- Any questions about this agenda item may be directed at Admin. Services Director Stephen Marshall or City Manager Brody Bovero.

- We presented the policy manual proposed amendments to the city council in the August 24th meeting as a first read. We plan to discuss the changes and any council recommended changes in detail in this meeting. We plan to present it to the council in the October 8th meeting for a vote and approval.

- City staff has reviewed various sections of the Personnel Policies and Procedures manual and would like to recommend changes as noted in the red line edits on the attached PDF document. Below is a summary of significant changes:

    - Policy Manual Cover - Changed the City Mission Statement to match what was adopted by City Council.
    - 1.090. – Added ADA language addressing that the City shall provide reasonable accommodations to the public.
    - 3.040 – Added what the law states regarding when minors are able to work.
    - 3.080 – Changed to match how job postings are sent to employees.
    - 5.080 (e) & (f) – Added that interim appointments become effective at the beginning of a pay period. Also added that an employee may request to voluntarily demote.
    - 5.100 (b) – Took out that the City Manager can allow employees to accrue more than 80 hours of comp. time. And changed how an employee's comp time is handled when moving from non-exempt to exempt.
    - 5.150 – Separated special programs, outside overtime & wildland fire program since they are truly different & how the leave time must be used for special programs.
    - 5.160 – Defined outside overtime and how an employee will be paid for such.
    - 5.170 – Separated wildland fire program from Special Programs since it's truly different and needed to be handled differently.

- 6.060 – Changed how employees can access paystubs to match how it's being done currently. And added that direct deposit changes must be done in person to avoid fraud attempts.
- 8.070 (d) – Added language to this section that matches language in 8.030 (c) Leave Procedures since many look in this section for this language.
- 9.100 – Added that the outside employment form is only needed for Full Time employees.
- 9.190 – Added policy regarding soliciting.
- 10.020 – Added policy regarding sexual abuse at the recommendation of our insurance company.
- 11.100 (c) (1) – Added/changed job titles that need to be in the random drug screen pool.
- 11.100 (d) (3) (b) – Added facility to use and number to call for post-accident drug screens.
- 12.080 – added reference to medical marijuana and how to treat it for DOT compliance.
- 12.130 (a) – removed title that doesn't have a CDL and isn't required to have CDL.
- 13.010 (g) – Added/changed titles of those that need to have annual background checks done.
- 13.030 – Added timeline of when MVR violations will be considered.
- 14.110 (c) – Made changes to match the process for post-accident drug and alcohol screening outlined in Chapter 11.
- 14.150 – Added the Safety Incentive Program that the Safety Committee implemented.
- 17.010 (g) (2) – Changed dinner per diem to match what state is doing.
- 18.030 – Added language to allow employees under 18 to operate mower and OHV.
- Chapter 19 – changed a good portion to better reflect office equipment and devices used today.
- 19.010 – Defined city office equipment and language regarding theft and damage. And deleted 19.030.
- 19.040 – Added language regarding personal use of office equipment due to new law.
- 19.060 – Added language on when an employee is expected to answer City cell phones.
- 19.070 – Added language on when an employee is expected to answer personal cell phones & how to handle lost, stolen, damaged equipment.
- 22.060 - Changed language so that SIRs didn't have to be signed by the employee & HR.
- 22.120 & 22.130 – Typo
- 22.140 – Added Full-Time to policy to be clear that Part-Time, Seasonal & Temporary employees do not have appeals rights.

SYRACUSE CITY CORPORATION

Personnel
Policies and Procedures
Manual

City Mission Statement:

"To provide quality, affordable services for its citizens, while promoting community pride, fostering economic development, and preparing for the future."

Effective
Updated ~~2018~~2019

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

SYRACUSE CITY
PERSONNEL POLICIES AND PROCEDURES

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CHAPTER 1
INTRODUCTION

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1.030. Interpretation.
1.040. Amendments.
1.050. Distribution.
1.060. Acknowledgement Form.
1.070. Disclaimer.
1.080. Conflicts.

1.010. Purpose.

The purpose of these Personnel Policies and Procedures ("Policies and Procedures") is to provide guidelines and information for City employees to assist them in performing and pursuing competent and satisfying employment with the City. It is the intent of the City to comply with all Federal and State laws and regulations applicable to the City and/or its employees, whether mentioned herein or not.

1.020. Applicability.

These Policies and Procedures shall apply to all City employees and appointed officers, except where otherwise specifically excluded. These Policies and Procedures do not apply to elected officials, members of commissions and committees, or persons engaged under contract to supply professional or technical services. These Policies and Procedures are in addition to any other department-approved policies and procedures or operational standards, including, but not limited to, Police Department and Fire Department policies and operational standards.

1.030. Interpretation.

The City Manager shall provide the official interpretation of these Policies and Procedures. The department heads and supervisors shall be responsible for implementing these Policies and Procedures within their departments under the direction of the City Manager and the Human Resources Specialist.

1.040. Amendments.

Personnel practices and procedures are in a constant state of change and the City will review the policies and procedures set forth herein as needed to best serve the needs of the City and its employees. The City reserves the right to unilaterally alter, amend, except or revoke any policy, practice or procedure set forth herein in its sole discretion. All amendments shall be approved in writing by resolution of City Council. Any minor amendment, being defined as one that does not significantly alter a policy herein, will be submitted to the City Council for review at the next regularly scheduled work session. If there are no objections from the Mayor of members of the City Council, the proposed minor policy amendment shall be deemed approved. At the request of the Mayor or any member of the City Council, any minor proposed amendment shall be scheduled for the next regular City Council meeting for a vote by the council.

1.050. Distribution.

A copy of these Policies and Procedures and any amendments hereto shall be made available to all employees and appointed officers in electronic or hard copy format. Employees will be notified in writing of any amendments to these Policies and Procedures. The content of the amendments will be made available in electronic format unless a hard copy is requested by the employee. The City shall be responsible for keeping the electronic and hard copy of the Personnel Policies and Procedures up to date with amendments. A log sheet shall be provided by the City to assist in recording and tracking updates.

1.060. Acknowledgment Form.

City employees are responsible to be aware of and adhere to all the provisions of these Policies and Procedures and any amendments hereto. Each employee shall sign and submit to the City an Acknowledgment Form (See Appendix A), as provided by the City, attesting to the fact that he or she has received instructions on how to access a copy of these Policies and Procedures and any amendments to these Policies and Procedures and has agreed to read and understand the provisions set forth herein. Submission of a signed Acknowledgement Form shall be a condition of employment for all employees. The signed Acknowledgment Form shall be filed in the employee's personnel file.

1.070. Disclaimer.

The information contained herein, and any amendments or alterations hereto, do not constitute a contract or agreement of any kind between the City and its employees. No person other than the City Manager and the Mayor, as applicable stated by city code and state code, with the advice and consent of the City Council, has the authority to enter into an agreement with any employee for any specified employment term or to make any commitments contrary to the relationship of City employees. Any such agreement or commitment must be made in writing. The information and policies contained herein shall not constitute or create any rights in or obligations to any persons or parties other than to the City and its employees. Nothing herein shall be construed to limit the City's right to discharge an employee or to create any other obligation or liability on the City. The City alone shall be entitled to enforce or waive the provisions of any policy, practice or procedure set forth herein.

1.080. Conflicts.

Except as otherwise specifically provided, these Policies and Procedures supersede all prior letters, memoranda, resolutions, policies, and procedures of the City which are inconsistent with the matters stated herein. In the event of a conflict between any of the provisions set forth herein or with department approved policies and procedures, the more restrictive provision shall apply. If any provision or part of these Policies and Procedures or the application thereof is found to be in conflict with any State or Federal law or City Ordinance, the conflicting provision or part is hereby declared inoperative to the extent of the conflict, but such conflict shall not affect the operation of the remainder of these Policies and Procedures or any of their application.

1.090. Reasonable Accommodation for Disabilities.

Any City policy, program, or practice that has an intended or unintended effect of discrimination against or the maintenance of accessibility barriers to those with disabilities, as defined under the Americans with Disabilities Act, is subject to modification as a reasonable accommodation for those with disabilities. Barriers that are immediately apparent and which may be overcome through minimal effort by a present city official should be removed or overcome without delay. Requests for reasonable accommodation that require permanent changes to programs or policies shall be referred to the City's ADA Coordinator, who is the Human Resource Specialist.

CHAPTER 2
ADMINISTRATION

2.010. Human Resources Specialist.
2.020. Job Descriptions.
2.030. Classification Plan.
2.040. Personnel Records.
2.050. Employee Inquiries and References.

2.010. Human Resources Specialist.

The City has created the position of Human Resources Specialist. The Human Resources Specialist is responsible for the administration and implementation of these Policies and Procedures and applicable City Ordinances. The duties and responsibilities of the Human Resources Specialist, with respect to these Policies and Procedures, include, but are limited to, the following:

(a) to develop, implement and administer these Policies and Procedures;

(b) to promote the fair treatment of employees and the administration of these Policies and Procedures; and

(c) to review these Policies and Procedures and recommend suggestions or changes deemed necessary to the City Manager.

2.020. Job Descriptions.

The City should provide and maintain a current job description for each employment position available within the City. Each job description should include the scope of responsibility, supervisory duties, typical duties, qualifications, knowledge, skills and abilities, essential functions, and physical demands and job environment. All employees will be assigned to employment as provided in an established job description and must be able to meet the requirements for performing the essential functions of the position to which assigned (with or without a reasonable accommodation to the extent required under the Americans with Disabilities Act). Recruitment and hiring of new employees should be based on the requirements and duties listed in the relevant job description.

2.030. Classification Plan.

The City shall establish and adopt a Classification Plan setting forth the positions and corresponding job descriptions of City employees.

2.040. Personnel Records.

(a) Personnel Records. Federal and State law requires employers to keep detailed data about their employees. It is the policy of the City to maintain personnel records concerning its employees in accordance with applicable Federal and State law. Such records may include, but are not limited to, records regarding hiring, compensation, leave, awards, grievances, disciplinary action, education, training, and other relevant records.

(b) Updates. Each employee is responsible for keeping the City notified of any changes in employee information such as name, address, telephone number, tax exemptions and related information so that the employee's personnel records may be accurately maintained.

(c) Maintenance. Personnel records shall be maintained, classified, and accessed in accordance with the Government Records Access and Management Act, as set forth in *Utah Code Ann*. §§ 63-2-101, *et seq*., and the Utah Municipal Records Retention Schedule, as adopted and amended by the City.

(d) Access. Pursuant to *Utah Code Ann*. §§ 67-18-1, *et seq*., as amended, employees of the City have the right to examine and make copies of documents in their own personnel files. Upon written request from an employee, the City shall produce the employee's personnel file for inspection and copying during regular business hours. Such inspection and copying shall be under the direct supervision of the Human Resources Specialist, or his or her designee. Access and examination of personnel records by persons other than the employee must provide a written request and is subject to the provisions of the Government Records Access and Management Act, as set forth in *Utah Code Ann*. §§ 63-2-101, *et seq*., as adopted and amended by the City. Access and examination of personnel records by the City Manager and/or the employee's direct Department Head, or his/her designee, will be provided upon written request which will be kept with the personnel file and is not subject to the provisions of the Government Records Access and Management Act. Requests by a Department Head to access and examine personnel records of an employee that he/she does not directly supervise must have approval by the City Manager.

2.050. Employee Inquiries and References.

All inquiries from outside parties regarding current and former employees shall be directed to the Human Resources Specialist. For purposes of extensive background investigations on current and former Police Officers a liability release form signed by the employee is required and the Police Chief in cooperation with the Human Resource Specialist may respond to questions with factual information. Pursuant to the Employer Reference Immunity provisions of Utah law, as set forth in *Utah Code Ann*. § 34-42-1, as amended, an employer who in good faith provides information about the job performance, professional conduct, or evaluation of a former or current employee to a prospective employer of that employee, at the request of the prospective employer of that employee, may not be held civilly liable for the disclosure or the consequences of providing the information. Notwithstanding statutory protection, the City reserves the right to require a written reference and liability release form from former employees regarding requested references. Reference and liability release forms may also be filled out by employees upon termination of employment with the City.

CHAPTER 3
EMPLOYEE HIRING

3.010 Equal Opportunity Employer.
3.020. Employment Philosophy.
3.030. Employment of Relatives (Nepotism).
3.040. Employment of Minors.
3.050. Authority to Hire.
3.060 Recruiting.
3.070. Newly Created or Existing Positions.
3.080. Advertising.
3.090. Open Position Notices.
3.100. Application Process.
3.110. Interviews.
3.120. Testing and Investigations.
3.130. Job Offers.
3.140. Employment Eligibility Verification.
3.150. Employee Orientation.
3.160. Disqualification.
3.170. Rehires.

3.010 Equal Opportunity Employer.

Syracuse City is an “Equal Opportunity Employer" and it is the policy of the City to comply with Federal and State equal employment opportunity laws and guidelines. The City shall not discriminate in the hiring, employment, promotion, or other employment practices with respect to its employees on the basis of race, color, religion, sex, national origin, political affiliation, age, pregnancy, childbirth or pregnancy-related condition, disability, status as a veteran, or genetic information, in accordance with applicable Federal and State laws. It is the policy and commitment of the City to protect the civil rights of all employees and applicants for employment with the City and to provide a work environment free from discrimination and harassment.

3.020. Employment Philosophy.

The City Council shall adopt and maintain a Recruitment, Retention and Compensation Policy for the city, which purpose is to attract the best talent possible, motivate and retain that talent for the overall benefit of the citizens. The City seeks to attract and retain the most highly qualified and competent employees who exhibit the qualities and characteristics required for and consistent with the job to be performed. Evaluation of employment applicants will be made on the basis of education, skills, experience, character, competence, ability to work and relate with co-workers, supervisors and the public, and potential job performance and learning consistent with the needs of the City and the specific position to be filled. The City may check references of the applicant before an offer of employment is made. A copy of the Recruitment, Retention, and Compensation Policy is attached hereto as Appendix (B) and incorporated herein by this reference.

3.030. Employment of Relatives (Nepotism).

It is the policy of the City to comply with the provisions of Title 52, Chapter 3, of the *Utah Code Annotated*. The City restricts the hiring of city employees’ relatives. A relative is defined as the

employees' husband, wife, parent, step-parent, nephew, niece, grandparent, son-in-law, daughter-in-law, sister, step-sister, brother, step-brother, son, step-son, daughter, step-daughter, grandchild, mother-in-law, father-in-law, brother-in-law, sister-in-law, aunt, uncle, or first cousin; or a spouses' grandparent, grandchild, aunt, uncle, nephew, niece, or first cousin. Guidelines regarding employment of relatives are as follows:

(a) A person may be hired within the same department as long as there is not a direct or indirect supervisor/subordinate relationship between the employees, a conflict of interest or the appearance of a conflict of interest.
(b) In the event that an employee who directly or indirectly supervises another employee whom become related as a result of a marriage, the City will attempt to find a suitable position within the City to which one of the affected employees may transfer. If accommodations of this nature are not feasible, the employees will be permitted to determine which of them will resign.
(c) No employee who is related to someone within the same department shall be promoted to a Department Head or Supervisor position.

3.040. Employment of Minors.

The City may employ minors from time to time and it is the policy of the City to comply with all State and Federal laws and regulations regarding the employment of minors, including, but not limited to, *Utah Code Ann.* §§ 34-23-101, *et seq.*, 29 U.S.C. §212 and 29 C.F.R. Part 570. The law prohibits employment of minors under age 14 and no one under the age of 18 may perform a hazardous job as defined by the Fair Labor Standards Act (FLSA). Please see the Human Resource Specialist for further information on such duties. Employees who are 14 or 15 years of age many not work more than 3 hours on a school day, may not work past 7PM from Labor Day to June 1st, and may not work past 9PM from June 1st to Labor Day. Please see Work Hours and Breaks and Lunch Periods in Chapter 6 for additional information in regard to employment of minors.

3.050. Authority to Hire.

In accordance with the hiring provisions set forth in Title 1 (Administration) of the Syracuse City Ordinances, hiring shall be conducted as follows:

(a) With the exception of department head positions and positions required by law to be appointed by the Mayor and/or City Council, the City Manager, or his or her designee, has the authority to post, interview, and hire for all available employment positions within the City.

(b) It is the responsibility of the Mayor, with the advice and consent of the City Council, to appoint individuals to all department head positions and positions otherwise required by law, such as the City Recorder and City Treasurer. The City Manager, or his or her designee, shall assume the responsibilities of posting, interviewing, and making final recommendations to the Mayor and City Council for such positions.

3.060 Recruiting.

All recruitment shall be conducted in accordance with the City's Equal Opportunity Employer policy as set forth in Section 3.010. Any and all selecting and advancing of employees in the City personnel system shall be on the basis of the applicant and/or employee's ability, knowledge, and skill levels related to the vacant position in accordance with the City's Employment Philosophy set forth in Section 3.020. All hiring shall be based upon the job description for the specific position opening. If the

recruitment is for a newly created position, a job description, classification, and salary range shall be prepared by the City prior to recruiting for the proposed position and the position approved by the City Council in accordance with Section 3.070. Syracuse City employees that apply for and meet minimum qualifications required for an open position should be interviewed during the interviewing process with the other outside applicants. With City Manager approval and within one (1) year of termination, a previous employee who left in good standing may be recruited and rehired without going through the application process. The employee can only be rehired for the same position he/she left and will still be required to go through the pre-employment and new hire processes.

3.070. Newly Created or Existing Positions.

Newly created regular or appointed positions may be created by the City Council through authorization and approval of the job description, classification, and salary range of the position, either through the annual budget authorization or by separate action of the City Council. Any department head wishing to create a new position within his/her department shall submit a request to the Human Resources Specialist, including a proposed job description, classification, and the pay range for the job. If acceptable to the Human Resources Specialist, the new position request shall be forwarded to the City Manager for review and recommendation to the City Council. Job openings for existing positions, which have been previously authorized by the City Council shall be reviewed by the Human Resources Specialist and approved by the City Manager to initiate the hiring process.

3.080. Advertising.

Upon approval by the City Council for new positions and approval by the City Manager for existing positions, the Human Resources Specialist will prepare advertisements for job openings and post notice of such openings as provided herein. Advertising for job openings should be posted at the City Offices and a copy of the posting sent via email to each employee. ~~department head for posting within the Department. Department heads are responsible for ensuring that all job postings are posted within their Department. Job openings will also be posted on employee bulletin boards.~~ In addition, and at the same time, the Human Resources Department will publicly advertise all new and vacant positions. In general, all new and vacant positions will be posted externally on the Syracuse City Website and through the Utah Department of Workforce Services. Other media, including newspapers, social media, and professional publications, may be used. Advertisements for positions shall be posted for a minimum of seven (7) days.

3.090. Open Position Notices.

Open position notices prepared by the Human Resources Specialist should contain a statement indicating the City's Equal Opportunity Employer status. Open position notices should also specify what application information is required (resume, cover letter, etc.), where job applications may be obtained, instructions on returning completed applications, and the deadline for filing an application.

3.100. Application Process.

(a) An application for employment will be accepted from applicants for employment using the online applicant tracking software on the City website at www.syracuseut.com. No one under the age of eighteen (18) may apply for or be hired for full-time employment with the City. No one under the age of fourteen (14) may apply for or be hired for any employment position with the City.

(b) Completed applications will be kept on file for the open position and shall be retained in accordance with the Government Records Access and Management Act, as set forth in *Utah Code Ann.* §§ 63-2-101, *et seq*.

(c) All job applications shall be electronically signed by the job applicant and the truth of all information contained therein shall be certified by the job applicant's signature. The job applicant shall provide a copy of required certified educational transcripts either with the application or upon hire.

(d) Applications may be rejected for, but not limited to, the following reasons:

(i) The applicant does not meet the minimum qualifications established for the position;

(ii) The applicant voluntarily indicates that he or she is physically or mentally unable to perform the essential duties and responsibilities of the position with or without reasonable accommodation(s) (determined only after a conditional offer of employment has been extended to a job applicant and pending the results of a medical examination);

(iii) The applicant has falsified a material fact or failed to complete the application;

(iv) The applicant failed to timely file the application;

(v) The applicant has an unsatisfactory employment history or poor work references; or

(vi) The applicant failed to attain a passing score, if an examination is required.

3.110. Interviews.

The Human Resources Specialist, in conjunction with the hiring department head or the City Manager, will select applicants to interview from those who have passed the preliminary screening tests and job applications. Job related duties and qualifications will provide the basis for initial screening of job applicants. Individuals conducting job interviews shall only ask questions that pertain to the job position. A structured interview guide shall be developed and reviewed by the Human Resources Specialist and the department head filling the position before the interview begins. The guide will be developed in accordance with the Syracuse City Equal Employment Opportunity policy. During the interview each interviewer will complete the structured interview guide developed for the position. If a point system is used by the interview panel, then the following, non-cumulative preference points shall be applied to the overall score at the end of the process: 5% to eligible Veterans and 10% to disabled Veterans or purple heart recipients. If a point system is not used for the interview, then Veteran preference is used to decide between candidates who are in equal contention for the position at the conclusion of the interviews, in favor of the Veteran. The Veteran must bring a copy of their Certificate of Release or Discharge from Active Duty (DD214 Form) to the interview to claim Veteran's Preference. The Human Resources Specialist shall be given the opportunity to attend all interviews for Full-Time positions.

3.120. Testing and Investigations.

Applicants for positions with the City may be subject to competitive testing or condition of employment testing which may include, but is not limited to: determination of bondability, rating of

education and experience, written, oral, or physical tests, drug testing, medical examinations, driving record evaluations, and/or background investigations in accordance with these Policies and Procedures and applicable provisions of law. *See*, Chapter 13 of these Policies and Procedures regarding Employee Testing and Evaluation. The structure and methods of testing shall be reviewed by the Human Resources Specialist prior to the testing being conducted.

3.130. Job Offers.

After a job applicant is approved by the Human Resources Specialist and the hiring department head (and City Council as applicable for department head positions), with the consent of the City Manager, the Human Resources Specialist or department head in coordination with the Human Resources Specialist, shall notify the successful job applicant of his or her conditional selection through: (1) a telephone call; and (2) a written job offer letter. To accept a job offer, the candidate must sign the written job offer, thereby making the offer official. The original job offer letter is then filed in the employee's file and a copy is given to the new employee. Written job offer letters will include the following:

(a) The employee's job title;

(b) A clear statement of the job description;

(c) The employee's supervisor;

(d) The employee's starting salary (starting salary offers for exempt positions shall be figured as both an annual and bi-weekly amount and starting salary offers for non-exempt positions shall be figured as the equivalent hourly wage);

(e) Any applicable relocation commitments;

(f) A summary of the benefits in which the employee will be eligible to participate;

(g) Syracuse City's at-will employment policy, to the extent applicable;

(h) The employee's starting date;

(i) The length of the employee's probationary period;

(j) Notice that employment is contingent upon passing a background investigation, drug testing, driving record evaluation, medical examination, and any other testing or investigation, to the extent required under these Policies and Procedures for the particular position.

3.140 Employment Eligibility Verification.

In conformance with the "Immigration Reform and Control Act of 1986" (P.L. 99-603) and in order to avoid monetary penalties for the hiring of illegal workers, the Human Resources Specialist shall establish an employment verification system, and shall verify that all applicants for vacant positions or persons hired to fill vacant positions are authorized to work within the boundaries of the United States.

3.150. Employee Orientation.

On the first day of work the new employee should receive a general orientation concerning benefits, compensation practices, personnel policies and procedures, vacation, holiday and sick leave, work hours, parking, and various employment expectations. After a new employee is hired he or she shall fill out all required pre-employment forms, benefit applications, and enrollment forms. In addition to any other required forms, the following forms shall be filled out by all new employees:

(a) Employment Eligibility Verification Form (Form I-9);

(b) Federal Withholding Statement (Form W-4);

(c) Utah New Hire Registry Reporting Form;

(d) Applicable Utah Retirement System (URS) Form;

(e) Syracuse City Direct Deposit Form;

(f) Personnel Policies and Procedures Acknowledgement Form; and

(g) If applicable, all benefits enrollment forms.

3.160 Disqualification.

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

3.170 Rehires.

Job applications received from former employees will be processed using the same procedures and standards that govern all other non-employee applications. The Human Resources Specialist will review the former employee's personnel records and the circumstances surrounding termination of previous employment with the City. Former employees who have been terminated for cause, or who voluntarily resigned while facing disciplinary action, or who did not give a two (2) week notice are not eligible for rehire. Employees must give a two (2) week notice in order to be rehireable unless deemed otherwise at the discretion of the City Manager. Eligibility for rehire should be noted on termination forms. Applicants who are rehired shall be required to serve a probationary period in accordance with these Policies and Procedures. Former employees who terminated employment with the City in good standing may maintain the original anniversary date for benefit purposes if they are re-employed by the City within one (1) year after the date of termination.

CHAPTER 4
EMPLOYMENT STATUS

4.010. General Policy.
4.020. Employee Definitions.
4.030. FLSA Employment Status.
4.040. Probationary Employment Period.
4.050. Light Duty Status.
4.060. Volunteers.
4.070. Court Ordered Service.

4.010. General Policy.

Employment positions within Syracuse City are defined and classified into various categories that relate to employment status, hiring procedures, compensation, benefits eligibility, and applicability of certain Federal and State laws. Such categories are subject to change depending upon the requirements of State and Federal law, City policy or City Ordinances.

4.020. Employee Definitions.

Each employee position available with the City is defined and categorized as one of the following, depending upon the number of required working hours for the particular position and/or the temporary nature of the position. Elected officials are excluded from these categories.

(a) Full-Time. An employee working in a position for which the normal work schedule is forty (40) or more hours per week is considered a full-time employee. Full-time employees are eligible for participation in City provided benefits programs as more particularly set forth in these Policies and Procedures.

(b) Part-Time. An employee working in a position for which the normal work schedule is less than thirty (30) hours per week is considered a part-time employee. Part-time employees are not eligible for benefits except as expressly provided herein or otherwise required by law. Part-time employees are at-will and may be terminated at any time with or without cause, without appeal.

(c) Seasonal. An employee working in a position that is expected to work for six (6) months or less per year and which the need for the position ends typically in conjunction with a season is considered a seasonal employee. Seasonal employees are not eligible for benefits except as expressly provided herein or otherwise required by law. Seasonal employees are at-will and may be terminated at any time with or without cause, without appeal.

(d) Temporary. An employee working in a position that is expected to work for six (6) months or less per year, less than thirty (30) hours per week and which the need for the position ends after a single project is not typically repeated each year is considered a temporary employee. Temporary employees are not eligible for benefits except as expressly provided herein or otherwise required by law. Temporary employees are at-will and may be terminated at any time with or without cause, without appeal.

(e) Intern. A temporary employee who is attending courses related to the position and is expected to work for eighteen (18) months or less and less than thirty (30) hours per week. Intern employees are not eligible for benefits except as expressly provided herein or otherwise required by law. Intern employees are at-will and may be terminated at any time with or without cause, without appeal.

4.030. FLSA Employment Status.

To facilitate provisions of the Fair Labor Standards Act ("FLSA") regarding employee eligibility for overtime compensation, employees shall be classified as either exempt or nonexempt. These categories are defined as:

(a) Exempt. Employees who are not covered by or subject to the overtime requirements and regulations of the FLSA are deemed "exempt." Employees are classified as exempt based upon the nature of the work, conditions of employment, and criteria set forth in the FLSA and related Federal rules and regulations.

(b) Non-Exempt. Employees who are covered by and subject to the overtime requirements and regulations of the FLSA are deemed "non-exempt."

4.040 Probationary Employment Period.

(a) All newly hired Full-Time employees shall be subject to a twelve (12) month Probationary Period. The Probationary Period shall begin on the first day of employment and shall continue for twelve (12) months thereafter. The Probationary Period is established to evaluate the performance and potential of the new employee, determine the employee's retention, possible transfer, or termination, and to give the employee the chance to evaluate the job.

(b) At any time during the Probationary Period, the employee may be terminated by the City with or without cause and without right to due process, notice, or appeal in connection with the termination.

4.050. Light Duty Status.

Employees that incur a medical condition and are recommended by a medical doctor to only be involved in "light duty" activity may be assigned work in accordance with light duty operations and functions as approved by the Human Resources Specialist in cooperation with the Department Head. Light duty assignments will be temporary and short term in nature, usually not exceeding thirty (30) work days. Each case will be reviewed independently and will only be extended for extenuating circumstances. Light duty assignments over thirty (30) days must be approved by the City Manager.

4.060 Volunteers.

(a) Volunteers are persons who donate services as authorized by the City without pay or other compensation other than expenses actually and reasonably incurred as approved by the City, exclusive of "court ordered" volunteers as set forth in Section 4.070. The City Manager may establish volunteer programs and develop guidelines for the use of volunteers. Volunteer programs and guidelines proposed by the City Manager that are either outside of the current adopted budget or involves an exceptional amount of risk would require approval from the City Council. All volunteers providing services

for the City may be required to sign an agreement (See Appendix C) defining the nature and terms of the volunteer services. A volunteer may not donate any service to the City unless the volunteer's services are approved by the City Manager and the volunteer has submitted a signed volunteer form to the City as required herein.

(b) Volunteers may be provided protections under the Volunteer Government Workers Act, as set forth in *Utah Code Ann*. §§ 67-20-1, *et seq*., as amended, which provides volunteers may be deemed an employee of the City for purposes of workers' compensation benefits, operation of motor vehicles, and liability protection and indemnification normally afforded paid government employees.

4.070. Court Ordered Service.

Court ordered community service volunteer labor is authorized but shall be accepted at Syracuse City only when ordered through the Syracuse City Justice Court. Court ordered volunteers may be considered an employee of the City for purposes of workers' compensation benefits as more particularly provided in the Volunteer Government Workers Act, as set forth in *Utah Code Ann*. §§ 67-20-1, *et seq*., as amended, regarding "compensatory service workers," as defined therein.

CHAPTER 5
COMPENSATION

5.010. General Policy.
5.020. Recruitment, Retention and Compensation Policy
5.030. Pay Grade for New Employees.
5.040. Pay Progression.
5.050. Meritorious Performance.
5.060. Merit Increase for those at the Range Maximum.
5.070. Cost of Living Adjustments.
5.080. Position Adjustments.
5.090. Overtime.
5.100. Compensatory Time.
5.110. Holiday Pay.
5.120. On-Call Pay.
5.130. Training Pay.
5.140. Emergency Call Back.
5.150. Special Programs.
5.160. Outside Overtime.
5.170. Wildland Fire Program.
~~5.160.~~5.180. Severance Pay.

5.010 General Policy.

Syracuse City will pay at least minimum wage and overtime to all Non-Exempt employees in accordance with applicable provisions of the Fair Labor Standards Act (FLSA). Syracuse City may compensate all Exempt employees with time off for extra hours worked as more particularly set forth herein. Syracuse City will also provide equal pay to all employees doing similar work which requires substantially equal skill, effort, and responsibility and are performed under similar working conditions in accordance with the FLSA and the Equal Pay Act of 1963.

5.020. Recruitment, Retention, and Compensation Policy

(a) Recruitment, Retention and Compensation Policy. The City Council shall adopt and maintain a Recruitment, Retention, and Compensation Policy for the City, including minimum and maximum rates of pay for each position within the City's personnel system and such intermediate steps or grades as deemed necessary and equitable for employee compensation ("Recruitment, Retention, and Compensation Policy"). The Recruitment, Retention, and Compensation Policy may also include salary administration guidelines, position pay grade schedule, and salary schedule, as adopted by the City. Salaries shall be linked to the position classification plan and may take into consideration the following prevailing practices and factors: ranges of pay for other positions; prevailing rates of pay for similar employment in both public and private organizations; cost of living; market trends, other benefits; and the financial policy and economic conditions of the City. Independent market studies may be authorized at the discretion of the City Council when deemed necessary. Compensation for statutory officers shall be subject to public hearing requirements and adopted by ordinance of the City Council in accordance with applicable provisions of *Utah Code Ann.* § 10-3-818, as amended. A copy of the Recruitment, Retention, and Compensation Policy is attached hereto as Appendix (B) and incorporated herein by this reference.

(b) Updates and Amendments. The Recruitment, Retention, and Compensation Policy should be reviewed and analyzed annually by the Human Resources Specialist and City Manager who may recommend appropriate changes to the City Council. The City Council may review and make appropriate changes to the Recruitment, Retention, and Compensation Policy at any time in accordance with applicable procedures regarding the same. Implementation of any recommended adjustments to the Recruitment, Retention, and Compensation Policy shall be subject to City Council approval and availability of funds. Any amendments or updates to compensation or compensation schedules for statutory officers shall be subject to public hearing requirements and adopted by ordinance of the City Council in accordance with applicable provisions of *Utah Code Ann*. § 10-3-818, as amended.

5.030. Pay Grade for New Employees.

Except as provided herein, pay for newly hired employees shall be set at the minimum of the pay range assigned to the specific job position. The City Manager may approve higher starting compensation, up to the midpoint of the pay range for the specific job position, as warranted by job qualification and experience and subject to the availability of funds.

5.040. Pay Progression.

Progression within the salary and wage scale for any given position may be based upon recommendation of the City Manager with final approval given by the City Council. In making recommendations, for pay progression or special adjustments, the City Manager shall consider level of responsibility, performance, length of service, market conditions or other factors. Employees may advance through the salary and wage scale at a minimum of a half-percent (.5%) wage increase up to a maximum of a five percent (5%) wage increase per fiscal year as authorized within the City's budget and recommendation by the Department Head. The City Manager may approve all recommended salary and wage increases up to five percent (5%). No salary or wage increase above five percent (5%) may be approved without the review and consent of the City Council.

5.050. Meritorious Performance.

The City Council may, in its sole discretion, adopt meritorious performance increase guidelines on an annual basis to provide for employee compensation increases. Such meritorious performance increase guidelines shall be adopted and effective as of the first pay period with a July start date each calendar year and shall be subject to funding in the approved budget. Full-time and part-time employees are eligible to receive a meritorious performance increase, subject to the terms and conditions set forth herein. Temporary or seasonal employees may be eligible at the discretion of the City Manager, within budgetary limits and subject to the terms and conditions set forth herein. Employees who have completed their Probationary Period and who have received a satisfactory or better performance rating for performance related to the last twelve (12) months prior to the rating date shall be eligible to receive a meritorious performance increase. Employees at or above the pay range maximum and employees whose performance is rated less than satisfactory shall not be eligible to receive a meritorious performance increase. A meritorious performance pay increase shall not exceed the maximum range of pay assigned to the specific employee position.

5.060. Merit Increase for those at the Range Maximum.

The City Council may, in its sole discretion, grant a merit increase not to exceed five percent (5%) of an employee's gross pay to an employee who has been paid at or above the range maximum for a minimum of five (5) years, provided the employee has received a successful or outstanding performance

rating in the last year and has been employed by Syracuse City for at least eight (8) years. An employee whose salary exceeds the range maximum is eligible to receive a merit adjustment no more frequently than every five (5) years after the initial adjustment. Any subsequent increase above the range maximum shall not exceed five percent (5%) of the employee's gross pay. An employee is eligible to receive a maximum of five (5) successive adjustments beyond the range maximum. As an alternative to the annual merit increase, an employee who is being paid at or above the range maximum may receive an annual bonus in the amount equivalent to the wage/salary adjustment. No adjustment is made to the base wage/salary when a bonus is given.

5.070. Cost of Living Adjustments.

The City Council may, in its sole discretion, approve Cost of Living Adjustments ("COLA") to employee salaries and/or compensation plans or schedules. COLA increases may increase the employee's salary range maximum or the position pay range.

5.080. Position Adjustments.

(a) Promotions. Promotions are defined as a movement to a higher position that significantly increases the employee's responsibilities and/or supervisory duties. An employee who is promoted will receive an increase to the minimum wage of the entering wage scale, but at least a 5% increase. The wage increase becomes effective on the first pay period following the eligible promotion date. Employees that promote will be eligible for a pro-rated annual merit increase for the months at the lower position and the months at the higher position.

(b) Non-Voluntary Reassignment or Transfer. Reassignment or Transfer is defined as an employee that is being reassigned or transferred to another position non-voluntary, such as a reorganization of the department, etc. Except when due to a demotion or other disciplinary action, an employee who is reassigned or transferred to another position shall be paid at least the same salary received prior to reassignment or transfer.

(c) Reclassification. Reclassification is defined as a change to a position, that may significantly change the job description of the position. If the City reclassifies a position to a higher level, the incumbent's salary shall be adjusted to at least the minimum of the new range and may give a salary increase, based upon increased responsibility. If the City reclassifies a position to a lower level, the incumbent's salary shall remain the same. If the incumbent's salary exceeds the maximum of the new range, the incumbent is ineligible to receive a salary increase until the salary range or longevity scale increases to incorporate the incumbent's pay rate. An employee is ineligible to receive COLA increases until the salary range increases.

(d) Advancements. An Advancement is defined as movement to a higher position due to improved skill, knowledge, or capability, but does not significantly increase the employee's responsibilities and/or supervisory duties. Employees that advance to a higher position will move to the bottom of the new wage scale, but at least a 5% increase. The wage increase becomes effective on the first pay period following the eligible advancement date. Employees that advance are not eligible for a merit increase for the same year of advancement.

(e) ~~(e)~~ Interim Appointment. An Interim Appointment is defined as an employee accepting additional duties due to an extended vacancy of another position. Interim appointments do not apply to short-term absences such as vacations or sick leave. The interim appointment must be approved by the City Manager and by the City Council for Department Head positions. The employee shall receive a 10% increase for the first thirty (30) days of the interim appointment effective the beginning of the current pay period of the appointment. The employee shall receive an additional 3% increase per month following the first thirty (30) days. The additional increase(s) will be in effect at the beginning of the next pay period following the thirty (30) days. The Interim Appointment shall end at such time the position is filled or at such time the current employee returns back to work without restrictions or is otherwise directed by the City Manager and/or the Mayor.

(f) Voluntary Demotions. An employee may submit a request to voluntarily demote. The Department Head has the discretion to accept or reject the request based on the needs of the department. If the demotion request is accepted, the employee's wage will be subject to negotiation based on demoted position, current wage scale at time of demotion, and experience.

5.090. Overtime.

The City Manager and/or Department Heads may direct an employee to work overtime. Each department shall develop internal rules and procedures to ensure overtime usage is efficient and economical. These policies and procedures shall include:

1) Prior City Manager and/or Department Head approval for all overtime worked;

2) Recordkeeping guidelines for all overtime worked;

3) Verification of sufficient funds in the budget to compensate for overtime worked.

Overtime compensation standards are identified for each job title as either nonexempt or exempt.

(a) Eligibility. Except as otherwise provided herein for limited compensatory time, Exempt employees, as defined in Chapter 4, are not entitled to overtime compensation. Although working extra hours beyond the scheduled workweek may be recognized through compensatory time off for extra hours worked.

Non-Exempt employees, as defined in Chapter 4, are entitled to overtime compensation in accordance with the terms and conditions set forth in this section.

(b) Authorization. Overtime hours of all employees shall be pre-approved by the City Manager and/or Department Heads. Overtime hours shall be authorized for personnel only when absolutely necessary to provide required services or to complete a required project. Every effort should be made by the City Manager and Department Heads to keep overtime hours to a minimum. Any employee who works unauthorized overtime may be disciplined.

(c) Overtime Hours.

i. Non-Exempt Employees. Overtime shall be paid when the employee actually works more than forty (40) hours per work week. Holiday, sick, vacation, compensatory time, or time off shall not be considered hours worked for

purposes of calculating overtime compensation. Hours worked over two or more weeks may not be averaged.

ii. Exempt Employees. For each hour of approved overtime worked in excess of forty (40) hours per work week, an exempt employee shall accrue an hour of compensatory time. Such compensatory time for exempt employees is not required under the FLSA and shall be considered herein as non-FLSA compensatory time or limited compensatory time.

iii. Law Enforcement Employees. Overtime shall be paid when the employee actually works more than eighty-six (86) hours per 14-day work period. Holiday, sick, vacation, compensatory time, or time off shall not be considered hours worked for purposes of calculating overtime compensation. Employee's performing bona fide public safety services must meet the following criteria in order to be considered for overtime compensation
    1. Be a uniformed or plainclothes sworn officer;
    2. Be empowered by local ordinance to enforce laws designed to maintain public peace and order, to protect life and property from accident or willful injury, and to prevent and detect crimes;
    3. Have the power to arrest;
    4. Be POST certified; and
    5. Perform over eighty percent (80%) law enforcement duties.

iv. Fire Protection Employees. Overtime shall be paid when the employee actually works more than one hundred and six (106) hours per 14-day work period. Holiday, sick, vacation, compensatory time, or time off shall not be considered hours worked for purposes of calculating overtime compensation.

(d) Overtime Compensation Rate. All Non-Exempt employees shall be paid overtime compensation at the rate of time-and-one-half the employee's regular rate of pay for all overtime hours worked. Payments for overtime shall be issued on the regularly scheduled pay day for the work period in which it was earned. Employees may be granted compensatory time off in lieu of overtime compensation in accordance with the provisions of the FLSA.

Exempt employees may be granted limited compensatory time off at the straight time rate for all hours worked in excess of forty (40) hours per week. FLSA Exempt employees shall not be paid cash for any overtime hours worked unless an exception is made by the City Manager.

5.100. Compensatory Time.

(a) Election. Non-Exempt employees may elect to receive compensatory time off in lieu of overtime payment in cash. Non-Exempt Employees desiring to obtain compensatory time off in lieu of overtime payment in cash shall note on their timecard.

(b) Accrual Limit. Non-Exempt employees shall accrue compensatory time at one and one-half hours of compensatory time for each hour of overtime worked. Employees who have elected to receive compensatory time in lieu of overtime payment in cash may accrue up to eighty (80) hours of compensatory time off; Fire protection employees working 24-hour shifts may accrue one hundred and twelve (112) hours of compensatory time off. Once an employee reaches the maximum, additional overtime shall be paid on the payday for the period in which it was earned. Employees may request use of compensatory time off in accordance with the leave procedures set forth herein. ~~Only with prior approval of the City Manager, may compensatory time accrue up to 240 hours for regular employees or up to 480 hours for Law Enforcement and Fire Protection employees.~~

If a Non-Exempt employee's status changes to Exempt, ~~that~~ the department head shall make every attempt possible to ensure that the employee's compensatory time earned while in Non-Exempt status is used by the end of the year. If it is not possible due to staffing or critical deadlines that employee's compensatory time earned and not yet used while in Non-Exempt status ~~-~~shall be paid out on the first pay period ending in January at the ~~current~~ rate of pay before the transfer took place.~~.~~

Exempt employees may be granted compensatory time off at the straight time rate for all hours worked (including any hours worked on a holiday) in excess of forty (40) hours per week. For each hour of overtime worked over forty (40) hours, an Exempt employee shall accrue an hour of compensatory time. Exempt employees may accrue up to eighty (80) hours of compensatory time off. Leave and holiday time within the work period may not count as hours worked when calculating compensatory time. Any compensatory time earned by an Exempt employee is not an entitlement, a benefit, nor a vested right. Any compensatory time earned by an Exempt employee shall lapse by the first pay period ending in January of each year.

If an Exempt employee's status changes to Non-Exempt, that employee's compensatory time earned while in Exempt status shall lapse if not used by the first pay period ending in January of the year after the transfer takes place. Exceptions may be granted at the discretion of the City Manager.

(c) Use and Rate. Department Heads and/or the City Manager shall arrange for an employee's use of compensatory time as soon as possible without unduly disrupting agency operations or endangering public health, safety, or property. Payments for compensatory time off shall be paid at the employee's regular rate of pay at the time the employee receives such payment.

Exceptions to this overtime compensation policy may be granted by the City Manager, in accordance with the rules governing FLSA.

5.110. Holiday Pay.

Full-time Non-Exempt employees who are not engaged in bona fide Law Enforcement and Fire Protection services that are requested by their supervisor and/or department head to work on a City-recognized holiday will be compensated at a rate of one and one-half times their hourly wage for each hour worked. This compensation will be in addition to any paid holiday leave provided by the City.

5.120. On-Call Pay.

Non-Exempt employees who are not engaged in bona fide Law Enforcement and Fire Protection activities and are required to be assigned to on-call status on a rotating basis will be issued a city

communication device. Employees who are on-call shall carry a communication device, respond within 15 minutes if contacted, and shall be expected to report to work if deemed necessary. Time responding to a call or reporting to work will be considered as hours worked and shall be recorded in fifteen (15) minute increments on the employee's timecard. Employees who do not respond in a timely manner or do not report to work when deemed necessary may be subject to discipline up to and including termination.

On-call employees shall be paid $20 per day and shall record on-call days on his or her timecard during that pay period.

5.130. Training Pay.

With City Manager approval, employees who are assigned by Department Heads, or their designee, to train new employees may be eligible for training pay. This additional compensation shall be paid at the same rate as the City's on-call pay. To be eligible, the training employees must spend at least half of the daily scheduled work period directly training and overseeing the new employee. Employees submitting for training pay shall record the number of training days, during that pay period on his or her timecard.

5.140. Emergency Call Back.

(a) Definition. For purposes of this policy, the definition of 'emergency' is an unscheduled event, typically related to an urgent matter of public safety, which causes an employee to be called in for work by his or her supervisor to meet an unplanned staffing need. Examples include a public safety incident such as a house fire, officer- involved shooting or water main break, which tends to require additional staff resources. An emergency is not something that is related to a scheduled event, such as asking an employee to come into work to work on something to meet a deadline or to attend training.

(b) Policy. When a non-exempt employee is called back due to an emergency and has prior written approval to use vacation leave, holiday leave or compensation leave within the same pay period, the employee will have the option of either taking the paid vacation leave, holiday leave or compensation time in addition to the callback hours worked; or the option to credit his or her accrued vacation leave, holiday leave or compensation time equal to the emergency callback hours worked. As previously indicated herein, only hours actually worked will be counted for purposes of calculating overtime.

5.150. Special Programs.

Special programs apply to ~~E~~employees who participate in ~~special~~ programs outside of their regular employment, such as Seat Belt Enforcement, D.U.I. Enforcement, Metro Narcotics Task Force, Internet Crimes Against Children Task Force, Violent Fugitive Apprehension Strike Team, ~~Wildland Fire Program,~~ or other programs funded by federal or state grants. If the program ~~funds~~ pays a compensation rate of 1.5 times the employee's regular hourly rate, then the City will compensate the employee at the rate of 1.5 times his/her regular rate of pay for hours spent participating in the special program, regardless of whether the employee is accruing overtime during those hours.

~~Employees~~ Sworn Police Officers participating in special programs may count~~y~~ hour for hour ~~, up to ten (10) hours per pay period,~~ as leave time for purposes of timekeeping with the City. Only vacation or banked holiday time may be utilized for such leave time~~.~~ and the leave time may only bring the employee up to eighty (80) hours for the pay period. With the exception of Metro Narcotics Task Force and the

School Resource Program, hours worked in special programs are not considered hours worked for time keeping purposes.

5.160. Outside Overtime.

~~Sworn police officers working outside overtime will be compensated at the rate of 1.5 times his/her regular rate of pay.~~ Outside overtime is defined as performing dedicated ~~law enforcement~~public safety related duties and services at the request of and on behalf of an outside organization, company or individual. Sworn Police Officers and Fire Personnel working outside overtime will be compensated at the rate of 1.5 times his/her regular rate of pay. Outside overtime shall be requested and scheduled directly with the Police or Fire Department. The Department shall set a standard fee to charge for outside overtime, which fee shall take into account the City's costs for salary, benefits, and usage of vehicles, equipment and supplies.

Sworn Police ~~o~~Officers and Fire Personnel working outside overtime may not utilize the leave time outlined in the ~~previous paragraph.~~ special programs policy.

5.170. Wildland Fire Program.

The City participates in state/federal sponsored wildland fire programs by sending firefighters to assist in fighting wildland fires in the western United States. The City will pay firefighters for actual hours worked while deployed on a Wildland Fire. However, for each day the employee would have been regularly scheduled to work 24 hours, and on which the employee works on deployment, the City will pay the employee for 24 hours regardless of the number of hours actually worked. On the first pay period ending in December of each year, the employees who worked Wildland Fires will have the option to receive pay for vacation and/or holiday leave hours up to ten percent (10%) of the total number of paid deployed hours worked during that year. Employees may not be paid more than they have in their vacation and/or holiday leave banks.

~~5.160.~~5.180. Severance Pay.

(a) Eligibility. Only those individuals employed by the City in department head positions will be eligible for severance pay. Eligible employees will only receive severance pay if they are involuntarily terminated by the City and only in those instances where the involuntary termination was not a "for cause" termination. Department head employees who are involuntarily terminated for cause or who voluntarily terminate their employment with Syracuse City will not be eligible for severance pay.

(b). Payment Amount. Severance pay provided will be paid in the form of a lump sum payment to be paid upon termination. The amount of this payment to be provided to eligible employees (refer to 5.130(a)) will be calculated according to the following guidelines:

(1) All department head employees will be eligible for a minimum severance payment amount equal to three (3) months of their salary prior to their termination.

(2) Eligible employees will receive additional severance pay equal to two (2) weeks of their salary prior to termination for each year of employment with Syracuse City up to a maximum severance payment amount equal to four (4) month's salary.

CHAPTER 6
PAYROLL ADMINISTRATION

6.010. Work Hours.
6.020. Work Periods.
6.030. Breaks and Meal Periods.
6.040. Time Keeping.
6.050. Paydays.
6.060. Automatic Payroll Deposits.
6.070. Payroll Deductions and Withholdings.
6.080. Garnishments.
6.090. Reimbursable Expenses.
6.100. Advances.

6.010. Work Hours.

The normal work hours for most employees are eight (8) hours a day, between the hours of 8:00 a.m. and 5:00 p.m., Monday through Friday, including a one (1) hour non-paid lunch period. Employee work hours may vary from this general schedule as directed by the employee's department head or the City Manager. Alternative work schedules, such as four ten (10) hour days, may also be approved by the City Manager for various Departments or positions. Employees that are 14 (fourteen) or 15 (fifteen) years of age may not work more than 3 (three) hours on a school day and may not work later than 7:00PM from September 1st to June 1st each year and may not work later than 9:00PM from June 2nd to August 31st each year. Employees that are 16 (sixteen) years of age or older do not have restricted work hours.

6.020. Work Periods.

(a) Regular Employees. The defined work period for employees, other than employees performing bona fide law enforcement and fire protection services, for purposes of calculating overtime hours as set forth in Chapter 5, shall be a seven (7) day work period beginning at 12:00 a.m. on Sunday and ending at 11:59 p.m. on the following Saturday.

(b) Law Enforcement Employees. The defined work period for all employees performing bona fide law enforcement services, for purposes of calculating overtime hours as set forth in Chapter 5, shall be a fourteen (14) day work period beginning at 12:00 a.m. on Sunday and ending fourteen (14) days later on Saturday at 11:59 p.m.

(c) Fire Protection Employees. The defined work period for fire protection employees performing bona fide fire protection services shall be a fourteen (14) day work period beginning at 12:00 a.m. on Sunday and ending fourteen (14) days later on Saturday at 11:59 p.m.

6.030. Breaks and Meal Periods.

Employee break and meal periods will be taken at the discretion of their department head to ensure continuity in the flow of work.

(a) Breaks. Employees will receive one (1) paid fifteen (15) minute break during every four (4) hours worked. Break periods can be combined and used to shorten an employee's meal period with prior approval of the Department Head. Break periods cannot be used

at the beginning or the end of a shift. Employees are encouraged to take their breaks when scheduled. However, if an employee chooses to work through his or her paid break, it is their discretion to do so and no extra compensation will be given for the extra time worked.

(b) Meal Period. Full-time employees, other than employees performing bona fide law enforcement and fire protection services, may take one (1) one (1) hour unpaid meal period during a standard work day of eight (8) hours. Shorter meal periods may be approved by the City Manager for Departments or positions working under an approved alternative work schedule. Meal periods can be used to extend or shorten an employee's work hours or work day with prior approval of the Department Head. Unpaid meal periods must be uninterrupted and employees must be fully relieved of duties.

(c) Law Enforcement & Fire Protection Employees. Meal Periods for Law Enforcement and Fire Protection employees are defined by each Department Manual and will be paid as hours worked.

(d) Minors. Employees that are 17 years of age and younger must receive a meal break of at least thirty (30) minutes no later than five (5) hours from the beginning of their shift. A paid fifteen (15) minute rest break is also required for every three (3) hour period. Unpaid meal periods must be uninterrupted and employees must be fully relieved of duties.

(e) Nursing Mothers. Employees who are nursing will be provided with reasonable unpaid breaks to express breast milk as frequently as needed for up to one (1) year after the birth of a child. The City will provide a place for the break, other than a bathroom, that is shielded from view and free from intrusion. Employees will not be retaliated against for exercising their rights under this policy. Employees may use their paid fifteen (15) minute break(s) to express breast milk as needed.

6.040. Time Keeping.

Employees shall be responsible for accurately recording their hours of work. Federal and State regulations require the City to keep an accurate record of time worked in order to calculate employee compensation, benefits, taxes, and other relevant information. Time worked is time actually spent on the job performing assigned duties. Nonexempt employees shall be required to accurately fill out City-approved time sheets for each day of work. Hours of work shall be recorded in fifteen (15) minute increments. All completed time sheets shall be signed and verified as to accuracy by the employee and submitted to the employee's department head or supervisor for signature and verification. Department heads are responsible for reviewing, verifying, and submitting them to the Human Resources Department no later than 9:00 a.m. on the Monday following the completion of the pay period.

(a) Time Reporting. All employees shall complete and sign a biweekly time record that accurately reflects the hours actually worked to include approved and unapproved overtime, on-call time, approved leave time (holiday, sick, vacation, compensatory time, etc.). An employee who fails to accurately record time may be disciplined.

6.050. Pay Days.

(a) Bi-Weekly. The pay period for City employees is two (2) work weeks as defined in Section 6.020. Employees are paid bi-weekly on every other Friday following the previous pay period.

(b) Stipend. Certain employees may be paid by stipend as approved by the City Council. Stipend employees are paid monthly on the second pay period of each month.

6.060. Automatic Payroll Deposits.

It is City policy that all employees are paid by direct deposit to their respective checking or savings account. Accordingly, the City has established an automatic payroll deposit program, which provides automatic transfers of an employee's pay directly to the employee's bank account(s) (checking or savings) on each payday. Paystubs ~~will be e-mailed to the employee on or before the payday~~ can be accessed by visiting the website and login information given to the employee at the time of hire. Except in the case of compelling circumstances as determined by the City, employee paystubs will not be given to anyone other than the employee. Upon written request, permission and release from the employee, the City may release a copy of the employee's paystub to the person designated by the employee. Any account changes for direct deposit must be filled out on the Payroll Direct Deposit form and must be turned into the HR Specialist in person.

6.070. Payroll Deductions and Withholdings.

The law requires the City to make certain deductions from employee's compensation. Among these are Federal and State income taxes, social security taxes, and Medicare taxes, as applicable. All employees shall complete and keep accurate a W-4 form designating various statuses and withholding requirements. City authorized voluntary pay deductions may also be made at the written direction of the employee.

6.080. Garnishments.

An employee's pay shall be subject to attachment, garnishment and execution under such rights, remedies and procedures provided by law. Garnishments are court-ordered pay deductions that must be taken out of an employee's pay by the City and forwarded to another party who is authorized to receive them.

6.090. Reimbursable Expenses.

With prior approval from the department head, legitimate expenses will be reimbursed by the City to the employee. Receipts are required to reimburse the employee. Reimbursement may be in the form of petty cash, direct deposit, or a separate check. Records must be kept reflecting the amount of reimbursement each employee has received. Reimbursement for travel and seminars shall be provided in accordance with Chapter 17.

6.100. Advances.

The City does not make pay advances to employees.

CHAPTER 7
BENEFITS

7.010 Disclaimer.
7.020. Eligibility for Group Health Coverage Under the Affordable Care Act (ACA)
7.030. Eligibility.
7.040. Medical, Dental and Vision Insurance.
7.050. Life Insurance.
7.060. Long-Term Disability Insurance.
7.070. Accidental Death and Dismemberment Insurance.
7.080. Retirement Program.
7.090. Social Security.
7.100. COBRA Coverage.
7.110. Health Savings Account & Flex Spending Account.
7.120. Employee Assistance Program.
7.130. Community Center Membership.
7.140. Health and Wellness.
7.150. Termination.

7.010. Disclaimer.

The following provisions briefly describe the City's employee benefits. The City reserves the right to modify or eliminate any employee benefits at any time and for any reason, as permitted by law. For more complete information regarding any of these benefit programs, employees may contact the Human Resources Specialist or the City Manager.

7.020. Eligibility for Group Health Coverage Under the Affordable Care Act (ACA)

When Hired:

(a) Employees reasonably expected at date of hire to work full-time, their dependents under age twenty-six (26), and spouse will be eligible for group health coverage as of the first (1st) day of the next month. If Syracuse City hires an employee who falls within the definition of a Seasonal employee, the employee, whether expected to work full-time or not, will have his or her hours tracked using the Look Back measurement method, the same as employees not reasonably expected to work full-time (see sub-paragraph b).

(b) For employees not reasonably expected at date of hire to work full-time, eligibility will be determined by tracking hours worked over a period of twelve (12) months, starting the first (1st) of the month after hire date. If at the end of that period the employee has worked on average at least one hundred and thirty (130) hours per month, the employee will be eligible for group health coverage. This means the employee must work at least one thousand five hundred and sixty (1,560) hours in those twelve (12) months.

(c) The Human Resource Specialist will notify employees that are eligible for group health coverage.

(d) If eligible and the employee chooses to enroll in group health coverage, the coverage will be effective for twelve (12) months following thirteen (13) and a partial month after hire

date.

Ongoing Employee:

(a) Hours worked will be tracked over a twelve (12) month measurement period, starting May 1 each year and ending April 30 the following year. An employee, their dependents under age twenty-six (26), and spouse will be eligible for group health coverage if, at the end of that period, the employee has worked on average at least one hundred and thirty (130) hours per month. This means the employee must work at least one thousand five hundred and sixty (1,560) hours in those twelve (12) months.

(b) The Human Resource Specialist will notify employees that are eligible for group health coverage.

(c) If eligible and an employee chooses to enroll in group health coverage, the coverage will be effective for twelve (12) months starting July 1 of the following year.

(d) This process will repeat each year.

To receive a copy of the full detailed Measurement Method policy, contact the Human Resources Specialist.

7.030 Eligibility.

(a) Full-Time Employees. Full-time employees, as defined in Chapter 4, shall be eligible for participation in all of the employee benefits outlined in this Chapter.

(b) Part-Time Employees. Part-time employees, as defined in Chapter 4, are not eligible to participate in the employee benefits except as otherwise provided herein or required by law.

(c) Seasonal Employees. Seasonal employees, as defined in Chapter 4, are not eligible to participate in the employee benefits except as otherwise provided herein or required by law.

(d) Temporary Employees. Temporary employees, as defined in Chapter 4, are not eligible to participate in the employee benefits except as otherwise provided herein or required by law.

(e) Suspended Employees. An employee suspended for disciplinary action reasons shall continue to be eligible for participation in employee benefits as he or she was otherwise qualified for prior to such disciplinary action.

7.040. Medical, Dental and Vision Insurance.

(a) Participation. Full-time employees have the option to participate in the medical, dental and vision insurance plans offered by the City. New employees may begin coverage at the beginning of the month following the month in which they were hired. Employees may only make changes to their insurance elections on an annual basis during open enrollment or if they experience a qualifying event.

(b) Premiums. On an annual basis, the City will adopt an insurance premium contribution schedule, including contribution percentages and dollar amounts for both the City and the employee. The premium contribution schedule will be based on the City's financial situation for the upcoming fiscal year.

(c) Leave of Absence. If an employee is on an unpaid leave of absence, that employee will be responsible for making any applicable employee insurance premium payments. Payments for applicable insurance premiums will need to be made on a bi-weekly basis according to the City's pay schedule so as to coincide with the date(s) the premiums would have normally been withheld from the employees pay check.

7.050. Life Insurance.

(a) Basic Life Insurance. A basic life insurance policy is provided by Syracuse City for each full-time employee, as well as their eligible dependents, at no cost to the employee. This policy will include coverage in the amounts approved by the City Council.

(b) Optional Life Insurance. Full-time employees have the option to enroll in additional life insurance coverage, beyond that provided by Syracuse City, as described in their benefits enrollment packet. Employees will be responsible for any additional premiums associated with optional life insurance elections. Additional premiums, if any, will be deducted through payroll deductions.

7.060. Long-Term Disability Insurance.

The City participates in a long-term disability program in accordance with *Utah Code Ann.*' 49-9-101, *et seq.*, as amended.

7.070. Accidental Death and Dismemberment Insurance.

A basic accidental death and dismemberment policy is provided by Syracuse City for each full-time employee. The policy will include coverage in the amounts approved by the City Council. Employees may, at their discretion, purchase additional accidental death and dismemberment coverage. Additional premiums, if any, will be deducted through payroll deduction.

7.080. Retirement Program.

(a) Retirement Systems. The City participates in the Utah Retirement Systems (URS). Eligibility is determined by the Utah State Retirement Law (Title 49). Eligible employees will be enrolled in the system for which they are eligible. Participation and administration of the systems shall be conducted in accordance with State statutes and regulations regarding the same. The City has elected to pick up the member contributions for the Tier I Firefighters.

(b) Tier II Elected and Appointed Officials. For purposes of Utah Retirement Systems (URS) coverage, the City classifies all elected officials as Part-Time. The City classifies appointed Board of Adjustment members, Planning Commission members, and Judge as Part-Time and appointed City Recorder, Treasurer and Police Chief as Full-Time. Eligibility for retirement coverage under URS shall be administered in accordance with the statutory rules governing URS.

(c) Exemption from Retirement Systems. Individuals who are eligible for enrollment in Utah Retirement Systems (URS) in the following positions meet eligibility to exempt with Utah Retirement Systems (URS): elected, appointed, and designated administrative officials. The City has designated the following administrative officials as eligible for exemption out of the Retirement Systems: City Attorney, City Manager, City Recorder, Community and Economic Development Director, Finance Director, Fire Chief, IT Director, Parks and Recreation Director, Police Chief, and Public Works Director. The City will contribute an amount equal to the URS contribution rate into the exempted employee's URS 401(k) plan account. Tier I exemptions are exempting out of the URS Pension Plan. Tier II exemptions are exempting out of the four-year vesting period.

(d) Deferred Compensation Plan. Eligible employees shall be allowed to contribute to the deferred compensation plans provided by the Utah Retirement Systems. The City may match, dollar for dollar, up to four percent (4%) of an employee's base wages that the employee contributes to his or her deferred compensation plan(s), for qualifying and eligible employees. Such City contributions shall not exceed a total of four percent (4%) of the employee's base wages and shall be contributed directly into a URS 401(k) plan account. The determination as to whether or not the City will match deferred compensation contributions will be based on the availability of funds and will be re-evaluated on an "as needed" basis.

7.090 Social Security.

All employees of the City are covered by the Old Age, Survivors, and Disability Insurance ("OASDI") and Social Security program as administered by the Federal Government. This is a system of retirement benefits based on employer and employee contributions to public insurance reserves. This is a mandatory Federal program and no guarantee of payment or any benefits under such program is implied by this reference.

7.100. COBRA Coverage.

Employees whose employment with Syracuse City is either voluntarily or involuntarily terminated will be eligible for continuation of benefits in accordance with the Consolidated Omnibus Budget Reconciliation Act of 1985 ("COBRA").

7.110. Health Savings Account and Flex Spending Account.

A Health Savings Account (HSA) and a Flex Spending Account (FSA), which are taxed-advantaged financial accounts to help employees pay for out-of-pocket medical and child care expenses, are made available to Full-Time or benefitted employees of the City. The City may front load a specified contribution amount into eligible employees' HSA account. New hires may be eligible to receive a pro-rated HSA contribution from the City. The determination as to whether or not the City will contribute to HSA accounts will be based on the availability of funds and will be re-evaluated on an "as needed" basis.

7.120. Employee Assistance Program.

The City provides an Employee Assistance Program (EAP) where employees and family members living in the same household may receive professional counseling in legal, martial, financial, alcohol, or drug related problems. The counseling is completely confidential.

7.130. Community Center Membership.

All Full-Time employees of the City are eligible to receive a family membership to the Syracuse City Community Center at no cost. Only immediate family members living in the same household of the employee may be included in this membership.

7.140. Health and Wellness.

In order to promote good health, Full-Time employees are eligible to participate in a fitness activity for up to thirty (30) minutes per regularly scheduled work day, unless authorized by the department head for longer duration, but in no case shall exceed ninety (90) minutes per week. This time must be authorized by the department head and shall not interfere with matters of business. Health and wellness time shall not be considered hours worked for purposes of calculating overtime compensation.

7.150. Termination.

Except as otherwise required by law, such as for COBRA continuation of insurance coverage, when an employee is terminated from employment with the City, the City will cease making contributions to the employee's insurance or other benefit plans and no additional continuation of benefit options will be extended to the terminated employee regardless of the nature of their termination.

CHAPTER 8
LEAVE

8.010. Paid Leave.
8.020. Leave Without Pay.
8.030. Leave Procedures.
8.040. Leave Procedures Exceptions.
8.050. Unauthorized Absence.
8.060. Vacation Leave.
8.070. Sick Leave.
8.080. Holiday Leave.
8.090. Family and Medical Leave.
8.100. Military Leave.
8.110 Jury Duty Leave.
8.120. Injury Leave.
8.130. Funeral Leave.
8.140. Administrative Leave.

8.010. Paid Leave.

Full-time employees are entitled to vacation leave, sick leave and other paid leave as may be established by the City. Except as required by law or as otherwise expressly provided for herein, part-time, and temporary or seasonal employees are not entitled to accrue or receive vacation leave, sick leave, or other paid leave.

8.020. Leave Without Pay.

Employees may be granted leave without pay under certain circumstances in accordance with the procedures set forth herein. Full-Time employees that accrue paid leave must exhaust all accrued paid leave options in order to be eligible for leave without pay. Unless otherwise provided by law, such as military or family and medical leave, leave without pay is a privilege and not a right. An employee is considered to be in leave without pay status when they do not work the number of hours required by their regular schedule and are unable to substitute any unworked hours with accrued paid leave. Leave without pay shall not constitute a break in service. Full-Time employees shall not be entitled to the accrual of any vacation leave, sick leave, or holiday leave during the period of leave without pay, but shall be entitled to life insurance, group health insurance, and seniority entitlement as required by law. To the extent permitted by law, Full-Time employees may be required to pay for continuation of insurance benefits while in leave without pay status.

(a) Full-Time Employees. The Department Head may pre-approve leave without pay for up to fourteen (14) calendar days. Requests for leave without pay in excess of fourteen (14) calendar days up to thirty (30) calendar days must be pre-approved by the Department Head and the City Manager. Requests for leave without pay in excess of thirty (30) calendar days must be pre-approved by the City Council.

(b) Part-Time Employees. The Department Head may pre-approve leave without pay for up to thirty (30) calendar days. Requests for leave without pay in excess of thirty (30) calendar days must be pre-approved by the City Manager.

(c) Seasonal and Temporary Employees. The Department Head may pre-approve leave without pay for up to two (2) consecutive weeks. Seasonal and Temporary employees are not eligible for leaves without pay greater than two (2) consecutive weeks.

Leave without pay may be granted for reasons deemed appropriate by the Department Head, City Manager or City Council, as applicable. Employees are expected to apply for leave without pay in advance and in writing setting forth the grounds for the leave.

8.030. Leave Procedures.

(a) Leave Requests. Except as provided in Sections 8.040, employees desiring leave, whether paid or unpaid, shall request leave with his or her department head. Failure to schedule non-emergency leave in advance may result in disapproval of the leave and/or disciplinary action if the leave is required to be taken.

(b) Approval. The department head shall approve or deny Employee Leave Requests at his or her discretion, except as otherwise provided herein. Leave approval may be delegated to supervisors as deemed appropriate by each department head. Any Employee Leave Request exceeding fourteen (14) calendar days for Full-Time employees and exceeding thirty (30) calendar days for Part-Time employees requires approval from the City Manager. Any Leave Request for paid leave exceeding one hundred eighty (180) days requires approval from the City Council. Any leave which qualifies or may qualify as Family Medical Leave must be reported to the City Manager and the Human Resources Specialist to ensure that the appropriate notice and records are maintained for such leave. Any department head desiring leave shall consult with the City Manager prior to scheduling such leave to ensure that proper measures have been or will be taken to provide for the proper and efficient functioning of the Department during the department head's absence. In no event shall an employee be allowed to use more paid leave than he or she has accrued. City Manager taking leave of one (1) full working day or greater shall consult with the Mayor and notify department heads and may select an individual employee to manage administrative functions during the absence.

(c) Status. Employees are responsible for keeping his or her supervisor notified on a daily basis, if necessary, of the anticipated return date from leave. For sick leave in excess of three (3) consecutive working days, or two (2) consecutive twenty-four (24) hour fire department duty shifts, or if abuse or excessive use of sick leave is indicated, the department head or the Human Resources Specialist may require a certificate from the employee's physician verifying the employee's illness, stating that such illness prevented or prevents the employee from working, and describing its expected duration. The department head or Human Resources Specialist may also request official documentation of any absence, such as, but not limited to, military leave or jury duty.

(d) Compensation. Employees shall be compensated for paid leave at his or her regular rate of pay.

(e) Records. All paid leave shall be documented on the employee's timecard.

8.040. Leave Procedures Exceptions.

Exceptions to the leave procedures set forth in Section 8.030 shall be made in the following instances:

(a) Absence due to Illness. In the event an employee is absent due to illness, the request for leave may be handled by phone, text, or email to his or her supervisor or department head. In the event the supervisor or department head is not available, the employee may notify the City Manager. If a department head is absent due to illness, the department head shall notify the City Manager of such absence. Such notice shall be given no later than normal starting time on each day of the absence unless circumstances surrounding the absence make such notification impossible. The department head, supervisor or City Manager shall respond to the employee to confirm the receipt of absence notification.

(b) Family Accident, Medical or Other Emergency. In the event there is a family emergency or accident where the presence of the employee is required, the employee may take the appropriate leave after notifying his or her supervisor or department head unless circumstances surrounding the absence make such notification impossible. In the event the supervisor or department head is not available, the employee may notify the Human Resources Specialist or the City Manager unless circumstances surrounding the absence make such notification impossible. Such notice shall be given as soon as practical of the emergency.

8.050. Unauthorized Absence.

(a) Any unauthorized absence of an employee from duty shall be grounds for disciplinary action, up to and including termination.

(b) Any employee who is absent for three (3) or more consecutive work days, or two (2) scheduled shifts for fire fighters, without authorized leave shall be deemed to have voluntarily resigned his or her position and employment without notice.

8.060. Vacation Leave.

(a) Eligibility. Full-time employees are eligible to accrue vacation leave in accordance with his or her tenure of employment at the rates set forth herein and are eligible to use accrued vacation leave. Except as otherwise expressly provided herein, part-time, temporary, and seasonal employees are not eligible to accrue vacation leave. Vacation leave shall not accrue if an employee was in leave without pay status for any portion of the fourteen (14) day pay period.

(b) Employee Accrual Rates. Eligible employees shall accrue vacation leave at the following rates:

(1) From effective starting date through three (3) years of service, 3.08 hours of vacation leave shall accrue upon completion of each fourteen (14) day pay period (approximately 10 days per year), except that fire fighters working 24-hour shifts shall accrue 4.30 hours of vacation leave upon the completion of each fourteen (14) day pay period.

(2) From four (4) years through nine (9) years of service, 3.69 hours of vacation leave shall accrue upon completion of each fourteen (14) day pay period (approximately 12 days per year), except that fire fighters working 24-hour shifts shall accrue 5.16 hours of vacation leave upon completion of each fourteen (14) day pay period.

(3) From ten (10) years through fourteen (14) years of service, 4.61 hours of vacation leave shall accrue upon completion of each fourteen (14) day pay period (approximately 15 days per year), except that fire fighters working 24-hour shifts shall accrue 6.46 hours of vacation leave upon completion of each fourteen (14) day pay period.

(4) For over fifteen (15) years of service, 6.15 hours of vacation leave shall accrue upon completion of each fourteen (14) day pay period (approximately 20 days per year), except that fire fighters working 24-hour shifts shall accrue 8.61 hours of vacation leave upon completion of each fourteen (14) day pay period.

(c) Accumulation. Employees can accumulate and carry forward a maximum of two hundred forty (240) hours of vacation leave, except that fire fighters working 24-hour shifts shall be allowed to accumulate and carry forward up to three hundred thirty-six (336) hours of vacation leave. Any unused accumulated vacation leave hours in excess of two hundred forty (240) hours, or three hundred thirty-six (336) hours for full-time fire fighters, as applicable, will be forfeited on the employee's anniversary date each year. The employee's anniversary date is their Full-Time hire date.

(d) Utilization. Employees may use up to a maximum of fourteen (14) calendar days of vacation leave as approved by their department head. Any leave greater than fourteen (14) calendar days must be pre-approved by the City Manager

(e) Scheduling. Vacation leave is intended to benefit the employee and employees are encouraged to take such leave in the year in which it is earned. In order to accommodate the efficient management of the City, vacation leave must be scheduled with the employee's department head, or his or her designee, in accordance with the employee leave request procedures set forth herein. All vacation leave requests should be submitted by the employee a reasonable time in advance of the desired time off to his or her department head. The City will try to honor employees' requested vacation dates but retains the right to determine final scheduling order or to change the vacation schedules according to the needs of the City. When necessary due to vacation requests for the same time period, vacation leave will be granted in the order of the employee leave requests in accordance with these policies. Department heads are expected to establish yearly vacation schedules to provide efficient management of the City.

(f) Termination or Change in Status. Upon termination of employment with the City, eligible employees shall be paid for unused vacation leave at his or her regular rate of pay on the following payday. Employees, who transition from full-time employment to part-time employment with the City, shall be paid unused vacation leave at his or her regular rate of pay on the following payday.

(g) Cash Out. Employees may choose to cash out vacation leave up to a specified amount as provided in Chapter 17 for reimbursement of emergency preparedness costs. See Chapter 17 for additional information.

8.070. Sick Leave.

The City provides eligible employees with paid sick leave each year to cover approved absences due to illness or other approved reasons as designated herein.

(a) Eligibility. Full-time employees are eligible to accrue sick leave in accordance with the accrual rates set forth herein.

(b) Accrual. Full-time employees shall accrue sick leave at the rate of 3.69 hours upon completion of each fourteen (14) day pay period (approximately 12 days per year), except for fire fighters working 24-hour shifts shall accrue sick leave at the rate of 5.16 hours upon completion of each fourteen (14) day pay period. Employees will begin to accrue sick leave immediately upon being hired by the City. Sick leave shall not accrue if an employee was on leave without pay status for any portion of the 14 day pay period.

(c) Accumulation. Employees can accumulate and carry forward a maximum of one thousand and forty (1,040) hours of sick leave, except that fire fighters working 24-hour shifts shall be allowed to accrue up to one thousand four hundred and fifty-six (1,456) hours of sick leave. Any unused accrued sick leave in excess of one thousand and forty (1,040) hours, or one thousand and four hundred and fifty-six (1,456) hours for full-time fire fighters, as applicable, will be forfeited on the employee's anniversary date each year. The employee's anniversary date is their Full-Time hire date.

(d) Utilization. Sick leave shall not be considered as a privilege that employees may use at their discretion but shall be allowed only in case of necessity and actual sickness or disability of the employee or an immediate family member of the employee. For purposes of this Section, immediate family member shall include the employee's legal or common law spouse, child, foster child, step-child, brother, brother-in-law, sister, sister-in-law, parent, step parent, mother-in-law, father-in-law, grandparent, spouse's grandparents, daughter-in-law, son-in-law, or grandchild. Sick leave may be used when the employee is unable to perform regular duties due to illness or disability of the employee or an immediate family member or for visits to the hospital, clinics, doctor's office, or dentist's office for diagnosis or treatment of illness, injury or examination of the employee or an immediate family member. In no event shall employees perform any work of any kind for compensation for any public or private entity or person (including for him or herself) during any period for which sick leave payments are being received from the City, without prior written approval from the City Manager. In no event shall employees be allowed to use more sick leave than he or she has accrued. ~~-~~For sick leave in excess of three (3) consecutive working days, or two (2) consecutive twenty-four (24) hour fire department duty shifts, or if abuse or excessive use of sick leave is indicated, the department head or the Human Resources Specialist may require a certificate from the employee's physician verifying the employee's illness, stating that such illness prevented or prevents the employee from working, and describing its expected duration. Any absence for illness beyond accrued sick leave will result in the employee being carried on vacation leave status to the extent accrued vacation leave is available, and thereafter on leave without pay, to the extent approved by the City and/or required by law.

(e) Separation or Change in Status. Except as otherwise provided herein for qualified retirement with URS, an employee who is terminated from employment with the City, voluntarily or involuntarily, shall not be compensated for unused accrued sick leave. An employee, who retires, other than retirement due to pending disciplinary action, will be compensated for twenty percent (20%) of his or her unused accrued sick leave. Employees, who transition from full-time employment to part-time employment with the City, shall not be eligible or compensated for unused accrued sick leave. Any unused accrued sick leave shall be forfeited at the date of change in status from full-time to part-time.

(f) Scheduling. Scheduling sick leave is to be done in accordance with the leave procedures set forth in Section 8.030 and 8.040, as applicable.

(g) Cash Out. Employees may choose to cash out sick leave up to specified amount as provided in Chapter 17 for reimbursement of emergency preparedness costs. See Chapter 17 for additional information.

8.080. Holiday Leave.

Full-time employees not involved in bona fide law enforcement and fire protection activities shall receive eight (8) hours of holiday pay for each of those days defined herein as legal holidays of the City. Full-Time fire fighters working 24-hour shifts shall accrue 5.16 hours of holiday leave every two (2) weeks in lieu of holiday time off and may accumulate and carry forward a maximum of one hundred and thirty-four (134) hours of holiday leave. Sworn police officers shall accrue 3.69 hours of holiday leave every two (2) weeks in lieu of holiday time off and may accumulate and carry forward a maximum of ninety-six (96) hours of holiday leave. Any unused, accrued holiday leave in excess of these accrual maximums will be forfeited on the employee's anniversary date each year. The employee's anniversary date is their Full-Time hire date. Full-time employees who are in leave without pay status for the workday before or after the applicable holiday will not be eligible for holiday pay or leave accrual. If any designated holiday falls on a Saturday, the preceding Friday shall be the holiday. If any designated holiday falls on a Sunday, the following Monday shall be the holiday. Designated and observed City holidays are as follows:

(a)	New Year's Day	January 1st
(b)	Martin Luther King Jr. Day	3rd Monday in January
(c)	President's Day	3rd Monday in February
(d)	Memorial Day	Last Monday in May
(e)	Independence Day	July 4th
(f)	Pioneer Day	July 24th
(g)	Labor Day	1st Monday in September
(h)	Columbus Day	2nd Monday in October
(i)	Veteran's Day	November 11th
(j)	Thanksgiving Day	4th Thursday in November
(k)	Day after Thanksgiving	4th Friday in November
(l)	Christmas Day	December 25th

8.090. Family and Medical Leave.

(a) Purpose. It is the purpose of this Section to provide guidelines for employees regarding leaves of absence in accordance with the Family and Medical Leave Act of 1993, as amended (FMLA or Act). The provisions set forth herein are intended to comply with such Act, and if any conflict arises or if an issue or definition is not addressed herein, the Act shall control. When referred to herein, the term "Act" shall include all federal rules and regulations promulgated pursuant to authority of the Act, including, but not limited to, provisions set forth in 29 C.F.R. Part 825, as amended. The provisions of this Section are also intended to comply with the National Defense Authorization Act, enacted January 28, 2008, as Public Law 110-181, and the amendments to the FMLA adopted therein.

(b) Eligible Employees. Employees eligible for Family and Medical Leave Act leave as provided herein include employees who: (1) have been employed by the City for at least twelve (12) months; and (2) have been employed by the City for at least one thousand two hundred fifty (1,250) hours of service during the 12-month period immediately preceding the commencement of the leave.

(c) Qualifying Reasons for Leave. Eligible employees shall be entitled to FMLA leave for circumstances qualifying for FMLA leave under the Act, which qualifying reasons are summarized as follows:

(1) For the birth of a son or daughter of the employee and to care for the newborn child;

(2) For the placement with the employee of a son or daughter for adoption or foster care and to care for such son or daughter;

(3) To care for the employee's spouse, son, daughter, or parent with a serious health condition; or

(4) Because of a serious health condition that makes the employee unable to perform the functions of the employee's job;

(5) Because of any qualifying exigency arising out of the fact that the employee's spouse, son, daughter, or parent is a covered military member on active duty (or has been notified of an impending call or order to active duty) in support of a contingency operation;

(6) To care for a covered servicemember with a serious injury or illness if the employee is the spouse, son, daughter, parent, or next of kin of the servicemember.

d) Amount of Leave. Except in the case of leave to care for a covered servicemember with a serious injury or illness under Subsection (c)(6), an eligible employee's FMLA leave entitlement is limited to a total of twelve (12) workweeks of leave during any "12-month period," as defined in Subsection (e), for any one or more qualifying reasons. An eligible employee's FMLA leave entitlement is limited to a total of twenty-six (26) workweeks of leave during a "single 12-month period," as defined in Subsection (e), to care for a covered servicemember with a serious injury or illness. During the "single 12-month period," as defined in Subsection (e), an eligible employee's FMLA leave entitlement is limited to a combined total of twenty-six (26) workweeks of FMLA leave for any qualifying reasons as more particularly provided in the Act.

(e) Designation of 12-Month Period. Except in cases of leave to care for a covered servicemember with a serious injury or illness under Subsection (c)(6), for purposes of determining the "12-month period" in which the twelve (12) weeks of leave entitlement occurs, the City uses a 12-month "rolling" measurement period also known as the look-back measurement period. The 12-Month "rolling" measurement period is measured backward from the date an employee uses any FMLA leave. Under this measurement period, each time an employee takes FMLA leave, the remaining leave entitlement would be the balance of the 12 weeks which has not been used during the immediately preceding 12 months. In cases of leave to care for a covered servicemember with a serious injury or illness, for purposes of determining the "single 12-month period" in which the twenty-six (26) weeks of leave entitlement occurs, the City is required to use a 12-month period measured forward from the date of an employee's first FMLA leave to care for the covered servicemember begins.

(f) Employee Notice Requirements.

(1) General Notice. Except as otherwise provided in the Act, an employee giving notice of the need for FMLA leave does not need to expressly assert rights under the Act or even mention the FMLA to meet his or her obligation to provide notice, although the employee does need to state a qualifying reason for the needed leave and must otherwise satisfy the notice requirements set for herein.

(2) Customary Leave Procedures. Except as otherwise prohibited by the Act and unusual circumstances, employees shall comply with the City's customary notice and procedural requirements for requesting leave as more particularly set forth in Chapter 8 of these Policies and Procedures.

(3) Notice for Foreseeable Leave. An employee must provide the City at least thirty (30) days advance notice before FMLA leave is to begin if the need for the leave is foreseeable. If thirty (30) days' notice is not practicable, notice must be given as soon as practicable. Such notice shall comply with the provisions of 29 C.F.R. § 825.302, as amended.

(4) Notice for Unforeseeable Leave. When the approximate timing of the need for FMLA leave is not foreseeable, the employee must provide notice to the City as soon as practicable under the facts and circumstances of the particular case. Such notice shall comply with the provisions of 29 C.F.R. § 825.302, as amended.

(5) Failure to Comply. When an employee fails to give the required notice as provided herein or as required by the Act, FMLA coverage may be delayed in accordance with applicable provisions of the Act.

(g) Employer Notice Requirements.

(1) General Notice. The City is required to post a notice explaining the Act's provisions and providing information concerning the procedures for filing complaints of the violations of the Act with the Wage and Hour Division. Such notice shall be posted prominently and the text must be large enough to be easily read. In addition, the City shall provide general notice to each employee by including the notice in any employee handbook or other written guidance to employees concerning employee benefits or leave rights. In compliance with these notice requirements, a copy of the Employee Rights and Responsibilities (WH Publication 1420) is attached hereto as Appendix D and incorporated herein by this reference.

(2) Eligibility Notice. When an employee requests FMLA leave, or when the City acquires knowledge than an employee's leave may be for an FMLA-qualifying reason, the City must notify the employee of the employee's eligibility to take FMLA leave within five (5) business days, except in extenuating circumstances as provided by the Act. The employee eligibility notice must state whether the employee is eligible for FMLA leave under the terms and provisions of Subsection (b) of this policy and the provisions of 29 C.F.R. § 825.110(a). If the employee is not eligible for FMLA leave, the eligibility notice must state at least one reason why the employee is not eligible, such as the number of hours or months the employee has been employed by the City. Notification of eligibility may be oral or in writing, and, if in writing, may be in the form of the hereto and incorporated by this reference.

(3) Rights and Responsibilities. The City shall provide written notice detailing the specific expectations and obligations of the employee taking FMLA leave and explaining any consequences of failure to meet such obligations in accordance with the provisions of the Act. The rights and responsibilities notice shall be provided to the employee each time the eligibility notice is provided pursuant to Subsection (g) (2). If leave has already begun, the notice should be mailed to the employee's address of record. The rights and responsibilities notice shall include all required information as provided in 29 C.F.R. § 825.300, as amended, and shall be substantially in the form of the Notice of Eligibility and Rights & Responsibilities (Form WH-381) set forth in Appendix E, attached hereto and incorporated herein by this reference.

(4) Designation of Leave. Pursuant to the Act, the City is responsible for designating leave as FMLA-qualifying and for giving notice of the designation to the employee as provided in 29 C.F.R. § 825.300, as amended. Once the City enough information to determine whether the leave is being taken for a FMLA-qualifying reason (e.g. after receiving a certification), or has acquired knowledge that the leave is being taken for a FMLA-qualifying reason, the City must notify the employee whether the leave will be designated and counted as FMLA leave within five (5) business days, except in extenuating circumstances as provided in the Act. The designation notice must be in writing and shall be substantially in the form of the Designation Notice (Form WH-382) set forth in Appendix F, attached hereto and incorporated herein by this reference.

(h) Certification of Health Care Provider. The City may require the employee to provide certification from a health care provider regarding the necessity of the FMLA leave in accordance with and subject to provisions of the Act, including, but not limited to 29 C.F.R. § 825.305, et. Seq., as amended. Medical certification shall be substantially in the form of the Certification of Health Care Provider for Employee's Serious Health Condition (Form WH-380E), as set for in Appendix G, attached hereto and incorporated herein by this reference, or the Certification of Health Care Provider for Family Member's Serious Health Condition (Form WH-380F), as set forth in Appendix H, attached hereto and incorporated herein by this reference. Certifications for a qualifying exigency shall be substantially in the form of the Certification of Qualifying Exigency for Military Family Leave (Form WH-384), as set forth in Appendix I, attached hereto and incorporated herein. Certification for FMLA leave taken to care for a covered servicemember with a serious injury or illness shall be substantially in the form of the Certification for Serious Injury or Illness of Covered Servicemember for Military Family Leave (Form WH-385), as set forth in Appendix J, attached hereto and incorporated herein. Certification for FMLA leave taken to care for a Veteran with a serious injury or illness shall be substantially in the form of the Certification for Serious Injury or Illness of a Veteran for Military Caregiver Leave (Form WH-385V), as set forth in Appendix K, attached hereto and incorporated herein.

(i) Reporting. The City may require the employee on FMLA leave to report periodically to the City on the employee's status and intent to return to work in accordance with and subject to provisions of the Act, including, but not limited to, 29 C.F.R. § 825.311, as amended.

(j) Fitness for Duty. As a condition of restoring an employee whose FMLA leave was occasioned by the employee's own serious health condition that made the employee unable to perform the employee's job, it is the City's uniformly-applied policy to require all employees who take leave under such conditions to obtain and present certification from the employee's health care provider that the employee is able to resume work. The City may see fitness-for-duty certification only with regard to the particular health condition that caused the employee's need for FMLA leave. In order to require the fitness-for-duty certification, the City shall provide the employee with a list of essential function of the employee's job with the designation notice provided in Subsection (g)(4). NO second or third opinions on a fitness-for-duty certificate may be required. All fitness-for-duty certifications shall be in accordance with

and subject to applicable provisions of the Act, including, but not limited to, 29 C.F.R. § 825.312, et. seq., as amended.

(k) Intermittent Leave. Intermittent leave or reduced schedule leave may be taken under certain circumstances in accordance with and subject to provisions of the Act, including, but not limited to, 29 C.F.R. § 825.202, et. seq., as amended.

(l) Leave Protection.

(1) Compensation. Employees shall be required to use accrued paid vacation, sick, and other leave hours for FMLA leave provided herein to the extent such FMLA leave qualifies as sick leave under provisions of this Chapter. Any leave not covered by previously accrued paid vacation and sick leave shall be permitted as leave without pay in accordance with the provisions set forth herein. To the extent permitted by law, it is the intent of the City that all paid leave substituted for unpaid FMLA leave run concurrently with and be counted as FMLA leave.

(2) Duties. Employees shall not perform any job duties including answering work calls, responding to work e-mails, etc. while on FMLA leave, unless the leave is being taken intermittently and the work is not being performed during the FMLA leave time.

(3) Make-up Time. With approval of the Department Head and the City Manager, an employee on intermittent leave may work an alternative work schedule that is outside of his or her regularly scheduled hours to make-up for compensation that is lost while on intermittent FMLA leave as long as operations and productivity can be maintained. Approved make-up hours will not be deducted from the employee's FMLA entitlement bank.

(4) Position. Except as otherwise provided in the Act, employees who take FMLA leave shall be entitled, on return from such leave, to be returned to the same position the employee held when the FMLA commenced, or to an equivalent position with equivalent benefits, pay, and other terms and conditions of employment. The employee may be denied restoration of his or her position in accordance with and subject to provisions set forth in the Act.

(5) Benefits. The taking of family or medical leave shall not result in the loss of any employment benefits accrued prior to the date on which the leave commenced, other than the required use of vacation and sick leave. An employee's entitlement to benefits other than group health benefits during a period of FMLA leave shall be determined in accordance with the City's policy for providing such benefits for the type of leave taken; i.e. paid or unpaid, as applicable. The City's right to recover costs incurred by the City for non-health plan benefits during FMLA leave shall be determined by applicable provisions of the Act.

(6) Insurance. The City shall maintain coverage for the employee under any "group health plan" during any FMLA leave at the level and under the conditions of coverage the employee would have been provided had the employee had been continuously employed during the FMLA leave period as required by the Act and applicable provisions of COBRA. The employee shall be responsible for any premiums which had been paid by the employee prior to FMLA leave. If FMLA

leave is substituted for paid leave, the employee's share of the premiums must be paid by the method normally use during any paid leave, such as payroll deduction. If the FMLA leave is unpaid, the applicable policies for payment by employees on leave without pay will be followed. The City may recover its share of health plan premiums during a period of unpaid FMLA leave from an employee if the employee fails to return to work after the employee's FMLA leave entitlement has been exhausted or expired, unless the reason the employee does not return is due to exemptions set forth in 29 C.F.R. § 825.213, as amended.

(m) Records. The City shall make, keep, and preserve records pertaining to FMLA leave in accordance with the Act. Access and maintenance of such records shall be subject to the requirements of the Utah Government Records Access and Management Act, as set forth in *Utah Code Ann*. §§ 63-2-101, *et seq*., as adopted and amended by the City. Documents relating to medical certifications, recertification, and fitness for duty or medical histories of employees or employees' family members shall be treated as confidential medical records as per state and federal law.

8.100. Military Leave.

Employees who enter active service in any branch of the armed forces of the State of Utah or of the United States shall be granted a leave of absence from employment with the City during his or her military service to the extent required by State and Federal law, including provisions regarding "Governmental Employees in Military Service," as set forth at *Utah Code Ann*. ' 39-3-1, *et seq*., as amended, and the Uniformed Services Employment and Reemployment Rights Act of 1994, as set forth in 38 U.S.C. §§ 4301, *et seq*., as amended. Military personnel may also be eligible for family leave in accordance with the provisions of the National Defense Authorization Act, Public Law 110-181, and the Family Medical Leave Act of 1993, as amended. Such leave is more particularly described in Section 8.090 of these Policies and Procedures regarding Family and Medical Leave. Employees who need leave due to the Military shall notify the Human Resource Specialist as soon as possible to ensure leave is processed according to Federal, State, and local laws.

8.110. Jury Duty Leave.

The City recognizes the duty of its employees as citizens to serve on juries or as court witnesses. Employees, who are required to miss work as a result of being summoned to serve on a jury, or have been subpoenaed to appear as a witness, may be eligible for paid leave during such jury duty and witness periods, less compensation received by the employee for such services, for a period of time not to exceed sixty (60) days. This Section does not apply when an employee appears in court on his or her own behalf, such as a traffic offense or as a party to a lawsuit. Employees appearing in court on behalf of the City in their official capacity shall be paid their regular rate of pay as hours worked in accordance with applicable provisions of the Fair Labor Standards Act.

8.120. Injury Leave.

An employee injured on the job must report the injury in accordance with reporting procedures set forth in Chapter 14. Employees injured during performance of their job duties are covered by Worker's Compensation Insurance as provided by State law and shall be compensated for such leave in accordance therewith.

8.130. Funeral Leave.

Full-Time Employees may be granted up to three (3) days or up to twenty-four (24) hours of paid funeral leave to attend the funeral of the employee's legal or common law spouse, child, step-child, brother, step-brother, brother-in-law, sister, step-sister, sister-in-law, parent, step-parent, mother-in-law, father-in-law, grandparent, spouse's grandparents, daughter-in-law, son-in-law, or grandchild. If additional time is needed, the employee may use accrued sick or vacation leave with department head approval. Employees must follow the procedures outlined in the Vacation Leave policy for funeral of friends or family members not on this list.

8.140. Administrative Leave.

Employees may be placed on paid administrative leave pending investigation or disciplinary action in accordance with and subject to the provisions set forth in Chapter 22.

CHAPTER 9
EMPLOYEE CONDUCT

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9.010. Employee Vision and Mission Statements.

The vision statement for Syracuse City employees, as identified and developed by the employees, is: "*Always setting the standard for providing quality customer service in every aspect of municipal government*." The mission statement for Syracuse City employees, as identified and developed by the employees, is: "*We, the employees of Syracuse City, with citizen involvement, will provide quality municipal services to enhance and simplify the lives of our citizens."*

9.020. Public Relations.

Syracuse City is a public entity whose purpose, among others, is to provide professional public services to its citizens. Employees are expected to be courteous, cooperative, diplomatic, and discrete in dealing with the public (face to face, telephone conversations and written correspondence, including email, text, and voice messages). Employees shall treat all citizens equally and with respect and professionalism. Employees shall not participate in or encourage the use of threatening or offensive conduct or language toward the public. Complaints or concerns expressed by citizens are to be promptly reported or referred to the appropriate supervisor. When an employee is uncertain of the correct response to an inquiry or request from the public, he or she should refer the inquiry to the individual or the department which can provide the most satisfactory response to the inquiry. It is better to admit lack of knowledge than to provide erroneous information.

9.030. Working Relations.

Employees are expected to maintain a productive and supportive working relationship with others

in the course of carrying out their responsibilities. They shall also encourage teamwork, support team efforts, communicate in a constructive manner and exhibit good listening skills. Employees shall be courteous and cooperative with those they work with and consistently treat others equally and with respect and professionalism. Employees shall not participate in or encourage the use of threatening or offensive conduct or language towards other officers or employees and shall not use cultural, ethnic, racist, and sexist remarks.

9.040. Personal Appearance.

Impressions gained by the public visiting the office or dealing with City employees at any location are very important to the City as a public entity. Consequently, employees are expected to take pride in their appearance grooming (including facial hair) and to dress in a neat and clean manner. The City's standards of dress are defined as "business casual" for office employees and employees who have regular contact with the public. Employees in departments that have specific uniform standards shall follow the uniform guidelines set by that department. Additional standards may be adopted by departments.

(a) Appropriate Dress. Traditional business attire; dress or casual slacks or leggings, i.e. khakis, capri pants, casual dress-length dresses or dress-length skirts, or maxi-length skirts or dresses; shirts or blouses; open collared shirts or sweaters, i.e., golf shirts or polo shirts; blazers, sport coats, vests, or cardigans.

(b) Inappropriate Dress. Jeans or denim; t-shirts (except for city logo shirts); halter or spaghetti strap tank top (unless covered by a jacket); tube top; revealing or low-cut clothing or clothing showing bare midriffs; shorts of any kind; miniskirts; sweat suits or other athletic clothing; hats. (see subparagraph (c))

(c) Jeans or denim pants, shorts, hats, and tennis shoes may be worn if they are appropriate for the position (Maintenance Worker, Recreation Assistant, etc.) or for the job duties of the day. Jeans must not have holes or be frayed.

(d) Body piercing other than earrings should not be visible.

(e) Visible tattoos are discouraged, but will be allowed if they are not violent, offensive, or pornographic.

On Fridays or any other designated day, the City may allow employees to dress in a more casual fashion than is normally required and jeans or denim pants in good condition and tennis shoes may be worn. Jeans must not have holes or be frayed. On these occasions, employees are still expected to present a neat appearance and are not permitted to wear ripped, disheveled or similarly inappropriate clothing.

Any employee who does not meet the standards of this policy will be required to take corrective action. The employee may be sent home and directed to return to work in proper work attire. Time missed because of failure to comply with this policy will not be considered as hours worked. The employee's supervisor and/or department head is responsible for providing individual feedback to employees who do not meet the City's standards of dress. Violation of this policy may result in disciplinary action up to and including termination.

9.050. Uniforms.

Uniforms or uniform allowance may be provided to personnel of certain departments as authorized by the City. Employees in departments that require uniforms must adhere to department uniform standards unless otherwise directed by the department head. Uniforms shall be kept as neat and presentable as working conditions permit.

9.060. Employee Ethics.

All employees are required to adhere to legal, moral, and professional standards of conduct, including conflicts of interest, in the fulfillment of their duties with the City and shall demonstrate the highest ideals of honor and integrity in all public and personal relationships to merit the respect, trust and confidence of the public. Employees shall adhere to the provisions of the Municipal Officers' and Employees' Ethics Act, as set forth in *Utah Code Ann.* ' 10-3-1301, *et seq.*, as amended. The appropriate disclosure statement, as required by the Act, shall be filed with the Mayor when required in accordance with the Act. Employees are encouraged to discuss and raise any questions or concerns regarding public employees' ethical duties with their department head or the Human Resources Specialist when such questions arise.

9.070. Honesty.

Employees shall be honest in the performance of their duties and responsibilities for the City and in their dealings with the public.

9.080. Confidentiality.

Unauthorized disclosure of privileged, private, and/or confidential information is prohibited and shall be grounds for disciplinary action, up to and including termination.

9.090. Attendance.

Regular attendance and punctuality are essential to providing high quality work, service to the public, and to avoid extra work for fellow employees. Employees shall be to work on time and shall perform duties during work hours as provided herein. Employees shall comply with the leave procedures set forth in Chapter 8 when leave is necessary.

9.100. Outside Employment.

In order to reduce mental and physical fatigue, limit conflicts of interest, and reduce liability insurance expenses, no Full-Time employee shall be permitted to engage in any outside employment except as provided herein. Any Full-Time employee desiring to engage in outside employment or has any change in outside employment status must fill out and submit the Notice of Second Employment form (See Appendix L) and turn it in to his or her department head. The department head shall review the request or status change based on the considerations set forth in this Section and make a recommendation to the City Manager regarding the same. The City Manager shall review the request for outside employment and approve or deny the same based on the following considerations:

(a) whether the outside employment will in any way interfere with the employee's ability to meet the City's work schedule, including reasonable overtime and standby assignments;

(b) whether the outside employment will be directly connected with or contingent upon a

representation that the employee is in any way representing the City, either directly or indirectly;

(c) whether the outside employment is consistent and appropriate with the employee's position held with the City; and

(d) whether the outside employment will interfere with the employee's physical, mental, or emotional ability to fully and completely discharge the job duties of his or her City position.

The City Manager shall notify the Human Resources Specialist of any approved outside employment request and such request and approval shall be retained with the employee's personnel records. The City reserves the right to cancel an approval for outside employment when it is deemed such employment is not in the City's best interest. Any employee engaged in outside employment without prior approval required herein may be subject to discipline up to and including termination. City employees may not use City equipment or uniforms in connection with outside employment, nor may they engage in outside employment while on City time. In no event shall any full-time outside employment be permitted for full-time employees. Employees may not accept other employment which might impair his or her independence of judgment in the performance of his or her public duties as an employee of the City or which might interfere with the ethical performance of such duties.

9.110. Personal Activities.

Employees shall not perform personal business during working hours and shall not use City owned property in support of outside interests and activities. Employees are to pursue personal and outside activities on the employee's own time away from City facilities and offices. Employees shall arrange for annual leave or compensatory time off in advance to pursue personal and outside interests. Use of City computers, equipment and vehicles shall be limited to and conducted in accordance with applicable provisions of Chapter 18 and Chapter 19.

9.120. Political Activities.

Employees shall not be coerced to support a political activity. An employee shall not use, discriminate in favor or against any person or applicant for employment based on political activities. Employees shall not engage in political activities during working hours. Employees shall not use City owned equipment, supplies or resources, or other expenses when engaged in political activities. The City and its public officials are subject to the Political Activities of Public Entities Act, as set forth in *Utah Code Ann.* §§ 20A-11-1201, *et seq.*, as amended.

9.130. Social Networking.

Employee's participating on internet social networking sites (facebook, Twitter, etc.) must use appropriate discretion to not discredit or disparage the City or themselves as employees of the City. In order to achieve and maintain the public's highest level of respect, employees are expected to follow the standards of conduct below.

(a) Except in the performance of an authorized duty, any use of department equipment to access social networking sites, blogs, or bulletin boards while on duty is prohibited except under limited circumstances at the discretion of the City Manager. If an employee is authorized to access social networking sites while on duty the employee must refrain from excessive use. For the purposes of this section, "excessive" means accessing a site(s) to the point that it interferes with the City's operations or the employee's ability to properly perform his or her

duties, as determined by his/her Supervisor, Department Head, or the City Manager.

(b) Employees shall not post, transmit, and/or disseminate information (texts, pictures, video, audio, etc.) to the internet or any other forum that would tend to discredit, disparage, or reflect unfavorably upon the City or its employees. Any inappropriate or unsatisfactory occurrences observed should be addressed with the employee's immediate supervisor.

(c) Personal Social Networking Account Posts. Employees are prohibited from posting, transmitting, and/or disseminating any photographs, video or audio recordings, likenesses or images of department logos, emblems, uniforms, badges, patches, marked vehicles, equipment or other material that specifically identifies Syracuse City or any department without the express written permission of their department head.

(d) City Sponsored Social Networking Account Posts. Only authorized employees within the scope of assigned job duties shall post on City sponsored websites representing the City.

(e) Upon request from their department head, employees are to remove any content that is in violation of this policy in a reasonable and prompt manner. Moderation or removal of content posted by the Public on such sites shall be consistent with personal amendment principles.

Violations of this policy may subject an employee to disciplinary action, up to and including termination. Content posted to the internet has the potential to be shared broadly, including individuals with whom you did not intend to communicate. Employees are strongly discouraged from posting information regarding off duty activity that may bring their reputation into question. Nothing in this policy is intended to prohibit or infringe upon any employee's communication, speech or expression that has been clearly established as protected or privileged.

9.140. Smoking.

In compliance with the Utah Indoor Clean Air Act, as set forth in *Utah Code Ann*. §§ 26-38-1, *et seq*., as amended, smoking, including the use of electronic cigarettes, is not permitted in Syracuse City facilities. The City also prohibits smoking and the use of electronic cigarettes in City owned vehicles or while an employee is on-duty.

9.150. Consensual Romantic Relationships.

(a) Background. It is not the City's desire to discourage friendship among employees, however, it is recognized that consensual "romantic" or sexual relationships between supervisors and their subordinates could lead to actual or perceived conflicts of interest, favoritism, or sexual harassment. The purpose of this policy is to protect employees from coercive or hostile relationships that may damage morale and reduce productivity because of bias, favoritism, or harassment.

(b) Relationships between a supervisor and a subordinate:

(1) Consensual "romantic" or sexual relationships between a supervisor and a subordinate are prohibited, as well as any conduct, such as dating, that is designated or may reasonably be expected to lead to the formation of a "romantic" or sexual relationship. Persons should not be hired, promoted, transferred, or otherwise changed into a position where the supervisor and subordinate have had such a relationship within the last two (2) years. Where such a relationship existed beyond two (2) years ago, the department head in consultation with

the Human Resources Specialist will review the specific circumstances to determine whether or not to approve the action.

(2) If such a relationship should develop, the supervisor is obligated to promptly disclose the existence of the relationship to the department head and/or the Human Resources Specialist. The employee may make the disclosure as well, but the burden of doing so is upon the supervisor.

(3) The department head should inform the Human Resources Specialist and the City Manager, in consultation with the Human Resources Specialist, and the City Manager others with a need-to-know basis of the existence of the relationship, including the person responsible for the employee's work assignments will be informed. Upon being informed or learning of the existence of such a relationship, the Human Resources Specialist, in consultation with the department head and the City Manager, may take steps that he/she deems appropriate. At a minimum, the subordinate and supervisor will not thereafter be permitted to work together on the same matters (including matters pending at the time disclosure of the relationship is made), and the supervisor must withdraw from participation in activities or decisions (including, but not limited to, hiring, evaluations, promotions, compensation, work assignments, and discipline) that may reward or disadvantage any employee with whom the supervisor has or had had such a relationship. The supervisor may be subject to disciplinary action, up to and including termination.

(4) Any person who believes that he or she has been affected by such a relationship, notwithstanding its disclosure, shall report the matter in accordance with the procedures set forth in Chapter 10 regarding sexual harassment.

(c) Dating relationships between other employees:

(1) Dating relationships between other employees are permitted, however both employees have a responsibility to notify their department head when dating begins to document that the relationship is consensual and welcome. Employees will be instructed to inform the department head when/if the relationship ends. Employees involved in a dating relationship may not be promoted or transferred to a supervisor position where one will be a direct or indirect supervisor over the other.

(2) The City's implementation of this policy is not intended to inhibit the social interaction (such as lunches, dinners, or attendance at entertainment events) that are or should be an important part or extension of the working environment.

(3) This policy shall apply without regard to gender and without regard to sexual orientation of the participants in a relationship of the kind described.

9.160. Workplace Violence.

(a) Purpose. Syracuse City is committed to preventing workplace violence and to maintaining a safe work environment. Given the increasing violence in society in general, Syracuse City has adopted the following policies and guidelines to deal with intimidation, harassment, or other threats of or actual violence that may occur during business hours or on its premises. It is the purpose of this policy to communicate to all employees of the City and all persons conducting business with or served by the City that intimidation, harassment, or other threats of or actual violence within the workplace is prohibited and shall not be tolerated.

(b) Policy. All employees should be treated with courtesy and respect at all times. Employees are expected to refrain from fighting, "horseplay," or other conduct that may be dangerous to others. Firearms, weapons, and other dangerous or hazardous devices or substances are prohibited from the premises of Syracuse City unless the employee has a valid permit issued or recognized by the State of Utah and has notified the department head and the City Manager in writing. Conduct that threatens, intimidates, harasses, coerces, or harms another employee, a customer, or a member of the public will not be tolerated.

(c) Reporting. Any intimidating, threatening, or harassing conduct, and any threats of or actual violence, both direct and indirect, should be reported as soon as possible to the employee's immediate supervisor, any department head, the Human Resource Specialist, the City Attorney, or the City Manager. Such supervisor or department head shall notify the Human Resource Specialist and/or the City Manager as soon as possible. Intimidating, threatening or harassing conduct by employees, as well as conduct by members of the public should be reported. Reports of such conduct should be as specific and detailed as possible. Employees are empowered to contact the proper law enforcement authorities without first informing their supervisor or department head if they believe a threat to the safety of others exists. All suspicious individuals or activities should also be reported as soon as possible to a supervisor. Employees should not place themselves in peril. If you see or hear a commotion or disturbance near your workstation, do not try to intercede or see what is happening.

(d) Investigation. Syracuse City will promptly and thoroughly investigate all reports of intimidating, threatening, or harassing conduct, threats of or actual violence, and suspicious individuals or activities, as deemed appropriate under the circumstances.

(e) Employee Responsibility. Syracuse City encourages employees to bring their disputes or differences with other employees to the attention of their supervisor or the City Manager before the situation escalates into potential harassment or violence. Syracuse City is eager to assist in the resolution of employee disputes. Such prompt reporting and discussion will assist the City in eliminating any intimidation, harassment and/or workplace violence at an early stage and in reducing or eliminating any resulting harm.

(f) Discipline. Any violation of this policy by City employees shall result in disciplinary action, up to and including termination.

9.170. Credit Cards.

Syracuse City credit cards shall be used for official business only. See Chapter 17 for additional information.

9.180. Gifts, Awards, and Prizes.

(a) Employees shall avoid the appearance of conflicts of interest or favoritism. The following apply to the receipt of gifts, awards, or prizes. In some cases, they will be more restrictive than the minimum standards established under Utah law.

(b) In all cases, "quid pro quo" (something for something) is prohibited. In other words, it is prohibited to receive a gift or item:

(1) That would create the appearance of bribery;
(2) under any circumstance that suggests the gift is directly connected to a specific transaction or contemplated transaction (i.e. awarding city contracts, land use applications, etc.)

(c) Unless prohibited by subsection (b), Employees are permitted to accept gifts or prizes under the following circumstances:

(1) Gifts or food valued less than $50 (cumulative per vendor/customer/resident, per year), or

(2) Gifts or food distributed to all attendees or randomly at conferences or other events, such as t-shirts, door prizes, drawing prizes, trade show bags, or food.

(d) This section does not apply to:

(1) Awards presented by Syracuse City to an employee;

(2) Awards publicly presented in recognition of public services;

(3) Gifts from family members or friends, provided that the friendship arose prior to or outside of the context of City employment, unless the criteria in subsection (b) apply.

(e) Employees should not receive any gift identified in this policy as prohibited. If an employee or department receives an unacceptable item, it should be returned to the giver with an explanation that receiving such gifts would violate City policy. In cases where this is not feasible:

(1) Food items may be shared in a central location where all employees may enjoy them;

(2) The item may be delivered to human resources for distribution to other employees on a random basis such as a door prize at a City party; or

(3) The item may be donated to a charitable organization, which donation shall be documented with a receipt.

9.190. Solicitation, Distribution and Posting of Materials.

In an effort to protect employees from unwanted solicitations that can interfere with work duties and productivity or create tension and discord among employees, the City has adopted the following rules.

Employees shall not solicit or ask other employees to purchase goods or services, make donations or contributions, or join or support particular groups or causes in any work area during employees' work time, except for City sponsored activities, City association activities, or as required by local or Federal law. Employees shall not distribute any solicitation literature or written materials that are not job-related using City email or equipment. However, employees may put literature or written materials

in the breakroom for other employees to read and participate on their own time. The City Manager may make occasional exceptions to the above rules as deemed necessary.

Anyone who is not an employee is prohibited from entering our premises at any time to solicit support from employees for any organization or cause; or to otherwise proselytize, distribute literature, or sell or market products/services to our employees. Exceptions to this rule may be made only for vendors or service representatives whose purpose is strictly related to City business functions and purposes or with prior approval of the City Manager.

CHAPTER 10
HARASSMENT AND ADA

10.010. Harassment Policy.
10.020. Sexual Abuse Policy.
10.030. Americans with Disabilities Policy.

10.010. Harassment Policy.

(a) Policy. It is the policy of Syracuse City to provide its employees with a work environment free from discrimination and harassment, where employees treat each other with professionalism, respect, dignity, and courtesy. Each employee must exercise good judgment to avoid engaging in conduct that may be perceived by others as harassment, disrupts or interferes with another's work performance or that creates an intimidating, offensive or hostile environment. Harassment is prohibited and shall not be tolerated by the City under any circumstances. This zero-tolerance policy applies to all employees, officers, and agents of the City, as well as any other third parties doing business with or served by the City.

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

(c) Notice. All employees of the City shall be responsible for knowing the provisions of this policy regarding harassment. The Human Resources Specialist shall be responsible for informing employees of any amendments to this policy. Any violation of this policy by City employees shall result in disciplinary action up to and including termination.

(d) Definitions. As used herein, the following words shall have the meaning described below:

(1) "Retaliation" means an adverse or negative action taken against any person complaining of or reporting harassment or any person involved or cooperating in an investigation of harassment or an adverse or negative action taken against any other person or property as a result of a harassment complaint and/or investigation.

(2) "Harassment" may include but is not limited to unwelcome conduct that is based on race, color, religion, sex, national origin, age (over 40), disability, sexual orientation, gender identity, pregnancy, childbirth or pregnancy-related conditions, or genetic information. Harassment becomes unlawful when: (i) enduring the offensive conduct becomes a condition of continued employment, or (ii) the conduct is severe or pervasive enough to create a work environment that a reasonable person would consider intimidating, hostile, or abusive.

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

(e) Prohibited Conduct. Harassment of any nature is prohibited under this policy, whether or not such conduct rises to the level of unlawful harassment. Examples of the kind of conduct that constitutes harassment under this policy, includes, but is not limited to, the following types of behavior. Prohibitions hereunder include same-sex harassment.

(1) Verbal. Lewd or suggestive comments, repeated sexual innuendoes, sexual flirtations, racial or sexual epithets, derogatory slurs, sexual or off-color jokes, offensive personal or sexual references, propositions, advances, threats or suggestive or insulting sounds;

(2) Visual/Non-Verbal (communicated through any means, including via internet, text messaging or e-mail). Demeaning, insulting, intimidating, sexually suggestive or derogatory photographs, posters, cartoons, graffiti or drawings, objects or pictures, commentaries, leering; or obscene gestures;

(3) Physical. Unwanted physical contact, including touching, interference with any individual's normal work movement, or assault; and

(4) Other. Any harassment that has the purpose or effect of unreasonably interfering with the individual's work performance or creating an environment that is intimidating, hostile or offensive. Any conduct that targets a lawfully protected class as mentioned in 10.040.

(5) Gender Role Stereotyping. This conduct consists of assignment of non-job-related duties, functions or roles based on gender. Examples include making coffee, serving refreshments, and running errands, when not related or necessary to the functions and responsibilities of the employee's position with the City.

(f) Employee Responsibility. Employees shall promptly report any harassing conduct they experience, learn of or witness utilizing the complaint procedures provided herein. Such prompt reporting will assist the City in eliminating any harassment at an early stage and/or reduce or eliminate any resulting harm.

(g) Complaint Procedure. Whenever an employee believes he or she has experienced, learned of, or witnessed any type of harassment, the employee shall report the matter utilizing the following procedures.

(1) Complaint. An employee may report and/or complain of any alleged harassment by verbally notifying or filing a written complaint of the harassment with his or her supervisor. If the employee's supervisor is implicated in the matter or if the employee does not feel comfortable raising the matter with his or her supervisor, the employee may verbally notify or file a written complaint with the employee's department head or the Human Resources Specialist. If the department head or the Human Resources Specialist is implicated in the matter or if the employee does not feel comfortable raising the matter with his or her department head or the Human Resources Specialist, the employee may verbally notify or file a written complaint with the City Manager, City Attorney, or the Mayor. If a member of the City Council or other appointed board or commission member is implicated in the matter, the employee may verbally notify or file a written complaint with the City Manager, City Attorney, or the Mayor. If the Mayor is implicated in the matter, the employee may verbally notify or file a written complaint with the City Manager, City Attorney, or the Human Resources Specialist.

(2) Notice. Except as otherwise provided herein, any supervisor, department head, the Human Resources Specialist, the City Attorney, or the Mayor receiving notice of an alleged incident of harassment, either verbally or in writing, shall take immediate action to report such incident and/or complaint to the City Manager. In the event the City Manager is implicated in the complaint, the Mayor shall be notified by the supervisor, department head, City Attorney or the Human Resources Specialist of the report or complaint.

(3) Investigation. It is an express policy of the City that all complaints of harassment will be investigated. Except as otherwise provided herein, the Human Resources Specialist, or his or her designee, shall promptly and thoroughly investigate any such complaint of harassment. In the event the Human Resources Specialist is implicated in any harassment complaint, the City Manager shall cause to be conducted a prompt and thorough investigation of the matter. In such event, all references in Subsections (d) and (e) to the Human Resources Specialist shall be read to refer to the City Manager. The City may also hire a third-party investigator to conduct any investigation of alleged harassment. All investigations shall include, at a minimum, providing a copy of this policy to the complainant and the accused; informing the parties of the law regarding harassment and the provisions of this policy; and reviewing the complaint with the complainant and the accused.

(4) Decision. Upon completion and review of the investigation, the Human Resources Specialist shall determine whether there has been a violation of this policy and shall immediately thereafter take such action as he or she deems appropriate under the circumstances in accordance with applicable procedures regarding the same. In the event a third-party investigator has been hired to investigate the matter, the Human Resources Specialist shall review the conclusions of the investigation and make a determination regarding the matter as provided herein. Written notice of the decision, including any appropriate findings and recommended conclusions or remedies, shall be prepared and distributed to the City Manager and department head within a reasonable time from receipt of the complaint.

(5) Determine Remedy. Based on the notice of decision written by the Human Resource Specialist, if a violation of this policy is found the City Manager and Department Head shall determine the appropriate discipline for the violator ranging from written reprimand to termination of employment. The City Manager and department head in consultation with the Human Resources Specialist shall take the following factors into consideration in determining the appropriate discipline, together with any other appropriate factors:
(a) the relationship of the parties;
(b) the nature of the offense;
(c) the number of complainants; and
(d) the number of occurrences.

(h) File Records. All records concerning the complaint, investigation, findings, and discipline shall be maintained in a confidential file separate from his or her personnel records. If the accused is found to have violated this policy, records concerning the discipline shall be maintained with his or her personnel records. If the accused is found innocent of any violation of this policy, no records concerning the incident shall be maintained with his or her personnel records.

(i) Confidentiality. All complaints and investigations of harassment will be confidential to the extent possible under the circumstances and only those persons necessary for the investigation and resolution of the complaint will be provided information. Breach of this confidentiality requirement may result in disciplinary action being taken.

(j) Retaliation. Employees are entitled to bring good faith complaints regarding alleged harassment and/or to participate in the investigation of any such complaints without any fear of retaliation. Retaliation against an accused or any person involved or cooperating in an investigation of harassment is a separate violation of this policy. If an employee believes he or she has been subjected to any act of retaliation resulting from any complaint or investigation of harassment, he or she has the right to file a complaint hereunder alleging retaliation as a separate action under this policy.

(k) Misuse of Policy. Any false claims of sexual harassment or allegations made in bad faith will result in disciplinary action up to and including termination taken against the accuser.

(l) Other Procedures and Remedies. The grievance procedures provided herein are intended to replace rather than supplement other City grievance procedures for any grievance involving harassment and shall be exhausted prior to pursuing other available remedies.

10.020. Sexual Abuse Policy.

Syracuse City prohibits and does not tolerate sexual abuse or misconduct in the workplace during any organization-related activity. Syracuse City provides procedures for employees, volunteers, council members, board members, or any other victims of sexual abuse or misconduct to report such acts.

Those reasonably suspected or believed to have committed sexual abuse or misconduct will be appropriately disciplined up to and including termination of employment or membership, as well as criminally prosecuted. No employee, volunteer, council member, board member, or other person, regardless of his or her title or position has the authority to commit or allow sexual abuse or misconduct.

Sexual abuse or misconduct may include, but is not limited to:

(a) Child sexual abuse – any sexual activity, involvement or attempt of sexual contact with a person who is a minor (under 18 years old) where consent is not or cannot be given.
(b) Sexual activity with another who is legally incompetent or otherwise unable to give consent.
(c) Physical assaults or violence, such as rape, sexual battery, abuse, molestation, or any attempt to commit such acts.
(d) Unwanted and intentional physical conduct that is sexual in nature, such as touching, pinching, patting, brushing, massaging someone's neck or shoulders, and/or pulling against another's body or clothes.

If an employee, volunteer, council member or board member observes signs of child abuse, observes the abuse of a child, or has suspected abuse disclosed to him/her then he/she shall proceed in the following manner:

1. The employee shall immediately report the incident to the Police Department and his/her direct supervisor.
2. Under the direction of the direct supervisor the employee will contact the Utah Division of Child and Family Services (DCFS) and file a report.
3. The employee shall complete an incident report and the direct supervisor shall submit the report to his/her Department Head.
4. The Department Head shall inform the City Manager who will then communicate with the Mayor, City Attorney, Human Resources, and Police Department as necessary.
5. The City Manager may follow-up with the employee who filed the initial report.

To provide a safe environment for minors, Syracuse City will take all reasonable measures to avoid one-on-one interactions between adults and minors that are not easily observable by others. Generally, two adults will supervise or be in attendance with minors in any City activity. If individual meetings with a minor shall be held in an office, the door shall be kept open or the meeting shall be held in an office with a window that can be viewed from the hallway. Closed door meetings shall only be held when another adult is put on notice of the meeting and the door remains unlocked.

10.030.~~10.020.~~ Americans with Disabilities Policy.

(a) Policy. It is the policy of the City to fully comply with the provisions and protections of the Americans with Disabilities Act of 1990 (ADA), 42 U.S.C. 12101, *et. seq.*, as amended, including, but not limited to, the Americans with Disabilities Act Amendments of 2009 (ADAAA), Public Law 110-325, prohibiting employment discrimination against qualified individuals with disabilities. Pursuant to the ADA and the ADAAA, which shall hereinafter be referred to collectively as the ADA, the City shall not discriminate against a qualified individual with a disability in job application procedures, hiring, firing, advancement, compensation, job training, leave, benefits, and any other term, condition, and privilege of employment with the City. It is further the intent of the City to fully comply with the provisions and interpretations of the EEOC regulations and guidelines issued pursuant to authority of the ADA, including, but not limited to, regulations set forth in 29 C.F.R. Part 1630, as amended.

(b) ADA Coordinator. The Human Resources Specialist is hereby designated as the ADA Coordinator for the City. The ADA Coordinator shall be responsible for the administration of this policy. Any questions, comments or complaints regarding matters set forth herein should be addressed to the ADA Coordinator, Syracuse City Offices, 1979 West, 1900 South, Syracuse, Utah, 84075.

(c) Disability. Pursuant to the ADA, an individual with a disability is a person who: (A) has a

physical or mental impairment that substantially limits one or more major life activities of such individual; (B) has a record of such impairment; or (C) is regarded as having such an impairment. The ADA only protects a person who is qualified for the job he or she has or for which he or she is applying. A qualified employee or applicant with a disability is an individual who, with or without reasonable accommodation, can perform the essential functions of the employment position he or she holds or for which he or she is applying. Pursuant to the ADA, the definition of disability shall be construed in favor of broad coverage of individuals.

(d) Reasonable Accommodation. The City shall provide a reasonable accommodation to the known physical or mental limitations of an otherwise qualified individual with a disability in accordance with applicable provisions of the ADA, which includes pregnancy, childbirth, breastfeeding, or related conditions, unless doing so would impose an undue hardship on the operation of the City's business. Undue hardship means that providing the reasonable accommodation would result in significant difficulty or expense, based on the resources and operation of the employer's business.

(e) Requesting Reasonable Accommodation. An employer generally does not have to provide a reasonable accommodation unless an individual with a disability has asked for one. Thus, it is generally up to the applicant or employee to request a reasonable accommodation from the City. Any applicant or employee requesting a reasonable accommodation shall make such request to the City's ADA Coordinator as designated in Subsection (b). The request may be made in general terms that the individual needs an adjustment or change for a reason related to a medical condition. The request does not have to include the terms "ADA" or "reasonable accommodation." The City may initiate discussions about the need for a reasonable accommodation if the disability is obvious, *e.g.*, the individual uses a wheelchair, or if the medical condition is causing a performance or conduct problem, as more particularly provided in the ADA and applicable regulations.

(f) Interactive Process for Determining Accommodation. The ADA suggests the employee and employer work together informally in an interactive process to determine potential or appropriate accommodations under the circumstances that would enable the employee to perform the essential functions of his or her job. Once a reasonable accommodation is requested, the ADA Coordinator and the applicant or employee should sit down and discuss the applicant's or employee's needs and identify the appropriate reasonable accommodation. If such consultation does not identify an appropriate accommodation, the City may seek further assistance from the EEOC, State or local vocational rehabilitation agencies, the Job Accommodation Network (JAN), or other appropriate service to assist the City in making individualized accommodations. The ADA Coordinator shall respond promptly to all requests for a reasonable accommodation and should keep lines of communication open with the applicant or employee making the request, particularly when it will take longer than expected to provide an accommodation or when supporting documentation is needed.

(g) Complaint. Whenever an applicant or employee believes he or she has been discriminated against on the basis of a disability regarding his or her employment or application for employment with the City, the applicant or employee may file a written complaint with the ADA Coordinator. The complaint should set forth the facts and circumstances surrounding the complaint and the basis for the complaint. Upon receipt of a complaint, the ADA Coordinator shall immediately notify the City Manager of the complaint and conduct an investigation of the complaint. The ADA Coordinator may also hire a third party to investigate the matter. Investigation of the complaint may include but is not limited to: interviewing the complainant and affording all interested persons and their representatives, if any, the opportunity to submit oral or documentary evidence relevant to the complaint. The ADA Coordinator shall, within a reasonable time from receipt of the complaint, prepare and distribute his or her findings and conclusions from the investigation, including a description of the resolution of the complaint

and notice of the complainant's right to appeal.

(h) Appeal. Any person aggrieved by a decision of the ADA Coordinator regarding a complaint filed hereunder may appeal such decision by filing with the City Council a written appeal within ten (10) days from the date of the decision stating the grounds for the appeal. The City Council shall review the ADA Coordinator's decision for correctness and prepare its findings and conclusions within a reasonable time from receipt of the appeal.

(i) Retaliation. It is unlawful to retaliate against an individual for opposing employment practices that discriminate based on disability or for filing a discrimination charge, testifying, or participating in any way in an investigation, proceeding, hearing or litigation under the ADA. Any applicant or employee who believes he or she has been subjected to any act of retaliation described herein has the right to file a further complaint alleging reprisal as a separate action under this policy.

(j) Records. The ADA Coordinator shall maintain or cause to be maintained all records of the City pertaining to ADA matters and complaints filed hereunder in accordance with the Utah Government Records Access and Management Act, as set forth in *Utah Code Ann*. §§ 63G-2-101, *et seq*., as amended, and all applicable records provisions of the ADA. Medical information shall not be filed in the employee's regular personnel file but shall be filed in a separate medical file that is accessible only to designated officials. Disclosure of medical information about applicants or employees shall be subject to the confidentiality requirements of the ADA. An employee's request for a reasonable accommodation shall be considered medical information subject to the ADA's confidentiality requirements.

(k) Other Procedures and Remedies. The grievance procedures provided herein are intended to replace rather than supplement other City grievance procedures for any grievance involving discrimination based upon disability.

CHAPTER 11
NON-DOT DRUG AND ALCOHOL TESTING POLICY

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11.010. Purpose.

The purpose of this policy is to convey to all current and prospective employees of Syracuse City the City's "zero-tolerance" policy on alcohol and drug use in the workplace and to provide guidelines for the implementation and management of a drug and alcohol testing program for the City. This policy is intended to provide a safer and more efficient workforce by avoiding the negative circumstances created by employee drug and alcohol use. These policies and procedures are not intended to create or alter any existing employment status or contract, written or verbal, between Syracuse City and its employees or job applicants. The provisions of this policy are intended and shall be interpreted to be in accordance with the Utah Local Governmental Entity Drug-Free Workplace Act, as set forth in *Utah Code Ann*. §§ 34-41-101, *et seq.,* as amended.

11.020. General Policy.

Alcohol or drug use can impair an employee's ability to safely and effectively perform the functions of the particular job, increase accidents, absenteeism, and sub-standard performance, create poor employee morale, and/or undermine public confidence in the City's work force. It is the policy of the City to employ a work force and create a workplace free from the adverse effects of alcohol and drug use. To accomplish this, Syracuse City has developed a "zero-tolerance" substance abuse policy for all current and prospective employees as more particularly set forth in this policy. This policy shall be distributed to employees and made available for review by prospective employees.

11.030. Applicability.

This Non-DOT Drug and Alcohol Testing Policy shall apply to all City employees and prospective employees, including those City employees or prospective employees who are required to comply with the DOT Drug and Alcohol Testing Policy as set forth in Chapter 12, to the extent not otherwise covered therein. In the event of conflict between the two policies, the DOT Drug and Alcohol Policy shall control

for DOT employees as defined in Chapter 12.

11.040. Definitions.

As used herein, the following words shall have the meanings set forth below:

(a) Actual Knowledge. "Actual Knowledge" means actual knowledge by an employer that an employee has used a controlled substance and/or alcohol based on the employer's direct observation of the employee or an employee's admission of alcohol and/or controlled substance use. Direct observation as used in this definition means observation of alcohol or controlled substance use and does not include observation of employee behavior or physical characteristics sufficient to warrant reasonable suspicion testing.

(b) Adulterated Test Result. "Adulterated Test Result" means a specimen which contains a substance that is not expected to be present in human urine or contains a substance expected to be present but is at a concentration so high that it is not consistent with human urine.

(c) Alcohol. "Alcohol" means the intoxicating agent in beverage alcohol (ethyl alcohol) or other low molecular weight alcohols including methyl and isopropyl alcohol.

(d) Alcohol Use. "Alcohol Use" means the drinking or swallowing of any beverage, liquid mixture, or preparation (including any medication) containing alcohol.

(e) Alcohol Testing. "Alcohol Testing" means to be tested by a certified breath-alcohol technician, using an approved breath alcohol test device or an approved initial screening device, as more particularly set forth in this policy. Blood and urine alcohol testing may also be used at the discretion of the City when breath alcohol testing is not available.

(f) Controlled Substance or Drugs. "Controlled Substance" or "Drugs" means any substance, and its metabolite, recognized as a drug in the United States Pharmacopoeia, the National Formulary, the Homeopathic Pharmacopoeia, or other recognized drug compendia, or supplement to such compendia, including Title 58, Chapter 37 of the Utah Code Annotated (Utah Controlled Substances Act), and any prescribed medication or controlled substance including those assigned by 21 USC 802 and includes all substances listed on Schedule I through Schedule V, as they may be revised from time to time (21 CFR 1308), including but not limited to:

(1) Marijuana

(2) Cocaine

(3) Amphetamines

(4) Benzodiazepines

(5) Barbiturates

(6) Opiates and other narcotics

(7) Phencyclidine (PCP) and other hallucinogens

(g) Drug Testing. "Drug Testing" means the scientific analysis for the presence of drugs or their metabolites in specimens from the human body, as more particularly set forth in this policy.

(h) Employee. "Employee" means any person employed by the City for compensation.

(i) Medical Review Officer (MRO). "Medical Review Officer" or "MRO" means a licensed physician with knowledge of drug abuse disorders used by Syracuse City to determine and verify if a legitimate or medical explanation exists for a positive, adulterated, substituted, or invalid drug test result.

(j) Non-Negative Drug Test Result. "Non-Negative Drug Test Result" means any drug test result other than a negative test result, including, but not limited to adulterated, substituted, diluted or invalid drug test result.

(k) On-Duty. "On-Duty" means all working hours, including meals or break periods, regardless of whether the employee is on Syracuse City property, and at any time the employee represents Syracuse City in any capacity, including operating Syracuse City equipment or vehicles.

(l) Positive Alcohol Test. "Positive Alcohol Test" means test levels on both the initial and confirmation tests that are 0.04 percent or greater (0.04 gm/210 liters of breath or 0.04 gm/deciliter of blood or 0.04 gm/dl of urine).

(m) Positive Drug Test. "Positive Drug Test" means drug test levels on both the screening test and the confirmation test that are at or above the level recognized as positive by the US Department of Health and Human Services in its Mandatory Guidelines for Federal Workplace Drug Testing Programs or the standard cutoff levels set by the laboratory and the MRO has verified the test result as positive.

(n) Prospective Employee. "Prospective Employee" means any person who has made written or oral application for employment with the City and who has been selected as a final applicant for such employment.

(o) Refusal to Submit. "Refusal to Submit" means that the employee: (1) fails to provide adequate breath for alcohol testing as required herein without a valid medical explanation after he or she has received notice of the requirement for breath testing; (2) fails to provide an adequate urine sample for controlled substances testing as required herein without a genuine inability to provide a specimen after he or she has received notice of the requirement for urine testing; or (3) engages in conduct that clearly obstructs the testing process.

(p) Safety Sensitive Position. "Safety Sensitive Position" means any position involving duties which directly affect the safety of governmental employees or the general public, or positions where there is access to controlled substances as defined in Utah Code Annotated, Title 58, Chapter 37 (Utah Controlled Substances Act) during the course of performing job duties.

(q) Sample. "Sample" means any sample of urine, blood, breath, oral fluid, or hair for drug and/or alcohol screening.

(r) Substituted Test Result. "Substituted Test Result" means a specimen with creatinine and specific gravity values that are so diminished or divergent that they are not consistent with human urine.

(s) Use. "Use" means to illegally consume, sell, purchase, manufacture, distribute, be under the influence of, report to work under the influence of, or be in possession of drugs and/or alcohol. The

term use shall also include the presence of drugs and/or alcohol in the body of an employee, including the presence as a metabolite, the use of a prescription drug without a valid prescription from a health care provider and not using a prescription drug as prescribed by the authorizing health care provider.

(t) Utah Local Governmental Entity Drug-Free Workplace Act. "Utah Local Governmental Entity Drug-Free Workplace Act" means the Drug-Free Workplace Act set forth at *Utah Code Ann.* §§ 34-41-101, *et seq.*, as amended.

11.050. Regulations.

No employee of the City may possess, sell or be under the influence of any drugs or alcohol while on-duty, when conducting City business or while on City premises, as shown by the presence of such substances or their metabolites in the employee's system. The following activities are examples of activities that are strictly prohibited for all Syracuse City employees:

(a) Working while under the influence of a controlled substance or alcohol unless the substance is legally prescribed and used in accordance with the terms of this policy.

(b) Selling, using, purchasing, manufacturing, or possessing an illegal controlled substance or drug paraphernalia while on Syracuse City time, while conducting Syracuse City business, while on Syracuse City property, or while using City vehicles or equipment.

(c) Selling, using, purchasing, manufacturing, or possessing an illegal controlled substance or drug paraphernalia when not at work.

(d) Selling, using, purchasing, manufacturing, or possessing an illegal controlled substance, including prescription medications which are considered controlled substances, unless the prescription medication is legally prescribed to the employee and has been taken as prescribed.

(e) Operating any vehicle or machinery while under the influence of any drug, including prescription or over-the-counter medications which render the employee incapable of safely and adequately operating a vehicle, machinery, or performing any other job duties.

(f) Using alcohol, in any form, while on Syracuse City time or business, or to report to work under the influence of alcohol. An employee is considered to be in violation of this policy if they report to work with a blood alcohol level (as determined by a breath alcohol (BAC) test) greater than or equal to 0.04.

(g) Consuming or using alcohol in any form, four (4) hours prior to a scheduled work period, or while “on-call.”

(h) Refusing to submit a specimen for controlled substances or alcohol testing.

(i) Having positive drug and/or alcohol test results.

(j) Tampering with, substituting, or adulterating any specimen collected for drug and/or alcohol testing. Any sample reported by the laboratory or MRO as “substituted” or “adulterated” will be considered a “refusal to test” or a refusal to submit a valid sample.

(k) Obstructing or not fully cooperating with specimen collection or testing procedures.

(l) Failing to report the legal use of prescription and/or over-the-counter medications that could adversely render the employee incapable of operating a vehicle, machinery and performing job duties.

(m) For a Syracuse City supervisor to allow an employee to work if they have actual knowledge that the employee has violated this policy or has reasonable suspicion to believe that an employee may be impaired by drugs and/or alcohol.

11.060. Zero-Tolerance.

If it is determined that an employee tests positive for use of controlled substances and/or alcohol, abuses prescribed drugs, refuses to provide a sample, knowingly supplies an excess fluids (diluted), substituted or adulterated sample, or otherwise violates the terms and provisions of this policy, that employee shall be subject to disciplinary action, up to and including termination. Any disciplinary action taken for violations of this policy shall comply with the disciplinary action procedures, as applicable, set forth in Chapter 22 of these Policies and Procedures.

11.070. Voluntary Rehabilitation.

Employees seeking assistance with overcoming drug or alcohol abuse before they are selected and tested for drug and/or alcohol testing and before it interferes with job performance may contact their supervisor, department head, or the Human Resources Specialist for information about counseling and rehabilitation programs. Employees having a drug or alcohol problem are strongly encouraged to seek help. The Human Resources Specialist may provide assistance in referring employees to appropriate rehabilitation programs. This assistance, however, does not financially obligate the City for the costs associated with rehabilitation. Rehabilitation is the employee's responsibility. The City will allow employees who seek voluntary assistance for alcohol and drug problems to first utilize their accrued sick leave and then their accrued annual leave for rehabilitation. Leave without pay may be requested by the employee and will be considered on an individual case basis. If the FMLA does not apply, an employee's position may be held open for a reasonable period of time up to a maximum of thirty (30) days for voluntary rehabilitation upon approval by the City Manager. Employees returning to work after treatment must first provide the City with a certification from a reputable substance abuse program that the employee is sober, has successfully completed the treatment program and has the potential for full recovery. A licensed professional medical practitioner that specializes in substance abuse must sign this certification. The employee must also, as a condition of returning to work, agree to follow-up rehabilitation drug and/or alcohol testing and sign a return to work agreement. Follow-up rehabilitation testing will be required for a period of not less than six (6) months and not more than one (1) year after completion of the employee's substance abuse treatment program. The date and time of any required follow-up rehabilitation drug and/or alcohol testing will be unannounced and conducted on a random basis. Voluntary notification and enrollment in a rehabilitation program shall only prevent disciplinary action for previous drug or alcohol use that was unknown to the City and shall not prevent the City from testing or taking disciplinary action against an employee who subsequently violates this policy.

11.080. Prescription and Over-the-Counter Drugs.

Prescribed and over-the-counter drugs and the necessary instrumentalities of administration brought on City premises may only be used by the person for whom they are prescribed and taken as directed so long as the use of such drugs does not adversely affect the safety of the work environment or significantly impede performance of essential job functions. There are various prescription and over-the-

counter drugs that may adversely affect the safety of the work environment. Examples include, but are not limited to, pain relievers that contain opiates, medical marijuana, and muscle relaxants. It is the employee's responsibility to be informed about the effects of prescription and over-the-counter drugs they are taking by reading the information that accompanies the drug, including any information provided by the pharmacist, by consulting with their physician, and by accessing and utilizing other sources of information available to the employee, and acting accordingly. Any employee who chooses or is medically required to ingest prescribed or over-the-counter medications that may adversely affect the safety of the work environment, shall immediately notify his or her department head of the type of medication and time period over which said medications will be taken. The department head will make a determination of any restrictions to be placed on the employee after appropriate confidential consultation with the Human Resources Specialist, the City Attorney's Office, and/or medical professionals. A written statement from the employee's physician may be required regarding whether the physician is of the opinion that the employee can safely work or perform his or her job duties while taking the prescribed drug. Any employee who chooses or is medically required to ingest a prescribed or over-the-counter medication outside of the workplace must ensure that the impairing effects have ended prior to reporting for work. For purposes of this policy, medications used as prescribed, which do not constitute a safety concern, shall not be considered a violation of this policy.

11.090. Testing Required.

In accordance with the provisions of this policy, all prospective and current employees shall be subject to drug and alcohol testing as a condition of hiring and continued employment with the City. Failure to comply with this policy shall result in the City refusing to hire a prospective employee or disciplinary action for current employees as set forth in Section 11.060 regarding the City's zero-tolerance policy. All drug testing shall consist of a CRL nine (9) panel plus narcotics drug screen to set for the presence of controlled substances. All testing shall be based on and under the circumstances set forth in Section 11.100 regarding basis for testing.

11.100. Basis for Testing.

Prospective and current employees shall be subject to testing for the presence of drugs and/or their metabolites and alcohol by the City in accordance with the provisions of this policy as a condition of hiring and continued employment for any of the following reasons or under the following circumstances.

(a) Pre-Employment. All prospective employees, upon acceptance of a conditional offer of employment with the City, shall be required to submit to a pre-employment drug test at the facility designated by Syracuse City. Pre-employment tests will be conducted on prospective employees on their own time, meaning that prospective employees will not be paid for the time they spend participating in pre-employment testing required by Syracuse City. All pre-employment drug testing will be conducted at the third-party administrator's facility and prospective employees are responsible for their transportation to and from the collection facility. Refusal to consent to a pre-employment drug test will terminate further action towards employment. A positive, adulterated, or substituted test result will also terminate further action towards employment with Syracuse City. Only those prospective employees whose pre-employment drug test results are negative will be considered for further action towards employment.

(b) Reasonable Suspicion. Employees acting in a manner which raises reasonable suspicion that the employee has improperly used or reported to work under the influence of drugs or alcohol shall be subject to drug and alcohol testing. "Reasonable suspicion" shall be determined by the supervising agent and shall mean an articulated belief based upon recorded facts and reasonable inferences drawn from those facts that the employee is in violation of this policy. Reasonable suspicion

drug and/or alcohol testing will be required when there is any of the following: observable phenomena (actual use, possession, odors, etc.); abnormal behavior or physical characteristics; or a drug-related investigation, arrest, or conviction or any investigation of theft.

(1) In the event that reasonable suspicion testing is warranted, it is the responsibility of an agent of Syracuse City to transport the employee being tested to and from the testing facility. In most cases, either the Designated Employee Representative (DER) or the employee's supervisor will be responsible for transporting the employee.

(2) Before requiring reasonable suspicion testing, the employee's supervisor or the person requesting the reasonable suspicion testing shall complete the "Observed Behavior-Reasonable Cause Record". It is essential that this form be completed before the employee is required to submit to testing in order to properly document the circumstances leading up to the testing referral.

(3) Any employee who is required to submit to reasonable suspicion testing will be removed from any safety sensitive functions and placed on alternative duty, if necessary, or placed on paid administrative leave until the results of the drug and/or alcohol test can be verified. If the test result(s) are negative, the employee will be able to return to work upon receipt of the test result(s). If the test results are positive, the employee will be subject to termination as provided herein.

(4) If an employee refuses to submit to reasonable suspicion testing or attempts to leave any Syracuse City premises and is impaired, in the opinion of a trained supervisor, to the extent that he/she would present a danger to either him/herself or others, local law enforcement should be contacted immediately by the supervisor.

(5) In an effort to ensure that supervisors are knowledgeable about the symptoms of drug and/or alcohol use, training on symptom recognition will be held for all Syracuse City employees in supervisory positions and only those persons who have attended the training will be qualified to require reasonable suspicion testing. Records regarding training attendance will be kept for a minimum of three (3) years after the date of the training.

(c) Random. Employees in safety sensitive positions shall be subject to unannounced drug and alcohol testing.

(1) Random drug and/or alcohol testing will be conducted for Syracuse City employees working in non-DOT safety sensitive positions, including, but not limited to the following positions:

(A) Fire Chief

(B) Fire Fighter

(C) ~~Administrative Professional (Fire)~~ Fire Marshal

(D) Police Chief

(E) Assistant Police Chief

(FE) Police Lieutenant

(GF) Police Sergeant

(HG) Police Officer

(IH) Code Enforcement Officer

(I) (J) Bailiff

(KJ) Crossing Guard

(LK) City Engineer

(ML) Meter Reader

(NM) Building Official

(ON) Building Inspector

(PO) Land Maintenance Worker

(QP) Parks Maintenance Worker

(R) Recreation Manager

(SQ) Recreation Program Coordinator

(TR) Recreation Site Supervisor

(US) Parks CoordinatorMaintenance Crew Leader

(VT) Public Works Director

(W) Cemetery Maintenance Worker

(XU) Gang Mower Operator

(YV) Facilities Maintenance Technician

(ZW) Streets Maintenance Worker

(AAX) Water Maintenance Worker

(BBY) Environmental Maintenance Worker

(2) Selection for random testing will be done by an outside organization in order to ensure that selection is truly random and is uninfluenced by any personal characteristics, behavior, or any other attribute.

(3) Random drug and alcohol testing will be conducted quarterly. Random drug testing will be administered at a fifty (50) percent annualized rate. Random alcohol testing will be conducted at a ten (10) percent annualized rate. This means that the total number of drug tests conducted during any twelve (12) month period will be equal to at least fifty (50) percent of the total Syracuse City non-DOT testing pool, and the total number of alcohol tests conducted during any twelve (12) month period will be equal to at least ten (10) percent of the total Syracuse City non-DOT testing pool. Employees will be notified by their supervisor and/or the DER of the requirement to submit to a random drug and/or alcohol test and should then proceed immediately to the collection site designated by Syracuse City.

(d) Post-Accidents.

1) Employees involved in any work-related accident involving the following are required to submit to post-accident drug and alcohol testing:

a) A vehicle in motion operated by a city employee;

b) Any accident or incident of such a nature that there is a reasonable possibility that impairment due to drug or alcohol use could be a contributing factor, for the following incidents:

1) Injury to any person requiring medical treatment by a healthcare provider; or

2) Property damage, other than to city vehicles, anticipated to exceed $1,000.

2) Off-duty employees involved in motor vehicle accidents involving Syracuse City vehicles will also be subject to post-accident drug and alcohol testing as directed above.

3) Procedure.

(a) Post-accident drug tests must be conducted within 32 hours of the accident and/or incident. Post-accident alcohol tests should be conducted within two (2) hours of the accident and not later than eight (8) hours after the accident. If these time limits have passed, the City should cease attempts to collect the sample.

(b) In the event that post-accident drug and alcohol testing is warranted, it is the employee's supervisor's responsibility or an agent of Syracuse City or emergency personnel to transport the employee being tested to and from the testing facility. In most cases, it is the employee's supervisor's responsibility to ensure the employee is transported. The testing facility to use during business hours (8AM-5PM) is the Layton WorkMed. If the accident occurred after business hours the supervisor shall call the after-hours WorkMed phone (801-387-8378) for drug and alcohol testing to be done.

(c) Any employee who is required to submit to post-accident drug and alcohol testing will be removed from any safety sensitive functions and placed on alternative duty, as necessary, or placed on paid administrative leave until

the results of the drug and alcohol tests can be verified. If the test results are negative, the employee will be able to return to work upon receipt of the test results. If the test results are positive or non-negative, the employee will be subject to termination as provided herein.

(e) Pre-Announced Periodic. Employees may be subject to pre-selected and pre-announced drug and alcohol testing as a condition of continued employment conducted on a regular schedule.

(f) Rehabilitation. Employees in any rehabilitation program shall be subject to drug and alcohol testing in accordance with the program requirements or as part of a return-to-work requirement after treatment or program participation. Rehabilitation testing means unannounced but pre-selected drug or alcohol testing done as part of a program of counseling, education, and treatment of an employee in conjunction with this policy.

(g) Compliance. Employees shall be subject to drug and alcohol testing when required by State or Federal law. See, DOT Drug and Alcohol Testing Policy regarding additional drug and alcohol testing requirements for employees subject to commercial driver's license requirements under the Omnibus Transportation Employees Testing Act and the Department of Transportation Regulations enacted thereunder.

11.110. Testing Procedures.

A licensed medical facility will conduct drug and Alcohol screening.

(a) Samples. Prospective employees and current employees shall submit a split urine sample for drug testing or retesting as required herein. The urine sample shall be divided into two specimen bottles by the third-party entity in accordance with the Utah Governmental Entity Drug-Free Workplace Act. Alcohol testing will typically be done with an evidentiary breath testing device.

(b) Inadequate Samples. In the case of urine-based drug testing, a prospective employee who fails to provide an adequate quantity of urine for testing according to the third party's guidelines will no longer be considered for employment. If an employee fails to provide an adequate quantity of urine according to the third party's guidelines the third-party administrator will notify the MRO to determine pertinent information concerning whether or not the individual's inability to provide a specimen is genuine or constitutes a refusal to test. Upon completion of the examination, the MRO will report their conclusions to the Syracuse City DER in writing. If the City or the collector has reasonable cause to believe that the donor of the sample has tampered with their sample, a new sample will be immediately collected.

(c) Testing. Sample drug testing shall conform to scientifically accepted analytical methods and procedures and shall be conducted in accordance with the Utah Local Governmental Entity Drug-Free Workplace Act by an independent laboratory certified for employment drug testing by either the Substance Abuse and Mental Health Services Administration or the College of American Pathology. The City has designated Intermountain WorkMed as the City's third-party administrator to assist in setting up and administering the drug and alcohol testing program set forth herein.

(d) Dilute Specimens. Specimens which the laboratory reports as dilute, meaning specific gravity less than 1.003 and creatinine levels less than 20 mg/dL, may be considered invalid and the

employee/applicant will be required to give a second specimen. The second specimen will be considered the final result.

(e) Invalid Specimens. If Syracuse City receives a test result that is determined to be invalid, the employee will be immediately retested. The employee will be given no notification of the need to retest. No action will be taken regarding the first test result and the results of the second test will be considered final. A second "invalid" test result will be treated as a positive test result.

(f) Time. Any drug or alcohol testing required by the City under this policy shall occur during or immediately after the regular work period for current employees and shall be deemed work time for purposes of compensation and benefits for current employees.

(g) Costs. Except as otherwise provided, the City shall pay all costs of sample collection and testing required herein, including the cost of transporting current employees to the testing site if the testing is conducted at a place other than the work site.

(h) Disclaimer. A physician/patient relationship is not created between a prospective or current employee and the City or any person performing the test, solely by this policy and the procedures set forth herein.

11.120. Results.

(a) Positive. Positive test results shall refer to those test results that meet or exceed the standard permissible levels of substance in the body as defined and set forth in this policy, the Federal DOT Rules and Regulations if addressed therein, or by standards adopted by the State of Utah if not addressed by the Federal DOT Rules and Regulations.

(b) MRO. It is the policy of Syracuse City that all positive or non-negative drug tests results be immediately referred to an MRO to verify the positive or non-negative result. In the case of a positive, adulterated, substituted, or invalid test result, the employee or prospective employee shall be so advised by the MRO by telephone on a confidential basis prior to the reporting of the results to the designated employer representative. The employee shall have the right to discuss and explain the results, including the right to advise the MRO of any prescription or over-the-counter medication or other substance consumed which may have affected the results of the test. The MRO shall also review the chain-of-custody documentation to ensure compliance with normal chain-of-custody procedures. If the MRO can verify a legitimate explanation, the MRO would then reverse the test result to negative and report it as negative to the employer. The MRO can report a positive or non-negative test to the employer, without interviewing the employee/applicant, if: an individual has expressly declined the opportunity to discuss the test result with the MRO; the employer has successfully made and documented a contact with the employee and instructed the employee to contact the MRO and more than 72 hours have passed since the time the employer contacted the employee; or if neither the employer nor MRO, after making and documenting all reasonable efforts, has been able to contact the employee within ten (10) days of the date on which the MRO receives the confirmed test result from the laboratory. No MRO review will be done on positive breath or blood alcohol tests.

(c) Notice. In addition to the MRO procedures set forth in Subsection (b), prospective and current employees shall be notified as soon as possible of any positive test results conducted in accordance with this policy by telephone or in writing at their last-known telephone number and address and told of his or her option to have the split urine sample tested as provided in Subsection (e).

(d) Confirmation. Before the result of any test required herein may be used as a basis for action by the City, the positive test result shall be verified or confirmed using a gas chromatography-mass spectroscopy, or other comparably reliable analytical method.

(e) Second Test Option. If the test results of the urine sample indicate the presence of drugs or their metabolites, the donor of the test shall have seventy-two (72) hours from the time he or she is notified of such results to request, at his or her option, to have the split urine sample testing performed. The cost of the second test shall be equally divided between the donor and the City, unless the second sample tests negative, in which case the City shall pay for the entire cost of the second test. In addition to the initial test results, the test results of the split urine sample shall be considered at any subsequent disciplinary hearing if the requirements of this policy have been complied with in the collection, handling and testing of the samples.

(f) Request for Report. An employee who has tested positive or non-negative shall have the right to request, in writing, from the City a copy of the laboratory and MRO report regarding the testing.

11.130. Action.

(a) Referral. Any non-DOT employee who has a non-negative drug test or a positive breath alcohol test result will be immediately referred by the Syracuse City DER to the Employee Assistance Program (EAP), a licensed substance abuse counselor (LSAC), or a Substance Abuse Professional (SAP) for an initial consultation. Syracuse City will be responsible for the cost of the initial consultation. However, additional services provided to the employee by the SAP and/or LSAC will be at the expense of the employee.

(b) Discipline or Refusal to Hire. The City may use confirmed positive test results or non-negative test results, or any refusal of a prospective or current employee to take the test, as a basis for disciplinary action up to and including termination of current employees and refusal to hire prospective employees. Any disciplinary action taken by the City for violation of this policy shall be in accordance with the City disciplinary procedures. Such procedures shall include any required pre-disciplinary hearing and appeal proceedings.

(c) Rehabilitation. The City may also require that any employee rendering positive test results enroll in a City-approved rehabilitation, treatment, or counseling program, which may include additional drug or alcohol testing, at the expense of the employee and as a condition of continued employment.

11.140. Confidentiality and Access to Test Results.

The use and disposition of all drug and alcohol testing results and records shall be considered confidential and are subject to the limitations of the Utah Government Records Access and Management Act and the Americans with Disabilities Act. In an effort to ensure that all drug and/or alcohol test results remain confidential, the third-party administrator and/or MRO for the Syracuse City drug testing program are only authorized to release test results to the Syracuse City DER. After being received by Syracuse City, all drug and alcohol test results will be stored in confidential employee files (established for all Syracuse City employees) and will remain confidential to the extent required or allowed by law. The DER will determine which person(s) within the City have a need to know which test results. Test and other records will be maintained in a secure manner so that disclosure of confidential and/or medical information to unauthorized persons does not occur. Test results may be released in legal proceedings where the employee raises the issue of drug test (i.e. unemployment hearing, wrongful termination, etc.).

Test results can be released to persons representing Syracuse City (i.e. attorneys, workers compensation insurance adjuster, etc.). Employees, former employees, and prospective employees can request copies of their drug and/or alcohol test results by making a written request to the Syracuse City DER.

11.150. Notification of Conviction.

Any investigation by law enforcement or conviction for controlled substance or alcohol activity may be cause for dismissal from employment. Failure of an employee to report any conviction for illegal drug use or alcohol misuse to their supervisor and/or the Syracuse City DER within five (5) days of conviction may result in disciplinary action up to and including termination.

11.160. Americans with Disabilities Act (ADA).

Alcoholism is considered a disability under the ADA. Syracuse City will make reasonable accommodations for current employees who suffer from alcoholism, including encouraging an employee to participate in rehabilitation programs. However, Syracuse City will hold an alcoholic employee to the same performance standards as other employees and will discipline an employee, up to an including termination, if the employee's alcohol use adversely affects the employee's job performance or is considered to be a safety hazard. An employee or prospective employee whose controlled substance or alcohol (except as modified by the ADA) tests are confirmed and verified positive in accordance with the provisions of this program shall not, by reason of those results alone, be defined as a person with a "handicap" or "disability" for the purposes of Utah Code Annotated Chapter 35, Title 34 (Utah Anti-Discriminatory Act) or the Federal Americans with Disabilities Act.

11.170. Amendments.

Syracuse City reserves the right to interpret, modify, and/or revise this policy in whole or in part. Nothing in this policy is to be construed as an employment contract nor does this alter an employee's employment status. This policy will be amended from time to time to comply with changes in Federal and State laws.

CHAPTER 12
DOT DRUG AND ALCOHOL TESTING POLICY

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12.260. Amendments.

12.010. Purpose.

The purpose of this policy is to provide guidelines for the implementation and management of a drug and alcohol testing program for City employees and prospective employees who are subject to the Commercial Driver's License (CDL) drug and alcohol testing requirements under the Federal Omnibus Transportation Employee Testing Act of 1991, as amended, and the Department of Transportation (DOT) Regulations promulgated thereunder. The provisions of this policy are intended and shall be interpreted in accordance with the Federal Omnibus Transportation Employee Testing Act of 1991, as amended, and the DOT Regulations as defined herein. This policy is not intended to create or alter any existing

employment status or contract, written or verbal, between Syracuse City and its employees or prospective employees.

12.020. General Policy.

Alcohol or drug use can impair an employee's ability to safely and effectively perform the functions of the particular job, increase accidents, absenteeism, and sub-standard performance, create poor employee morale, and/or undermine public confidence in the City's work force. It is the policy of the City to employ a work force and create a workplace free from the adverse effects of alcohol and drug use to ensure the safety, personal health, and productivity of its employees, as well as the health and safety of those with whom Syracuse City employees come in contact. In addition, Syracuse City is committed to reducing highway accidents that result from driver misuse of drugs and alcoholic substances, thereby reducing fatalities, injuries, and property damage. To accomplish this, Syracuse City has developed a "zero-tolerance" substance abuse policy for all current and prospective CDL employees as more particularly set forth in this policy. This policy shall be distributed to all CDL employees and made available for review by prospective CDL employees. Employees may refer any questions regarding this policy or the materials referred to herein to the Human Resources Specialist.

12.030. Applicability.

This policy applies to all employees in the service of Syracuse City for compensation, and prospective employees, who are required to hold and maintain a Commercial Driver's License as a condition of employment and/or who operate a commercial motor vehicle in commerce and who are subject to the Commercial Driver's License requirements of the Department of Transportation, including, but not limited to 49 CFR Part 383, as amended, referred to and defined herein as "CDL employees." All other employees shall comply with the Non-DOT Drug and Alcohol Policy set forth in Chapter 11, rather than the provisions set forth herein. All CDL employees shall be subject to the testing requirements of this policy and the Non-DOT Drug and Alcohol Policy subject to the following limitation. When the provisions of this policy are applicable to a certain situation, this policy shall be complied with and no other testing requirements may be imposed. However, when provisions of this policy do not apply to a situation which is otherwise covered by the Non-DOT Drug and Alcohol Policy, CDL employees shall be subject to testing under the Non-DOT Drug and Alcohol Policy. For instance, if a CDL employee is involved in an accident involving loss of life requiring testing under this policy, the employee would be subject to testing under this policy and not subject to testing under the Non-DOT Drug and Alcohol Testing Policy. However, if the employee is involved in an accident not requiring testing under this policy but requiring testing under the Non-DOT Drug and Alcohol Testing Policy, the CDL employee would be subject to testing under the Non-DOT Drug and Alcohol Testing Policy. In any case, if there is any conflict between this policy and any other policy or regulation of the City, the requirements of this policy shall control, and no other testing requirements shall be imposed which would conflict or hinder compliance with this policy. In accordance with DOT Regulations, testing under Chapter 11 cannot be combined with testing required under this Chapter 12.

12.040. Definitions.

Words not otherwise defined but used in this policy or in the materials referenced herein are defined in 49 CFR § 386.2, 49 CFR § 390.5 and 49 CFR § 40.3, as amended. As used herein, the following words shall have the meanings set forth below:

(a) Actual Knowledge. "Actual Knowledge" means actual knowledge by an employer that a driver has used alcohol or controlled substances based on the employer's direct observation of the

employee, information provided by the driver's previous employer(s), a traffic citation for driving a CMV while under the influence of alcohol or controlled substances or an employee's admission of alcohol or controlled substance use, except as provided in Section 12.070 regarding voluntary admission. Direct observation as used in this definition means observation of alcohol or controlled substances use and does not include observation of employee behavior or physical characteristics sufficient to warrant reasonable suspicion testing as used herein.

(b) Alcohol. "Alcohol" means the intoxicating agent in beverage alcohol, ethyl alcohol, or other low molecular weight alcohols including methyl and isopropyl alcohol.

(c) Alcohol Concentration (or Content). "Alcohol Concentration" or "Alcohol Content" means the alcohol in a volume of breath expressed in terms of grams of alcohol per 210 liters of breath as indicated by an evidential breath test.

(d) Alcohol Use. "Alcohol Use" means the drinking or swallowing of any beverage, liquid mixture, or preparation (including any medication) containing alcohol.

(e) CDL Employee. "CDL Employee" means any employee in the service of Syracuse City for compensation who is required to hold and maintain a Commercial Driver's License as s condition of employment and/or who is required as part of his or her job duties to operate a commercial motor vehicle in commerce and who is subject to the commercial driver's license requirements of 49 CFR Part 383, as amended.

(f) Commerce. "Commerce" means: (1) any trade, traffic, or transportation within the jurisdiction of the United States between a place in a State and a place outside of such State, including a place outside of the United States; and (2) trade, traffic, and transportation in the United States which affects any trade, traffic, and transportation as described in Subsection (1).

(g) Commercial Motor Vehicle. "Commercial Motor Vehicle" means a motor vehicle or combination of motor vehicles used in commerce to transport passengers or property if the vehicle:

(1) Has a gross combination weight rating of 26,001 or more pounds inclusive of a towed unit with a gross vehicle weight rating more than 10,000 pounds; or

(2) Has a gross vehicle weight rating of 26,001 pounds; or

(3) Is designed to transport 16 or more passengers, including the driver; or

(4) Is of any size and is used in the transportation of material found to be hazardous for the purposes of the Hazardous Materials Transportation Act (49 USC § 5103(b)) and which require the motor vehicle to be placarded under the Hazardous Materials Regulations (49 CFR Part 172, subpart F).

(h) Controlled Substances or Drugs. "Controlled Substances" or "Drugs" means those substances identified in 49 CFR 40.85, as amended, consisting of the following:

(1) Marijuana métabolites

(2) Cocaïne métabolites

(3) Amphétamines

(4) Opiate métabolites

(5) Phencyclidine (PCP)

(i) Designated Employee Representative (DER). "Designated Employee Representative" or "DER" means an individual identified by Syracuse City as able to receive communications and test results from service agents and who is authorized to take immediate actions to remove employees from safety-sensitive duties and to make required decisions in the testing and evaluation processes. The individual must be an employee of Syracuse City and cannot be a service agent. The City's DER is the Human Resources Specialist.

(j) DOT Regulations. "DOT Regulations" means the rules and regulations promulgated by the U.S. Department of Transportation for alcohol and controlled substance testing requirements for employees subject to the Commercial Driver's License requirements pursuant to the Omnibus Transportation Act of 1991, including, but not limited to §§ 49 C.F.R. 40 and 49 C.F.R. 382, as amended.

(k) Driver. "Driver" means any person who operates a commercial motor vehicle. This includes, but is not limited to: full time, regularly employed drivers; casual, intermittent, or occasional drivers; leased drivers and independent, owner-operator contractors. For the purposes of pre-employment/pre-duty testing only, the term *driver* includes a person applying to the City to drive a commercial motor vehicle.

(l) Medical Review Officer (MRO). "Medical Review Officer" or "MRO" means a licensed physician who is responsible for receiving and reviewing laboratory results generated by the City's drug testing program and evaluating medical explanations for certain drug test results.

(m) Prospective CDL Employee. "Prospective CDL Employee" means any person who has made a written or oral application to become an employee of Syracuse City in a position defined as a CDL employee.

(n) Refuse to Submit. "Refuse to Submit" means that a CDL employee:

(1) Fails to appear for any test (except a pre-employment test) within a reasonable time, as determined by the City, consistent with applicable DOT agency regulations, after being directed to do so by the City. This includes the failure of an employee to appear for a test when called by the TPA (see, 49 CFR 40.61(a));

(2) Fails to remain at the testing site until the testing process is complete. Provided, that an employee who leaves the testing site before the testing process commences a pre-employment test is not deemed to have refused to test as provided in the DOT Regulations (see, 49 CFR 40.63(c));

(3) Fails to provide a urine specimen for any drug test required by this Policy or the DOT Regulations. Provided, that an employee who does not provide a urine specimen because he or she has left the testing site before the testing process commences for a pre-employment test is not deemed to have refused to test (see, 49 CFR 40.63(c));

(4) In the case of a directly observed or monitored collection in a drug test, fails to permit the observation or monitoring of the driver's provision of a specimen (see, 49 CFR 40.67(l) and 40.69(g));

(5) Fails to provide a sufficient amount of urine when directed, and it has been determined, through a required medical evaluation, that there was no adequate medical explanation for the failure (see, 49 CFR 40.193(d)(2));

(6) Fails or declines to take a second test the City, TPA or collector has directed the CDL employee to take;

(7) Fails to undergo a medical examination or evaluation, as directed by the MRO as part of the verification process, or as directed by the DER under 49 CFR 40.193(d). In the case of a pre-employment drug test, the employee is deemed to have refused to test on this basis only if the pre-employment test is conducted following a contingent offer of employment;

(8) Fails to cooperate with any part of the testing process (e.g., refuse to empty pockets when so directed by the collector, behave in a confrontational way that disrupts the collection process); or

(9) Is reported by the MRO as having a verified adulterated or substituted test result.

(o) Safety-Sensitive Functions. “Safety-Sensitive Functions” means all time from the time a CDL employee begins to work or is required to be in readiness to work until the time he or she is relieved from work and all responsibility for performing work. An employee is considered to be performing a safety-sensitive function during any period in which he or she is actually performing, ready to perform, or immediately available to perform any safety-sensitive functions and includes any of those on-duty functions defined in 49 CFR 395.2. Safety-sensitive functions shall include all duties deemed safety-sensitive under the DOT Regulations, including, but not limited to, the following:

(1) All time at City facility, or other property, or on any public property, waiting to be dispatched, unless the driver has been relieved from duty by the City;

(2) All time inspecting equipment as required by 49 CFR 392.7 and 392.8 or otherwise inspecting, servicing, or conditioning any commercial motor vehicle at any time;

(3) All time spent at the driving controls of a commercial motor vehicle in operation;

(4) All time, other than driving time, in or upon any commercial motor vehicle except time spent resting in a sleeper berth (a berth conforming to the requirements of 49 CFR 393.76);

(5) All time loading or unloading a vehicle, supervising, or assisting in the loading or unloading, attending a vehicle being loaded or unloaded, remaining in readiness to operate the vehicle, or in giving or receiving receipts for shipments loaded or unloaded; and

(6) All time repairing, obtaining assistance, or remaining in attendance upon a disabled vehicle.

(p) Stand-Down. "Stand-Down" means the practice of temporarily removing an employee from the performance of safety-sensitive functions based only on a report from a laboratory to the MRO of a confirmed positive test for a drug or drug metabolite, and adulterated test, or a substituted test, before the MRO has completed the verification of the test results. The City is prohibited from standing down an employee, except consistent with a waiver from the FMCSA.

(q) Third Party Administrator (TPA). "Third Party Administrator" or "TPA" means a service agent that provides or coordinates one or more drug and/or alcohol testing services to DOT-regulated employers. TPA's typically provide or coordinate the provision of a number of such services and perform administrative tasks concerning the operation of the employers' drug and alcohol testing programs.

12.050. Prohibitions.

The following conduct is prohibited under this policy in accordance with the prohibitions set forth in 49 CFR 382, Subpart B:

(a) Alcohol Concentration. No driver shall report for duty or remain on duty requiring the performance of safety-sensitive functions while having an alcohol concentration of 0.04 or greater. No employer having actual knowledge that a driver has an alcohol concentration of 0.04 or greater shall permit the driver to perform or continue to perform safety-sensitive functions.

(b) On-Duty Use. No driver shall use alcohol while performing safety-sensitive functions. No employer having actual knowledge that a driver is using alcohol while performing safety-sensitive functions shall permit the driver to perform or continue to perform safety-sensitive functions.

(c) Pre-Duty Use. No driver shall perform safety-sensitive functions within four hours after using alcohol. No employer having actual knowledge that a driver has used alcohol within four hours shall permit a driver to perform or continue to perform safety-sensitive functions.

(d) Use Following an Accident. No driver required to take a post-accident alcohol test under this policy and in accordance with 49 CFR 382.303 shall use alcohol for eight hours following the accident, or until he or she undergoes a post-accident alcohol test, whichever occurs first.

(e) Refusal to Submit to Required Test. No driver shall refuse to submit to a post-accident alcohol or controlled substances test required under this policy and in accordance with 49 CFR 382.303, a random alcohol or controlled substances test required under this policy in accordance with 49 CFR 382.305, a reasonable suspicion alcohol or controlled substances test required under this policy in accordance with 49 CFR 382.307, or a follow-up alcohol or controlled substances test required under this policy or 49 CFR 382.311. No employer shall permit a driver who refuses to submit to such tests to perform or continue to perform safety-sensitive functions. Refusal to submit to a required test shall be deemed a violation of this policy and shall result in disciplinary action, up to and including termination.

(f) Controlled Substances Use. No driver shall report for duty or remain on duty requiring the performance of safety-sensitive functions when the driver uses any controlled substance, except when the use is pursuant to the instructions of a licensed medical practitioner who has advised the driver that the substance will not adversely affect the driver's ability to safely operate a commercial motor vehicle. No employer having actual knowledge that a driver has used a controlled substance shall permit

the driver to perform or continue to perform a safety-sensitive function. The City may require a driver to inform the City of any therapeutic drug use as more particularly provided in this policy.

(g) Controlled Substances Testing. No driver shall report for duty, remain on duty, or perform a safety-sensitive function, if the driver tests positive or has adulterated or substituted a test specimen for controlled substances. No employer having actual knowledge that a driver has tested positive or has adulterated or substituted a test specimen for controlled substances shall permit the driver to perform or continue to perform safety-sensitive functions.

12.060. Zero-Tolerance.

If it is determined that a CDL employee violates any term, condition, or provision of this policy, that employee shall be subject to disciplinary action, up to and including termination. Any disciplinary action taken for violations of this policy shall comply with the disciplinary action procedures, as applicable, set forth in Chapter 22 of these Policies and Procedures.

12.070. Voluntary Self-Identification Program.

(a) Self-Identification Program. CDL employees of the City may voluntarily admit to alcohol misuse or controlled substances use ("admission") in accordance with the provisions of this Section setting forth the City's voluntary self-identification program. The provisions of this program are intended to comply with the provisions and requirements of 49 CFR 382.121, as amended. Voluntary admissions should be made to the employee's supervisor or the Human Resources Specialist. Employees having a drug or alcohol problem are strongly encouraged to seek help.

(b) Prior to Selection or Violation. To qualify for the City's voluntary self-identification program, the CDL employee must make the admission of alcohol misuse or controlled substances use prior to performing a safety-sensitive function (i.e., prior to reporting for duty) and prior to being selected for testing under this policy (i.e., the admission cannot be made in order to avoid testing under the requirements of this policy.

(c) No Adverse Action. The City shall not take any adverse action against a CDL employee making a voluntary admission of alcohol misuse or controlled substances use in accordance with the conditions and provisions of this Section.

(d) Evaluation and Treatment. A CDL employee who has made a voluntary admission of alcohol misuse or controlled substances use in accordance with the terms and conditions of this Section shall be given sufficient opportunity to seek evaluation, education, or treatment to establish control over the employee's drug or alcohol problem.

(e) Costs and Leave. The City will pay for the first visit to a drug and alcohol abuse evaluation expert. All other costs of evaluation, treatment and rehabilitation shall be the employee's responsibility. The City will allow employees who seek voluntary assistance for alcohol and drug problems under this program to first utilize their accrued sick leave and then their accrued annual leave for rehabilitation. Leave without pay may be requested by the employee and will be considered on an individual case basis. If the FMLA does not apply, an employee's position may be held open for a reasonable period of time up to a maximum of thirty (30) days for voluntary rehabilitation upon approval by the City Manager.

(f) Successful Completion. The CDL employee shall not perform any safety-sensitive functions until and unless the employee has successfully completed an educational or treatment program, as determined by a drug and alcohol abuse evaluation expert (i.e., an employee assistance professional, substance abuse professional, or qualified drug and alcohol counselor). Employees returning to work after treatment must first provide the City with a certification from a reputable substance abuse program that the employee is sober and has successfully completed the treatment program. A licensed professional medical practitioner that specializes in substance abuse must sign this certification.

(g) Return to Duty Testing. Prior to performing any safety-sensitive functions, the employee shall undergo a return to duty test with a result indicating an alcohol concentration of less than 0.02 and/or a return to duty-controlled substances test with a verified negative test result for controlled substances use.

(h) Follow-Up Testing. The employee must also, as a condition of returning to work, agree to follow-up rehabilitation drug and/or alcohol testing and sign a return to work agreement. Follow-up rehabilitation testing will be required for a period of not less than six (6) months and not more than one (1) year after completion of the employee's substance abuse treatment program. The date and time of any required follow-up rehabilitation drug and/or alcohol testing will be unannounced and conducted on a random basis.

(i) Disclaimer. Voluntary notification and enrollment in a rehabilitation program shall only prevent disciplinary action for previous drug or alcohol use that was unknown to the City and shall not prevent the City from testing or taking disciplinary action against an employee who subsequently violates this policy.

12.080. Prescription and Over-the-Counter Drugs.

Prescribed and over-the-counter drugs and the necessary instrumentalities of administration brought on City premises may only be used by the person for whom they are prescribed and taken as directed so long as the use of such drugs does not adversely affect the safety of the work environment or significantly impede performance of essential job functions. There are various prescription and over-the-counter drugs that may adversely affect the safety of the work environment. Examples include, but are not limited to, pain relievers that contain opiates, and muscle relaxants. It is the employee's responsibility to be informed about the effects of prescription and over-the-counter drugs they are taking by reading the information that accompanies the drug, including any information provided by the pharmacist, by consulting with their physician, and by accessing and utilizing other sources of information available to the employee, and acting accordingly. Any employee who chooses or is medically required to ingest prescribed or over-the-counter medications that may adversely affect the safety of the work environment, shall immediately notify his or her department head of the type of medication and time period over which said medications will be taken. The department head will make a determination of any restrictions to be placed on the employee after appropriate confidential consultation with the Human Resources Specialist, the City Attorney's Office, and/or medical professionals. A written statement from the employee's physician may be required regarding whether the physician is of the opinion that the employee can safely work or perform his or her job duties while taking the prescribed drug. Any employee who chooses or is medically required to ingest a prescribed or over-the-counter medication outside of the workplace must ensure that the impairing effects have ended prior to reporting for work. For purposes of this policy, medications used as prescribed ~~except for medical marijuana~~, which do not constitute a safety concern, shall not be considered a violation of this policy. A positive medical marijuana test result even if ~~legally~~ recommended by a physician under Utah law~~prescribed~~ will be treated as a positive result as outlined in the remainder of this chapter, due to federal regulations.

12.090. Testing Required.

In accordance with the provisions of this policy, all prospective and current CDL employees shall be subject to controlled substances and alcohol testing as a condition of hiring and continued employment with the City. Failure to comply with this policy may result in the City refusing to hire a prospective CDL employee or disciplinary action being taken against current CDL employees, up to and including termination. Specimens collected under this policy may only be used to test for controlled

substances and their metabolites as defined herein and shall not be used to conduct any other analysis or test unless otherwise specifically authorized by DOT Regulations. All testing shall be based on and under the circumstances set forth in Section 12.100 regarding basis for testing.

12.100. Basis for Testing.

Prospective and current CDL employees shall be subject to testing for the presence of drugs and alcohol by the City in accordance with the provisions of this policy as a condition of hiring and continued employment with the City for any of the reasons or under the circumstances as more particularly set forth herein: pre-employment testing, post-accident testing, random testing, reasonable suspicion testing, return-to-duty testing, and follow-up testing. CDL employees shall also be subject to controlled substances and alcohol testing when required by Federal law or regulations.

12.110. Pre-Employment Testing.

All prospective CDL employees shall undergo testing for controlled substances as a condition of employment and prior to performing any safety-sensitive duties for the City. Pre-employment tests will be conducted on prospective employees on their own time, meaning that prospective employees will not be paid for the time they spend participating in pre-employment testing required by Syracuse City. All pre-employment drug testing will be conducted at the third-party administrator's facility and prospective employees are responsible for their transportation to and from the collection facility. Refusal to consent to a pre-employment drug test will terminate further action towards employment with the City. No prospective CDL employee shall be permitted to perform safety-sensitive functions for the City until and unless the City has received a pre-employment controlled substances test result from the MRO or TPA indicating a verified negative test result for the employee. A controlled substance test may not be required if the employee has participated in a drug testing program that meets the DOT Regulations within the previous thirty (30) days and all other exception requirements as set forth in the DOT Regulations are satisfied.

12.120. Post-Accident Testing.

(a) Alcohol Testing.

(1) As soon as practicable following an occurrence involving a commercial motor vehicle operating on a public road in commerce, each surviving CDL employee shall be tested for alcohol under the following circumstances:

(A) The CDL employee was performing safety-sensitive functions with respect to the vehicle and the accident involved the loss of human life; or

(B) The CDL employee received a citation within eight (8) hours of the occurrence under State or local law for a moving traffic violation arising from the accident and the accident involved bodily injury to any person who, as a result of the injury, immediately received medical treatment away from the scene of the accident, or one or more motor vehicles incurred disabling damage as a result of the accident, requiring the motor vehicle to be transported away from the scene by a tow truck or other motor vehicle.

(2) If an alcohol test required by this Section is not administered within two (2) hours following the accident, the City shall prepare and maintain on file a record stating the reasons the

test was not promptly administered. If an alcohol test required by this Section is not administered within eight (8) hours following the accident, the City shall cease attempts to administer the test and shall prepare and maintain on file a record stating the reasons the test was not promptly administered. Such records shall be submitted to the FMCSA, upon request.

(b) Controlled Substances Testing.

(1) As soon as practicable following an occurrence involving a commercial motor vehicle operating on a public road in commerce, each surviving CDL employee shall be tested for controlled substances under the following circumstances:

(A) The CDL employee was performing safety-sensitive functions with respect to the vehicle and the accident involved the loss of human life; or

(B) The CDL employee received a citation within thirty-two (32) hours of the occurrence under State or local law for a moving traffic violation arising from the accident and the accident involved bodily injury to any person who, as a result of the injury, immediately received medical treatment away from the scene of the accident, or one or more motor vehicles incurred disabling damage as a result of the accident, requiring the motor vehicle to be transported away from the scene by a tow truck or other motor vehicle.

(2) If a controlled substances test required by this Section is not administered within thirty-two (32) hours following the accident, the City shall cease attempts to administer the test and shall prepare and maintain on file a record stating the reasons the test was not promptly administered. Such records shall be submitted to the FMCSA, upon request.

(c) Testing. An employee who is subject to post-accident testing shall remain readily available for such testing or may be deemed by the City to have refused to submit to the testing. A driver who is seriously injured and cannot be tested at the time of the accident should provide the necessary authorization for obtaining hospital reports and other documents that would indicate whether there were any drugs and/or alcohol in their system. Nothing in this Section shall be construed to require the delay of necessary medical attention for injured people following an accident or to prohibit a driver from leaving the scene of an accident for the period necessary to obtain assistance in responding to the accident, or to obtain necessary emergency medical care.

(d) Federal, State or Local Test Results. The results of a breath or blood test for the use of alcohol or the results of a urine test for the use of controlled substances conducted by Federal, State, or local law enforcement officials having independent authority to conduct such test shall be considered to meet the requirements of this Section for post-accident testing, provided such tests conform to the applicable Federal, State, and local alcohol or controlled substances testing requirements, as applicable, and the results of such tests are obtained by the City.

(e) Exceptions. Post-accident testing shall not apply to the following situations:

(1) An occurrence involving only boarding or alighting from a stationary motor vehicle; or

(2) An occurrence involving only the loading or unloading of cargo; or

(3) An occurrence in the course of the operation of a passenger car or a multipurpose passenger vehicle by an employer unless the motor vehicle is transporting passengers for hire or hazardous materials of a type and quantity that require the motor vehicle to be marked or placarded in accordance with 49 CFR 177.823.

(f) Summary. The following table notes when a post-accident test is required to be conducted in accordance with this Section:

Type of Accident	Citation Issued to Driver?	Must Test Be Performed?
Human fatality	YES NO	YES YES
Bodily injury with immediate medical treatment away from scene	YES NO	YES NO
Disabling damage to any motor vehicle requiring tow away	YES NO	YES NO

12.130. Random Testing.

(a) CDL Employees. Every CDL employee shall be required to submit to random alcohol and controlled substances testing in accordance with the provisions of this Section. CDL employees include, but are not limited to, the following positions:

(1) Deputy Fire Chief

(2) Fire Captain

(3) Fire Engineer

(4) Fire Fighter

~~(5) Public Works Director~~

(6) Streets Superintendent

(7) Water Superintendent

(8) Environmental Superintendent

(9) Streets Maintenance Worker

(10) Water Maintenance Worker

(11) Environmental Maintenance Worker

(b) Testing Percentage Rates. According to current FMCSA standards, random controlled substances testing will be administered at a fifty (50) percent annualized rate and random alcohol testing

will be conducted at a ten (10) percent annualized rate. This means that the total number of controlled substances tests conducted during any twelve (12) month period will be equal to at least fifty (50) percent of the total Syracuse City DOT testing pool, and the total number of alcohol tests conducted during any twelve (12) month period will be equal to at least ten (10) percent of the total Syracuse City DOT testing pool. These rates are set by FMCSA Administration and shall be subject to change based on any increase or decrease in the Federally required testing rate.

(c) Random Selection. Selection of CDL employees for random testing shall be made by a scientifically valid method, such as a random number table or a computer-based random number, generator that is matched with employee's social security numbers, or other comparable identifying numbers. Only covered CDL employees shall be included in the random testing pool. City CDL employees may be part of a larger random testing pool of covered employees. Each CDL employee selected for random testing under the selection process used shall have an equal chance of being testing each time selections are made. Each CDL employee selected for random testing shall be tested during the selection period. Selection for random testing will be done by the City's third-party administrator in order to ensure that selection is truly random and is uninfluenced by any personal characteristics, behavior, or any other attribute.

(d) Unannounced. Random testing conducted under this Section shall be unannounced. The dates for administering the random tests shall be spread reasonably throughout the calendar year.

(e) Testing. Each CDL employee notified of selection for random testing shall proceed to the test site immediately; provided, if the employee is performing a safety-sensitive function other than driving a motor vehicle, at the time of notification, the employee shall cease to perform safety-sensitive functions and proceed to the testing site as soon as possible.

(f) Performing Functions. A driver shall only be tested for alcohol while the driver is performing safety-sensitive functions, just before the driver is to perform safety-sensitive functions, or just after the driver has ceased performing such functions.

12.140. Reasonable Suspicion Testing.

(a) Reasonable Suspicion. CDL employees shall be subject to alcohol and/or controlled substances testing when the City has reasonable suspicion to believe that the employee has violated the prohibitions of this policy. A determination of reasonable suspicion shall be based on specific, contemporaneous, articulable observations concerning the appearance, behavior, speech, or body odors of the employee. Observation for reasonable suspicion may also include indications of the chronic and withdrawal effects of controlled substances.

(b) Supervisor Training. The required observations for reasonable suspicion testing shall be made by a supervisor or other City official who is trained in accordance with applicable DOT Regulations regarding such testing. In an effort to ensure that supervisors are knowledgeable about the symptoms of drug and/or alcohol use, training on symptom recognition will be held for all Syracuse City employees in supervisory positions and only those persons who have attended the training will be qualified to require a reasonable suspicion drug and/or alcohol test. Records regarding training attendance will be kept for a minimum of three (3) years after the date of the training.

(c) Documentation. A written record shall be made of the observations leading to an alcohol and/or controlled substances reasonable suspicion test by the employee's supervisor or the person requesting the reasonable suspicion testing using the City's "Observed Behavior-Reasonable Cause

Record". The form shall be signed by the supervisor or City official who made the observations. The form shall be filled out and the record made within 24 hours of the observed behavior or before the results of the test are released, whichever is earlier. The City strongly urges supervisors to complete the form before the employee is required to submit to testing in order to properly document the circumstances leading up to the testing referral.

(d) Timing of Observations. Reasonable suspicion alcohol testing is authorized by this Section only if the observations required in Subsection (a) are made during, just preceding, or just after the period of the work day that the CDL employee is required to be in compliance with this policy. A CDL employee may only be required to undergo reasonable suspicion testing while the employee is performing safety-sensitive functions, just before the employee is to perform safety-sensitive functions, or just after the employee has ceased performing such functions.

(e) Timing for Testing. If an alcohol test required by this Section is not administered within two (2) hours following the determination under paragraph (a) of this Section, the supervisor shall prepare and maintain on file a record stating the reasons the alcohol test was not promptly administered. If an alcohol test required by this section is not administered within eight (8) hours following the determination under paragraph (a) of this Section, the supervisor shall cease attempts to administer an alcohol test and shall State in the record the reasons for not promptly administering the test.

(f) Transportation. In the event that reasonable suspicion drug and/or alcohol testing is warranted, it is the responsibility of an agent of Syracuse City to transport the employee being tested to and from the testing facility. In most cases, either the DER or the employee's supervisor will be responsible for transporting the employee.

(g) Refusal to Submit. If an employee refuses to submit to reasonable suspicion drug and/or alcohol test or attempt to leave any Syracuse City premises and is impaired, in the opinion of a trained supervisor, to the extent that he/she would present a danger to either him/herself or others, local law enforcement should be contacted immediately by the supervisor.

(h) Prohibition. Notwithstanding the absence of a reasonable suspicion alcohol test under this section, no driver shall report for duty or remain on duty requiring the performance of safety-sensitive functions while the driver is under the influence of or impaired by alcohol, as shown by the behavioral, speech, and performance indicators of alcohol misuse, nor shall an employer permit the driver to perform or continue to perform safety-sensitive functions, until:

(1) An alcohol test is administered and the driver's alcohol concentration measures less than 0.02; or

(2) Twenty-four (24) hours have elapsed following the determination under Subsection (a) of this Section that there is reasonable suspicion to believe that the driver has violated the prohibitions in this part concerning the use of alcohol.

(i) Action. Except as provided in Subsection (h) of this Section, the City shall not take any action under this part against a driver based solely on the driver's behavior and appearance, with respect to alcohol use, in the absence of an alcohol test. This does not prohibit the City with independent authority of this part from taking any action otherwise consistent with law.

12.150. Return-to-Duty Testing.

Any Syracuse City CDL employee whose initial breath alcohol content is between 0.02 – 0.039 grams per 210 liters of breath will be subject to return-to-duty breath alcohol testing before being permitted to return to work. The return-to-duty test must be completed not less than the equivalent of one full shift and not more than twenty-four (24) hours after the initial breath alcohol test. Return-to-duty breath alcohol testing will be conducted at the facility of the designated third-party administrator. Refusal to submit to return-to-duty breath alcohol testing will be considered a positive test result and will subject the employee to disciplinary action as set forth in this policy. The requirements for return-to-duty testing shall comply with and be performed in accordance with 49 CFR 40, Subpart O.

12.160. Follow-Up Testing.

The requirements for follow-up testing shall comply with and be performed in accordance with 49 CFR 40, Subpart O.

12.170. Testing Procedures.

(a) Collection. All sample collection for drugs and alcohol testing under this policy shall comply with the procedures set forth in the DOT Regulations, including, but not limited to, 49 CFR 40, as amended. A licensed medical facility will conduct all DOT drug and alcohol screening.

(b) Samples. Alcohol testing will typically be done with an evidentiary breath testing device.

(c) Inadequate Samples. In the case of urine-based drug testing, a prospective employee who fails to provide an adequate quantity of urine for testing according to the third party's guidelines will no longer be considered for employment. If an employee fails to provide an adequate quantity of urine, the third-party administrator will notify the MRO to determine pertinent information concerning whether or not the individual's inability to provide a specimen is genuine or constitutes a refusal to test. Upon completion of the examination, the MRO will report their conclusions to the Syracuse City DER in writing. If the City or the collector has reasonable cause to believe that the donor of the sample has tampered with their sample, a new sample will be immediately collected.

(d) Testing. Sample drug testing shall conform to scientifically accepted analytical methods and procedures and shall be conducted in accordance with applicable DOT Regulations. All drug tests will use a screening test (typically an immunoassay test) and confirmation test by gas chromatography/mass spectrometry if the screening test is positive. Prospective and current DOT employees have the option of requesting a split-sample test. The City has designated IHC as the City's third-party administrator to assist in setting up and administering the drug and alcohol testing program set forth herein.

(e) Dilute Specimens. Specimens which the laboratory reports as dilute, meaning specific gravity less than 1.003 and creatinine levels less than 20 mg/dL, may be considered invalid and the employee/applicant will be required to give a second specimen. The second specimen will be considered the final result.

(f) Invalid Specimens. If Syracuse City receives a test result that is determined to be invalid, the employee will be immediately retested. The employee will be given no notification of the need to retest. No action will be taken regarding the first test result and the results of the second test will be considered final. A second "invalid" test result will be treated as a positive test result.

(g) Time. Any drug or alcohol testing required by the City under this policy shall occur during or immediately after the regular work period for current employees and shall be deemed work time for purposes of compensation and benefits for current employees.

(h) Costs. Except as otherwise provided, the City shall pay all costs of sample collection and testing required herein, including the cost of transporting current employees to the testing site if the testing is conducted at a place other than the work site.

(i) Disclaimer. A physician/patient relationship is not created between a prospective or current employee and the City or any person performing the test, solely by this policy and the procedures set forth herein.

12.180. Results.

(a) MRO. According to Federal regulations, all drug test results, will be referred to an MRO to verify the test result. In the case of a positive, adulterated, substituted, or invalid test result, the employee or prospective employee shall be so advised by the MRO by telephone on a confidential basis prior to the reporting of the results to the designated employer representative. The employee shall have the right to discuss and explain the results, including the right to advise the MRO of any prescription or over-the-counter medication or other substance consumed which may have affected the results of the test. The MRO shall also review the chain-of-custody documentation to ensure compliance with normal chain-of-custody procedures. If the MRO can verify a legitimate explanation, the MRO would then reverse the test result to negative and report it as negative to the employer. The MRO can report a non-negative test to the employer, without interviewing the employee/applicant, if: (1) an individual has expressly declined the opportunity to discuss the test result with the MRO; (2) the employer has successfully made and documented a contact with the employee and instructed the employee to contact the MRO and more than 72 hours have passed since the time the employer contacted the employee; or (3) if neither the employer nor MRO, after making and documenting all reasonable efforts, has been able to contact the employee within ten (10) days of the date on which the MRO receives the confirmed test result from the laboratory. No MRO review will be done on positive breath or blood alcohol tests.

(b) DER Contact. If the MRO has been unable to contact an employee who has submitted a specimen under this policy, the DER shall make reasonable efforts to contact and request such employee, regardless of employment status, to contact and discuss the results of the controlled substances test with the MRO. The DER shall immediately notify the MRO that the employee has been notified to contact the MRO within 72 hours.

(c) Confirmation. Before the results of any test required herein may be used as a basis for action by the City, the positive test result shall be verified or confirmed using an acceptable and reliable analytical method.

(d) Contesting. All verified non-negative samples will be kept in frozen storage at the laboratory for a minimum of one (1) year. If an employee or applicant believes the laboratory analysis is in error, they will have 72 hours from when first notified of the test result to request the re-analysis of the original specimen that was verified as positive, adulterated, or substituted. The urine sample must be independently re-analyzed by gas chromatography/mass spectrometry at a second SAMHSA-certified laboratory at the expense of the employee/applicant. If the re-analysis is negative, an employee shall be allowed to return to work immediately, shall be compensated for time lost, and shall be reimbursed for the

cost of split specimen testing. Retesting will be on the original specimen and must be performed by a SAMHSA-certified laboratory.

(e) Notification. The City shall notify prospective employees of the results of a pre-employment controlled substances test conducted under this policy, if the prospective employee requests such results within 60 calendar days of being notified of the disposition of the employment application. The City shall notify an employee of the results of random, reasonable suspicion and post-accident tests for controlled substances conducted under this policy if the test results are verified positive. The City shall also inform the employee which controlled substance or substances were verified as positive.

12.190. DOT Required Action.

Pursuant to 49 CFR 40.23, the City is required to take the following action under the circumstances described:

(a) As an employer who receives a verified positive drug test result, you must immediately remove the employee involved from performing safety-sensitive functions. You must take this action upon receiving the initial report of the verified positive test result. Do not wait to receive the written report or the result of a split specimen test.

(b) As an employer who receives a verified adulterated or substituted drug test result, you must consider this a refusal to test and immediately remove the employee involved from performing safety-sensitive functions. You must take this action on receiving the initial report of the verified adulterated or substituted test result. Do not wait to receive the written report or the result of a split specimen test.

(c) As an employer who receives an alcohol test result of 0.04 or higher, you must immediately remove the employee involved from performing safety-sensitive functions. If you receive an alcohol test result of 0.02-0.039, you must temporarily remove the employee involved from performing safety-sensitive functions, as provided in applicable DOT agency regulations. Do not wait to receive the written report of the result of the test.

(d) As an employer, when an employee has a verified positive, adulterated, or substituted test result, or has otherwise violated a DOT agency drug and alcohol regulation, you must not return the employee to the performance of safety-sensitive functions until or unless the employee successfully completes the return-to-duty process of Subpart O of this part.

(e) As an employer who receives a drug test result indicating that the employee's specimen was dilute, take action as provided in Sec. 40.197.

(f) As an employer who receives a drug test result indicating that the employee's specimen was invalid and that a second collection must take place under direct observation:

(1) You must immediately direct the employee to provide a new specimen under direct observation.

(2) You must not attach consequences to the finding that the test was invalid other than collecting a new specimen under direct observation.

(3) You must not give any advance notice of this test requirement to the employee.

(4) You must instruct the collector to note on the CCF the same reason (e.g. random test, post-accident test) as for the original collection.

(g) As an employer who receives a cancelled test result when a negative result is required (e.g., pre-employment, return-to-duty, or follow-up test), you must direct the employee to provide another specimen immediately.

(h) As an employer, you may also be required to take additional actions required by DOT agency regulations (e.g., FAA rules require some positive drug tests to be reported to the Federal Air Surgeon).

(i) As an employer, you must not alter a drug or alcohol test result transmitted to you by an MRO, BAT, or C/TPA.

12.200. Removal from Safety-Sensitive Functions.

(a) Removal from Safety-Sensitive Functions. Except as provided in the DOT Regulations, no CDL employee shall perform safety-sensitive functions, including driving a commercial motor vehicle, if the employee has engaged in conduct prohibited by Section 12.050 or an alcohol or controlled substances rule set forth in the DOT Regulations. The City shall not permit any CDL employee to perform safety-sensitive functions, including driving a commercial motor vehicle, if the City has determined that the employee has violated this Section. Employees found to have violated the provisions of Section 12.050 shall be removed immediately from safety-sensitive functions in accordance with this policy and the provisions of 49 CFR 40, Subpart O, as amended. As provided in the DOT Regulations, the City may not remove an employee from the performance of safety-sensitive functions based solely on a report from the laboratory of a confirmed positive test for controlled substances, an adulterated test, or a substituted test, before the MRO has completed verification of the test (also known as “standing down”).

(b) Required Evaluation and Testing. No CDL employee who has engaged in conduct prohibited by Section 12.050 shall perform safety-sensitive functions, including driving a commercial motor vehicle, unless the employee has met the requirements of 49 CFR 40, Subpart O, regarding required evaluation and testing. The City shall not permit any CDL employee who has engaged in conduct prohibited by Section 12.050 to perform safety-sensitive functions, including driving a commercial motor vehicle, unless the employee has met the requirements of 49 CFR 40, Subpart O, regarding required evaluation and testing.

(c) Alcohol-Related Conduct. No CDL employee tested under the provisions of this policy who is found to have an alcohol concentration of 0.02 or greater but less than 0.04 shall perform or continue to perform safety-sensitive functions, including driving a commercial motor vehicle, nor shall the City permit the driver to perform or continue to perform safety-sensitive functions, until the start of the employee's next regularly scheduled duty period, but not less than 24 hours following administration of the test. Except as provided herein, the City shall take any action under this part against an employee based solely on test results showing an alcohol concentration less than 0.04. This does not prohibit the City with authority independent of this Subsection from taking any action otherwise consistent with law.

12.210. Additional Action.

(a) Discipline. In an effort to ensure a drug-free workplace, Syracuse City is committed to a zero-tolerance drug and/or alcohol policy for all DOT employees. This means that refusal to test, an

MRO-verified positive, adulterated, or substituted drug test, or a positive alcohol (greater than 0.04 grams per 210 liters of breath) test result, as reported by the third party administrator and/or MRO to the Syracuse City DER, for any of the drug and/or alcohol testing programs listed above will result in the disciplinary action against the employee, up to and including termination. Additional grounds for disciplinary action may include failure to fully comply with collection procedures and reasonable collector requests. All disciplinary action will be handled in accordance with the disciplinary procedures set forth in these Policies and Procedures, as applicable.

(b) Refusal to Hire. A prospective employee/applicant who has a positive or non-negative drug test result or refuses to submit to a drug test will not be further considered for employment.

(c) Alcohol Content. It is against Syracuse City policy for any DOT employee whose breath alcohol content is between 0.02 – 0.039 grams per 210 liters of breath to operate any vehicle. An employee with a breath alcohol content of 0.02 – 0.039 will be removed from duty for one shift or 24 hours, whichever is longer. No adverse employment action will be taken on the basis of initial breath alcohol test results in the range of 0.02 – 0.039. Upon return to work the employee must have breath alcohol content less than 0.02 grams per 210 liters of breath. Failure to meet these standards on a follow-up breath alcohol screen will result in disciplinary action up to and including termination.

(d) Referral. Any DOT employee who has a positive drug and/or alcohol test result will be immediately referred by the Syracuse City DER to the Employee Assistance Program (EAP), a licensed substance abuse counselor (LSAC), or substance abuse professional (SAP). The expenses associated with an initial, evaluative consultation with the LSAC or SAP will be paid for by Syracuse City. Additional services beyond an initial evaluation provided to the employee by the LSAC or SAP will be at the expense of the employee.

12.220. Records.

(a) Maintain. The City shall maintain records regarding alcohol and controlled substances testing in accordance with DOT Regulations, including, but not limited to, 49 CFR 382.401, as amended.

(b) Controlled Access. All alcohol and controlled substances testing records shall be maintained in a secure location with controlled access as more particularly set forth in Section 12.200.

(c) FMCSA Access. All records required by this policy shall be maintained in accordance with 49 CFR 390.31 and must be made available for inspection at the City offices within 2 business days after a request have been made by an authorized representative of the Federal Motor Carrier Safety Administration.

(d) Employee Access. A CDL employee is entitled, upon written request, to obtain copies of any records pertaining to the employee's use of alcohol or controlled substances, including any records pertaining to his or her alcohol or controlled substances tests. The City shall promptly provide the records requested by the employee. Access to the employee's own records shall not be contingent upon payment for records other than those specifically requested.

(e) Subsequent Employers. Records shall be made available to a subsequent employer upon receipt of a written request from the employee. Disclosure by the subsequent employer is permitted only as expressly authorized by the terms of the employee's request.

(f) Identified Persons. The City shall release information regarding an employee's records as directed by the specific written consent of the employee authorizing release of the information to an identified person. Release of such information by the person receiving the information is permitted only in accordance with the terms of the employee's specific written consent as outlined in 49 CFR 40.321(b), as amended.

12.230. Confidentiality.

The use and disposition of all drug and alcohol testing results and records shall be considered confidential and are subject to the limitations of the Utah Government Records Access and Management Act and the Americans with Disabilities Act. In an effort to ensure that all drug and/or alcohol test results remain confidential, the TPA and/or MRO for the Syracuse City drug testing program are only authorized to release test results to the Syracuse City DER. After being received by Syracuse City, all drug and alcohol test results will be stored in confidential employee files (established for all Syracuse City employees) and will remain confidential to the extent required or allowed by law. The DER will determine which person(s) within the City have a need to know which test results. Test and other records will be maintained in a secure manner so that disclosure of confidential and/or medical information to unauthorized persons does not occur. Test results may be released in legal proceedings where the employee raises the issue of drug test (i.e. unemployment hearing, wrongful termination, etc.).

12.240. Notification of Conviction

Any investigation by law enforcement or conviction for controlled substance or alcohol activity may be cause for dismissal from employment. Failure of an employee to report any conviction for illegal drug use or alcohol misuse to their supervisor and/or the Syracuse City DER within five (5) days of conviction may result in disciplinary action up to and including termination.

12.250. Americans with Disabilities Act (ADA).

Alcoholism is considered a disability under the ADA. Syracuse City will make reasonable accommodations for current employees who suffer from alcoholism, including encouraging an employee to participate in rehabilitation programs. However, Syracuse City will hold an alcoholic employee to the same performance standards as other employees and will discipline an employee, up to an including termination, if the employee's alcohol use adversely affects the employee's job performance or is considered to be a safety hazard. An employee or prospective employee whose controlled substance or alcohol (except as modified by the ADA) tests are confirmed and verified positive in accordance with the provisions of this program shall not, by reason of those results alone, be defined as a person with a "handicap" or "disability" for the purposes of Utah Code Annotated Chapter 35, Title 34 (Utah Anti-Discriminatory Act) or the Federal Americans with Disabilities Act.

12.260. Amendments.

Syracuse City reserves the right to interpret, modify, and/or revise this policy in whole or in part. Nothing in this policy is to be construed as an employment contract nor does this alter an employee's employment status with the City. This policy will be amended from time to time to comply with changes in Federal and State laws. This policy is a general summary of Syracuse City's Department of Transportation (DOT) Drug-Free Workplace policy. If there is any question or conflict between what is said in the policy and the language in the DOT regulations as codified in 49 CFR parts 40 and 382, the DOT regulations will prevail.

CHAPTER 13
EMPLOYEE TESTING AND EVALUATION

13.010. Background Investigations.
13.020. Medical Examinations.
13.030. Driving Record Evaluations.

13.010. Background Investigations.

(a) Purpose. Utah law allows for criminal and sex offender history background investigations for employees and volunteers who: (1) provide services to children or vulnerable adults; (2) have fiduciary trust over money; (3) who care for, have custody of, or control of children; or (4) when necessary to safeguard national security. Due to the various types of employment positions within Syracuse City and the numerous contacts employees have with our citizens and customers, which span the entire age spectrum and include various security issues, it is Syracuse City's policy that all new employees will be subject to a background investigation prior to hiring. Volunteers working in public safety and recreation departments will be subject to a background investigation as a condition of and prior to being authorized to perform volunteer services for the City. In addition, employees and volunteers working in the public safety and recreation departments will be subject to annual criminal and sex offender investigations. The purpose of the background investigation is to verify credentials, to ensure that each person hired by Syracuse City is an appropriate fit for both Syracuse City and the position being offered, and to ensure that Syracuse City continues to employ individuals who do not pose a threat to those with whom they work.

(b) Scope. This policy applies to all prospective employees and volunteers of Syracuse City who are over eighteen (18) years of age. Successful completion of the background investigation process is a condition of employment for any position with the City and for volunteer service involving public safety and recreation departments as more particularly provided herein. A prospective employee who fails to meet the standards outlined below will not be considered for employment or volunteer service.

(c) Pre-Employment Checks. Syracuse City will conduct a pre-employment background investigation on all prospective employees and applicable volunteers over the age of eighteen (18). The information verified will depend on the type of position being offered. All pre-employment background investigations may include a social security trace, basic employment and education verification, and a county criminal history search.

(d) DOT Employees. In the case of prospective DOT employees, employment verification will include information regarding DOT drug and/or alcohol tests conducted by previous employers in accordance with applicable DOT regulations. A DOT background investigation will also include verification of the prospective employee's driving record in accordance with applicable policies.

(e) Public Safety Employees. Background investigations conducted on prospective public safety employees, including applicants for both the fire and police departments, will include an extended employment verification including information pertaining to the prospective employee's previous job responsibilities, disciplinary actions, performance, awards and/or certifications.

(f) Promotions. Background investigations will be conducted on employees who are promoted to a position that will require more responsibility in finances and/or safety sensitive duties.

(g) Annual Background Investigations. Employees and volunteers who are over the age of eighteen (18) and are working in the public safety, community development and parks & recreation departments in positions listed in below shall be subject to an annual background investigation to gather information pertaining to any criminal or sexually based convictions that may have occurred since hire or since the date of the last annual background investigation. Because criminal convictions can relate to the performance of job-related duties, the primary purpose of all annual background investigations conducted for employees and volunteers working in the public safety and recreation departments is to ensure that Syracuse City employees and volunteers who, in the course of their regular duties, may be required to enter citizen's homes or work with minors are held to the highest legal standards. If an annual background investigation conducted on a current Syracuse City employee or volunteer indicates that an employee or volunteer has been convicted of a criminal and/or sexual offense as listed in Subsection (h), that individual shall be subject to disciplinary action up to and including termination or ineligibility for volunteer service.

- Community Development
  - Code Enforcement Officer

- Fire Department:
  - Fire Chief
  - Deputy Fire Chief
  - Fire Captain
  - Senior Fire Fighter
  - Fire Engineer
  - Fire Fighter
  - Any Fire Department Volunteers

- Police Department:
  - Police Chief
  - Assistant Police Chief
  - Police Lieutenant
  - Police Sergeant
  - Police Officer
  - Crossing Guard
  - Any Police Department Volunteers

- Parks & Recreation Department
  - Parks & Recreation Director
  - Assistant Parks & Recreation Director
  - ~~Parks Superintendent~~
  - Recreation ~~Superintendent~~Manager
  - Recreation Program Coordinator
  - Parks ~~Coordinator~~Maintenance Crew Leader
  - ~~Recreation~~ Site Supervisor
  - Parks Maintenance Worker
  - Any Recreation Department Volunteers

(h) Procedures. In all cases, the individual being required to submit to a background investigation will be required to sign a waiver allowing the designated third party to obtain the requested

information. This waiver, along with personal information about the prospective applicant or volunteer or the current employee or volunteer and their previous education and employment (if applicable), will be forwarded to the City's designated third-party administrator. Background investigations required by Syracuse City will be paid for by Syracuse City and will be conducted in accordance with all Federal and State regulations relative to background investigations.

(i) Results. The primary purpose of all pre-employment and volunteer service background investigations is to verify the information provided by the applicant or volunteer, to ensure that each person hired by or authorized to provide volunteer services for the City is an appropriate fit for both Syracuse City and the position being offered, and to ensure that the City continues to employ or permit volunteer services by individuals who do not pose a threat to those with whom they work or provide services.

(1) Any discrepancy between information provided by the applicant and information obtained through the pre-employment or volunteer service background investigation process will be considered falsification and may end an applicant's consideration for employment.

(2) If a pre-employment or volunteer service background investigation conducted on a prospective employee or volunteer has any of the following discrepancies or criminal history, that individual will not be considered for employment or volunteer service. This list is meant to illustrate possible reasons for denial of employment or volunteer service related to the results of a pre-employment or volunteer service background investigation and should not be construed as an exhaustive list of possible reasons for denial of employment or volunteer service. Any other information obtained from the background investigation process may result in the denial of employment or volunteer service.

(A) Inability to verify and/or authenticate a provided social security number (if applicable);

(B) Inability to verify that educational levels provided match the educational requirements of the position being offered (if applicable);

(C) Any conviction for any crime against minors, seniors, or persons with a disability;

(D) Any felony conviction involving violence;

(E) Any sexual offense conviction;

(F) A felony conviction for driving under the influence of alcohol/drugs (DUI) or other drug or alcohol related driving offense within the past ten (10) years;

(3) If a pre-employment or volunteer service background investigation conducted on a prospective employee or volunteer has any of the following discrepancies or criminal history, that individual may or may not be considered for employment or volunteer services and will be evaluated on a case by case basis. This list is meant to illustrate possible reasons for denial of employment or volunteer service. Any other information obtained from the background investigation process may result in the denial of employment or volunteer service.

(A) A misdemeanor conviction for driving under the influence of

alcohol/drugs (DUI) or other drug or alcohol related driving offense within the past ten (10) years;

(B) Any criminal conviction within the last seven (7) years that is related to violence, drugs and/or alcohol, or the commission of which, in the City's opinion, is indicative of conduct or character inconsistent with that of those entrusted to perform public service, or until such convictions are eligible for expungement, whichever is longer.

(j) Confidentiality. In an effort to ensure that all background investigation results remain confidential, the third-party administrator for the Syracuse City background investigation program is only authorized to release results to the Syracuse City Designated Employee Representative (DER). The City's DER is the Human Resources Specialist. After being received by Syracuse City, all background investigation results will be stored in confidential employee files (established for all Syracuse City employees) or, in the case of applicants for whom employment was denied, with the prospective employee's employment application. All information obtained through the background investigation process will remain confidential to the extent required or allowed by law. The DER will determine which person(s) within the City have a need to know the results of the background investigation process.

(k) Maintenance and Release. Background investigation results and other records will be maintained in a secure manner so that disclosure of confidential and/or medical information to unauthorized persons does not occur. Background investigation results may be released in legal proceedings (i.e. unemployment hearing, wrongful termination, etc.). Results can be released to persons representing Syracuse City (i.e. attorneys, workers compensation insurance adjuster, etc.). Employees, former employees, and prospective employees, can request copies of their background investigation results by making a written request to the Syracuse City DER.

13.020. Medical Examinations.

Applicants who have received a contingent offer of employment and current employees may be required, as legally appropriate and as permitted under the Americans with Disabilities Act, to submit to medical examinations. An applicant who has received a contingent job offer may be required to undergo a medical examination to demonstrate ability to safely perform the essential functions of the position for which the employee is being hired. Employment offers are contingent upon satisfactory completion of such examinations. As a condition of continued employment, employees may be required to undergo periodic job-related medical examinations in accordance with applicable legal restrictions and requirements. All medical examinations required by the City shall be paid for by the City in accordance with *Utah Code Ann*. ' 34-33-1, as amended. All records regarding medical examinations of applicants and employees shall be maintained as classified in accordance with the Utah Government Records Access and Management Act, as set forth in *Utah Code Ann*. ' 63-2-101, *et seq*., as amended.

13.030. Driving Record Evaluations.

Any prospective employee or volunteer who may be required to operate a City-owned vehicle or personal vehicle on City business shall be required to submit to a pre-employment driving record evaluation. Pre-employment driving record evaluations shall be conducted with the written consent of the prospective employee. Failure to consent to a driving record evaluation, when required, will preclude employment with the City. Driving record evaluations will be conducted using the information available through the Utah Driver's License Division. If the applicant does not currently have a Utah driver's license, the driving record evaluation will be conducted using the information available through the City's

Background Investigation system.

As part of the driver qualification process all drivers or potential drivers' Motor Vehicle Record (MVR) will be screened and monitored on an ongoing basis to ensure the standard is met and maintained. Drivers will be qualified as "Acceptable" or "Borderline". Drivers qualified as "Borderline" may be authorized to drive on a probationary basis as determined by the City Manager. Drivers or potential drivers whose record does not meet the driver qualification standard and is deemed "Unacceptable" will not be allowed to operate any City vehicle or personal vehicle while engaged in City business and may be subject to disciplinary action up to and including termination or may not be considered eligible for employment with the City.

All drivers must possess a valid Driver License. Required endorsements, if applicable, must also be maintained. The driver qualification evaluation will be based on the driver's MVR and may also take into account work related motor vehicle incidents, whether or not the incident has been recorded on the driver's MVR. All violations recorded on the MVR within the last 5 years, whether they occurred on the job or not, are included in the driver qualification evaluation.

"Acceptable" or "Borderline" qualification will be determined using the following point system. Any number of violations or accidents in excess of the "Borderline" criteria constitutes a failure to meet the driver qualification standard.

0-2 Points = Acceptable
3-4 Points = Borderline
5+ Points = Unacceptable

1 point per moving violations
1 point per at-fault accidents
3 points per DUI or DWI within the last two to five (2-5) years
3 points per careless, reckless, distracted, or impaired driving conviction
5 points per DUI or DWI within the last twenty-four (24) months
5 points per conviction for failure to stop or report an accident, making a false accident report, attempting to allude a law enforcement officer, or any other conviction determined by the City Manager.

A single major violation recorded on the MVR, or resulting from a ~~work related~~work-related incident, may be deemed "Unacceptable" will not be allowed to operate any City vehicle or personal vehicle while engaged in City business and may be subject to disciplinary action up to and including termination or may not be considered eligible for employment with the City. Major violations include, but are not limited to:

- DUI or DWI in the previous twenty-four (24) months, or
- Failure to stop and/or report an accident, or
- Making a false accident report, or
- Attempting to elude a law enforcement officer, or
- Others as determined by the City Manager

It is the duty of the employee to notify his or her supervisor immediately if his or her driver's license has expired, has been suspended or revoked, or if the employee has committed driving under the influence (DUI) or other alcohol or drug related driving offense.

CHAPTER 14
WORKPLACE SAFETY

14.010. General Policy.
14.020. Occupational Safety and Health Act.
14.030. Safe Environment.
14.040. Inspection of Workplace.
14.050. Safety Rules.
14.060. Use of Equipment and Tools.
14.070. Confined Space Entry.
14.080. Hazardous Communication.
14.090. Hazardous Energy Control (Lockout/Tagout).
14.100. Department Specific Safety.
14.110. Accidents/Incidents & Work-Related Injuries.
14.120. Worker's Compensation.
14.130. Bringing Children to Work.
14.140. Exposure to Blood-borne Pathogens.
14.150. Safety Incentive Program.

14.010. General Policy.

Syracuse City strives to provide a healthy and safe working environment. Safety is largely the use of good judgment and careful work habits. If an employee is unsure how to perform a task safely, he or she should ask his or her supervisor or department head for the correct method or procedure. Failure to follow City safety rules as set forth in this Chapter or any other unsafe conduct constitutes misconduct and shall be subject to disciplinary action, up to and including termination.

14.020. Occupational Safety and Health Act.

(a) Compliance. It is the intent of the City to comply with all applicable rules and regulations pertaining to the Occupational Safety and Health Act ("OSHA") as established under Federal Law and Utah State Law. No job is so important and no service so urgent that time cannot be taken to perform work safely. Syracuse City will post all required OSHA notices in conspicuous places (such as employee bulletin boards or where similar notices are usually posted). Additional information relative to OSHA requirements and safety standards can be obtained from the Human Resources Specialist or applicable State or Federal agency.

(b) Inspections. If an OSHA inspector arrives on the job site, an employee should immediately notify the Human Resources Specialist and City Manager and refer the inspector to such personnel for any questions or inspections. If the inspection was due to an employee complaint, the Human Resources Specialist should request a copy of the complaint. This will help Syracuse City correct any safety problems. Under no circumstances should the information received on an employee complaint be used for disciplinary action toward an employee as this type of action is prohibited by law.

14.030. Safe Environment.

It is the policy of Syracuse City to maintain a work environment which is free from any recognizable hazard that is likely to cause death or serious injury to any employee. It is the City's policy to maintain a safe work environment through planning, training, and open communication with all

employees regarding safety matters. Each employee is required to comply with OSHA orders, rules, and regulations and all safety provisions of these Policies and Procedures.

It is the employee's responsibility to become familiar with their department specific safety policy and procedures.

14.040. Inspection of Workplace.

In accordance with law, the City Manager and applicable Department Heads should inspect or designate a competent person or persons to inspect the workplace frequently for unsafe conditions and practices or defective equipment and materials. Where such conditions are found, appropriate action should be taken to correct such conditions immediately. The City Manager, or designee, shall enforce safety regulations and issue such rules as may be necessary to safeguard the health and lives of employees and the public.

14.050. Safety Rules.

Each Department may prepare additional safety rules applicable to the specific nature of work in such Department; provided, such rules are not in conflict with the rules listed below. Employees shall comply with all Department rules and regulations and the following general safety rules applicable to all Departments.

(a) Proper licensing, training and extreme caution are required by all employees operating any type of power equipment.

(b) Employees shall use all necessary personal and mechanical safety equipment appropriate to the job, such as safety glasses, gloves, toe guards, back supports, and hard hats, if required or appropriate for the work performed.

(c) Employees shall avoid wearing loose clothing and jewelry while working on or near equipment and machines. Long hair shall be properly secured.

(d) All accidents shall be reported immediately to the supervisor or department head in accordance with these Policies and Procedures.

(e) Employee's shall immediately cease using and report any defective equipment to the employee's department head or the Human Resources Specialist.

(f) Employees shall not operate equipment or use tools for which licensing and training has not been received.

(g) In all work situations, safeguards required by State and Federal Safety Orders shall be provided and utilized.

(h) Due to the potential risk of serious injury or death, employees are prohibited from entertaining or caring for guests or family members while on-duty or in or around the workplace. Employees should use extreme caution and care when working in inherently dangerous work areas including, but are not limited to:

(1) Road repair;

(2) Construction areas;

(3) Vehicle maintenance areas;

(4) Swimming pools; and

(5) Animal control.

14.060. Use of Equipment and Tools.

(a) The use of Syracuse City equipment or tools for private purposes is strictly prohibited unless otherwise specifically provided herein.

(b) Employees shall be required to attend training provided by the City, including an explanation of job hazards, safety procedures and training on all equipment, tools, etc., necessary for the accomplishment of the employee's job. Employees may attend additional training as approved by the City.

(c) A commercial driver's license (CDL) is required for operators of commercial motor vehicles in accordance with applicable Federal laws and regulations. No individual shall be allowed to operate such vehicles unless a current commercial driver's license is in his or her possession in accordance with applicable Federal laws and regulations. Employees must renew their commercial driver's license as required by applicable Federal laws and regulations. CDL employees shall also be subject to drug and alcohol testing and ongoing driver's license evaluations as more particularly provided in these Policies and Procedures.

14.070. Confined Space Entry.

Syracuse City has a written confined space entry policy for situations and work conditions requiring confined space entry in accordance with applicable Federal laws and regulations. This is part of the Syracuse City Safety Handbook. All employees who work or may potentially work in or near a confined space shall comply with the requirements stated in the Safety Handbook related with confined space.

14.080. Hazardous Communication.

Syracuse City has a written Hazardous Communication policy in compliance with Utah's Right-to-understand law as well as the Globally Harmonized System of classification and labeling of chemicals. All employees shall comply with the requirements stated in the Safety Handbook related with hazardous communication.

14.090. Hazardous Energy Control (Lockout/Tagout).

Syracuse City has a written Hazardous Energy Control policy in compliance with the OSHA-mandated requirements for controlling hazardous energy sources at Syracuse City during the servicing, testing, and/or maintenance of machines and energized equipment. This policy details the locking-out and tagging-out of hazardous energy sources in order to protect the safety and health of maintenance workers and employees. Workers and employees could be injured or killed in the event of the unexpected start-up of machines or equipment or during the release of stored energy. All employees shall comply with the

requirements stated in the Safety Handbook related with hazardous energy control.

14.100. Department Specific Safety.

Other safety policies that are specific to duties performed in a department are also included in the Safety Handbook. These may include fall protection, forklift operation, etc. Additional safety measures may be in the form of Standard Operating Procedures (SOP) or Standard Operation Guidelines (SOG) for each department specifically. SOPs/SOGs are not considered a part of the Safety Handbook, but employees in that department are expected to know and understand all safety policies, practices, operations, and guidelines for the duties that they are required to perform.

14.110. Accidents/Incidents & Work-Related Injuries.

(a) Initial Reporting. To the extent circumstances permit, employees who are injured, no matter how minor, or involved in a post-accident/incident while on-duty in connection with employment, or in connection with Syracuse City vehicles must immediately notify their supervisor or department head of the injury/incident. The supervisor or department head should ensure prompt and qualified medical attention is provided for the employee. The supervisor or department head should notify the Human Resources Specialist as soon as possible of the reported injury/incident.

(b) Medical Attention. To the extent circumstances permit, an employee who sustains a work-related injury shall be driven by the supervisor, another employee or emergency personnel to one of the following medical facilities for any necessary medical attention:

(1) Layton WorkMed (during business hours 8AM-5PM) and drug and alcohol screening must be done; or

(2) Syracuse InstaCare (after business hours 5PM-9PM) and supervisor shall call the after-hours WorkMed Phone (801-387-8378) for drug and alcohol screening to be done; or

(3) McKay Dee Hospital Emergency Room (after hours) and supervisor shall call the after-hours WorkMed Phone (801-387-8378) for drug and alcohol screening to be done; or

(4) Nearest Emergency Room, if life threatening.

(c) ~~(c)~~ Drug & Alcohol Screening. An employee who is involved in a work-related ~~incident~~accident involving the following are required to submit to post-accident drug and alcohol testing:

(1) A vehicle in motion operated by a city employee.
(2) Any accident or incident of such a nature that there is a reasonable possibility that impairment due to drug or alcohol use could be a contributing factor, for the following incidents:
(a) Injury to any person requiring medical treatment by a healthcare provider; or
(b) Property damage, other than to city vehicles, anticipated to exceed $1,000.
(3) Off-duty employees involved in a motor vehicle accident involving a Syracuse City vehicle will also be subject to post-accident drug and alcohol testing as directed above.

~~that involves driving of a Syracuse City vehicle (regardless of anticipated costs) or a work-~~

~~related incident that is anticipated to exceed $1,000 is required to submit to post-accident/incident drug and alcohol testing as follows:~~

a. Procedure.

i. Post-accident drug tests must be conducted within 32 hours of the accident and/or incident. Post-accident alcohol tests should be conducted within two (2) hours of the accident and not later than eight (8) hours after the accident. If these time limits have passed, the City should cease attempts to collect the sample.

ii. In the event that post-accident drug and alcohol testing is warranted, it is the employee's supervisor's responsibility or an agent of Syracuse City or emergency personnel to transport the employee being tested to and from the testing facility. In most cases, it is the employee's supervisor's responsibility to ensure the employee is transported. The testing facility to use during business hours (8AM-5PM) is the Layton WorkMed. If the accident occurred after business hours the supervisor shall call the after-hours WorkMed phone (801-387-8378) for drug and alcohol testing to be done.

iii. Any employee who is required to submit to post-accident drug and alcohol testing will be removed from any safety sensitive functions and placed on alternative duty, as necessary, or placed on paid administrative leave until the results of the drug and alcohol tests can be verified. If the test results are negative, the employee will be able to return to work upon receipt of the test results. If the test results are positive or non-negative, the employee will be subject to termination as provided herein.

~~(1) Employee shall be driven by the supervisor or another employee to Layton WorkMed (during business hours 8AM-5PM) and drug and alcohol drug screening must be done; or~~

~~(2) if after business hours the supervisor shall call the after-hours WorkMed Phone (801-387-8378) for drug and alcohol screening to be done~~

(d) Claims. Claims for work-related injuries, including doctor or hospital bills, should not be submitted to the employee's regular health insurance plan. The Human Resource Specialist will file a claim with Syracuse City's worker's compensation carrier.

(e) Documentation. Documentation of all work-related injuries shall be filled out and submitted as soon as reasonably practical following the injury. It is essential that all injuries be reported to the Human Resources Specialist in order to ensure that the proper documentation is filled out in a timely manner. The following forms shall be filled out by the employee, to the extent practicable under the circumstances, or the Human Resources Specialist if the employee is unable to fill out the forms.

(1) Injury/Incident Report form must be filled out. A separate form must be filled out by the employee, any witnesses, and the immediate supervisor. See form in Appendix M.

(2) Form 122. Form 122 must be filled out by the HR Specialist and is submitted to the insurance carrier online while submitting the claim within seven (7) days of the date of injury. A copy of this document will be kept in the injury/illness file for each incident.

(3) OSHA First Report of Injury. An OSHA First Report of Injury Form must be filled out by HR Specialist and filed within seven (7) days after first knowledge or notification of an injury or occupational disease resulting in medical treatment, loss of consciousness, loss of work, restriction of work, or transfer to another job if the illness and/or injury required more than minor first-aid. The original reporting form will be kept in OSHA 300 Log file that will be created for each incident.

(f) The Human Resources Specialist shall investigate reported job-related injuries to determine the cause of the injury and any remediation or safety measures that may be taken to avoid similar injuries.

(g) The Human Resource Specialist shall file a report with OSHA within eight (8) hours of occurrence of all fatalities, disabling, significant, and serious injuries or illnesses to employees. "Disabling and serious" includes, but is not limited to any injury or illness resulting in immediate admittance to the hospital, permanent or temporary impairment where part of the body is made functionally useless or is substantially reduced in efficiency and which would require treatment by a medical doctor, such as amputation, fracture, deep cuts, severe burns, electric shock, sight impairment, loss of consciousness, and concussions; illnesses that could shorten life or significantly reduce physical or mental efficiency inhibiting the normal function of a part of the body, such as cancer, silicosis, asbestosis, hearing impairment and visual impairment.

(h) Return to Service. Before returning to work after a job-related injury requiring medical care, the employee must submit a statement from the attending physician stating the employee is able to return to work and resume normal duties of the employee's particular job position or that outlines what restrictions the employee has. The City will accommodate restricted duty jobs for workers injured on the job. The Human Resource Specialist will work with the Supervisor of the employee to design a work strategy that meets the injured employee's restrictions and accomplishes Syracuse City's goals. Failure to return to work when able to do so may result in disciplinary action, up to and including termination.

(i) Checklist. See Appendix N for a checklist to help employees and supervisors remember steps.

14.120. Workers' Compensation.

Eligible employees may be covered under the Workers' Compensation Act as set forth in *Utah Code Ann.* §§ 34A-2-101, *et seq.*, as amended, for any injury sustained during the performance of their job. When an injury occurs in the-line-of duty and results in more than three (3) days away from work, Workers' Compensation wage benefits will be paid to the employee. The employee will:

(a) Receive two-thirds of their salary (tax-exempt) from the city's Workers' Compensation carrier; and

(b) Be allowed, upon request to Department Head, to receive up to ten percent (10%) of the employee's wages/salary by using any leave balances available.

Workers' Compensation leave shall run concurrently with Family Medical Leave (FMLA). If the employee is not able to return to work after his or her FMLA leave is exhausted, the paid and unpaid leave policies shall be followed.

14.130. Bringing Children to Work.

The City does not have a childcare program at this time. Due to safety and productivity issues, employees are not permitted to bring their children to work with them. This provision does not apply to City-approved organized programs intended to provide children an opportunity to observe the workplace or career opportunities or other educational fieldtrips and tours of the City offices. Limited exception may be made on a case by case basis by the Department Head or City Manager.

14.140. Exposure to Blood-borne Pathogens.

(a) Definitions:

The following terms are defined for purposes of this section:

(1) Exposure: Contact with blood or bodily fluids that contain blood or have the potential to be infectious, when that contact includes a member's eye, mouth, nose, broken or non-intact skin, or a needlestick or sharp puncture from an object that may have been used to contact the blood or bodily fluids of another which are capable of transmitting blood-borne pathogens.

(2) Body Fluids Capable of Transmitting Blood-borne Pathogens: Blood, amniotic fluid, pericardial fluid, cerebrospinal fluid, vaginal/cervical secretions, peritoneal fluid, synovial fluid, semen, breast milk, or another fluid contaminated with blood. This does not include the following, unless blood or another fluid capable of transmitting is present or mixed with them: feces, mucus, saliva, tears, sweat, urine, or vomit.

(b) Precautions. Employees should take all reasonable measures to avoid exposure to body fluids known to transmit blood-borne pathogens. In work assignments that carry an increased risk of exposure, employees are expected to use good judgment and follow training and procedure related to mitigating the risks associated with potential exposures. This will include:

(1) stocking gloves, antiseptic hand cleanser, and CPR masks in locations readily accessible to the employee;

(2) Washing hands immediately or as soon as feasible after removal of any gloves or PPE;

(3) Thoroughly washing any part of the body that has had contact with suspect fluids;

(4) Treating all human blood and bodily fluids/tissue as if it is known to be infectious for blood-borne pathogens;

(5) Using an appropriate barrier device when providing CPR;

(6) Disposing of or decontaminating equipment as soon as possible after the equipment has been in contact with suspect fluids;

(7) Cautiously handling all sharps and other items that cut or puncture (such as needles, broken glass, razors, or knives), per department policy;

(8) Avoiding eating, drinking, applying cosmetics or lip balm, or handling contact lenses where there is a reasonable likelihood of exposure; and

(9) Disposing of biohazardous waste appropriately, per department policy.

(c) Immunizations & Screening. Employees for whom it is reasonable to anticipate an exposure to Hep A & B due to their job assignments may receive the Hep A & B vaccine and any routine booster at no cost to the Employee. The Employee is responsible for completing the Hep A & B series once deemed necessary. Employees may also be screened for tuberculosis pursuant to the guidelines established by Utah OSHA.

(d) Post-Exposure Procedures. Employees who experience an exposure to body fluids capable of transmitting blood-borne pathogens shall:

(1) Begin decontamination procedures immediately (wash hands or other skin making contact with soap and water, flushing mucous membranes with water);

(2) Obtain medical attention as appropriate, as described in Section 14.110(b) of this Policy, within 2 hours if possible, specifically seeking the following tests:

(i) HIV Ab;

(ii) HBsAg;

(iii) HBsAb; and

(iv) Hep C Ab; and

(3) Notify a supervisor as soon as possible.

(e) Supervisor Report. Supervisors shall investigate and report every exposure or suspected exposure that occurs, as soon as possible after the incident. The report shall include the following:

(1) Name and social security number of the employee exposed;

(2) Date and time of incident;

(3) Location of incident;

(4) Potentially infectious material involved and source of exposure (including identity of source, if known);

(5) Work being done during exposure;

(6) How incident occurred or was caused;

(7) PPE in use at the time of the incident; and

(8) Actions taken post-event (clean-up, notifications, etc.).

(f) Source Testing. Source testing should be sought from the individual who generated the body fluid capable of transmitting blood-borne pathogens. This should be sought, in the following order:

(1) Obtaining a blood sample from the individual with the individual's consent;

(2) Requesting testing through the Davis County Health Department; or

(3) Seeking a warrant or court order pursuant to Utah Code 78B-8-402.

Source testing should include, at the minimum: HIV Ab, HBsAg, and Hep C Ab.

(g) Test Results. All medical test results, including those collected from the source of an exposure, shall be designated as private records under Utah law, and shall be held in confidence from the public.

14.150. Safety Incentive Program.

The safety of both our employees and the public is an important part of our jobs. However, when it comes time to complete work, it is sometimes overlooked. Other times, injuries are not reported in a timely fashion, resulting in continued risk to employees. This policy encourages timely reporting of injuries, and rewards safe behavior and problem-solving. The main objective is to improve the safety of all concerned. Participation in the Syracuse City Safety Incentive Program, "Lunch On Us", is available to all Full-Time and Part-Time employees. Employees are eligible to redeem accrued points for a free meal as outlined in the program, which can be found on the intranet on our website.

CHAPTER 15
DISASTER RESPONSE PLANNING

15.010. General Policy.
15.020. Employee Disaster Notification.
15.030. Natural Disaster/Man-Made Disaster Response Plan.
15.040. Suspicious Person or Assailant Threats.
15.050. Telephone Bomb Threats.
15.060. Mail, Letter, and Package Bomb Threats.
15.070. Suspicious Article Threats.

15.010. General Policy.

Syracuse City has developed the following Disaster Response Plan using, in part, a Disaster Response Planning Guide. All employees will be expected to adhere to this Disaster Response Plan to the maximum extent possible and practicable.

15.020. Employee Disaster Notification.

Supervisors are responsible for notifying all City employees of the disaster response action to be taken in the event of a disaster or pending disaster to the extent possible.

15.030. Natural Disaster/Man-Made Disaster Response Plan.

Following a natural disaster, the following action shall be taken:

(a) Employees already at work will assess the disaster and take whatever evasive action is deemed necessary within the law to protect themselves, their fellow employees, and the public in general. As soon as practical the employee shall notify his/her supervisor of his/her status and whereabouts.

(b) Employees will be allowed to contact and/or secure their families and homes as soon as practical to ensure their family status and security.

(c) Employees will report to their immediate supervisor, or the next level supervisor, as soon as practical and await instructions as indicated in the Emergency Operation Plan.

(d) All Syracuse City vehicles, equipment, tools, and office items, including telephones and computers, will be used only as directed by an employee's supervisor during an emergency situation.

(e) Employees not at work will contact the City Manager as soon as practical for further instructions.

15.040. Suspicious Person or Assailant Threats.

(a) Syracuse City has developed the following procedures to be followed in the event that a suspicious person or assailant is in the area:

(1) Employees will contact a supervisor and other co-workers through any means to alert them of a threatening situation.

(2) In the presence of an active assailant employees will take the following action:
- Get Out!
- Hide!
- Fight!
- Employees shall assist one another as practical

(b) Employees shall notify law enforcement as soon as possible. Features and physical characteristics that employees can remember about suspicious persons or assailants will greatly help local law enforcement officials in the apprehension of suspects.

15.050. Telephone Bomb Threats.

(a) An employee receiving a telephone bomb threat should be calm and courteous to the caller. The employee should notify his or her supervisor, or any other employee in the area, through any means to alert them of the situation while the caller is on the line. While on the phone the employee will communicate with the supervisor or other employee by using or passing notes, email, and/or other means of communication.

(b) Employees shall notify law enforcement as soon as possible. Syracuse City has developed a Bomb Threat Checklist for employees to use. Voice characteristics, background noises, and bomb threat details that employees can remember about suspicious persons or assailants will greatly help local law enforcement officials in the apprehension of suspects. See the checklist in Appendix O.

15.060. Mail, Letter and Package Bomb Threats.

(a) Employees receiving mail at work should visually assess the letter or package and inform his or her supervisor or the City Manager of anything unusual.

(b) Employees shall notify law enforcement as soon as possible. Features and physical characteristics or other details that employees can remember about suspicious persons or assailants will greatly help local law enforcement officials in the apprehension of suspects.

15.070. Suspicious Article Threats.

Employees should report all suspicious articles to his or her supervisor or the City Manager. Do not touch, pick up, shake, or attempt to move, any articles of a suspicious nature. Employees shall notify law enforcement as soon as possible.

CHAPTER 16
TUITION AID

16.010. Purpose.
16.020. Funds.
16.030. Eligibility.
16.040. Standards.
16.050. Procedure.
16.060. Limitations.
16.070. Compliance.
16.080. Records.

16.010. Purpose.

It is the purpose of this Chapter to provide educational assistance in the form of Tuition Aid to eligible employees for course work taken at an accredited or approved institution, when funds are available, in order to enhance the abilities of the City work force. It is the intent of this Chapter to benefit the individual and to benefit the City through the utilization of the employee's newly acquired skills and knowledge. This Chapter and the Tuition Aid provided herein is not intended to train employees for opportunities with other employers or to provide reimbursement for seminars and professional training.

16.020. Funds.

The City shall allocate in its annual budget funds deemed appropriate for Tuition Aid. All Tuition Aid shall be contingent upon sufficient funds allocated by the City.

16.030. Eligibility.

In order to be eligible for Tuition Aid, employees must be full-time employees of the City in good standing and must have completed their probationary period of employment with the City.

16.040. Standards.

(a) Job Related. All classes, courses, or degrees must be pre-approved by the City and must be reasonably related to the employee's present job or determined by the City to be related to the employee's probable future work with the City. In determining whether the course work is "job related," the City shall consider the knowledge, skills, and abilities required by the employee's current job description.

(b) Accredited Institution. Course work must be offered at a college, university, or accredited educational institution or other institution approved by the City Manager.

(c) Credit. Course work must be taken for credit and completed. No reimbursement shall be made for audits, incomplete, or withdrawals.

(d) Time. Course work must be taken on the employee's own unpaid time. Exceptions may be approved by the City Manager based upon a written statement of the department head that unusual circumstances exist.

(e) Job Performance. An employee's outside educational activities should not interfere with the employee's work and the employee's job performance must remain satisfactory. Unsatisfactory job performance during enrollment may result in denial or forfeiture of education assistance in addition to disciplinary action.

(f) Repayment. Eligible employees must sign a Tuition Aid Repayment Agreement agreeing to repay the City in full for any Tuition Aid in the event the employee voluntarily leaves employment with the City or is terminated for reasons other than reduction in force or job elimination in accordance with the limitations set forth in Section 16.060. Eligible employees shall also agree that the total refund required to be made to the City hereunder may be deducted from the employee's final paycheck from the City.

16.050. Procedure.

(a) Application. Any eligible employee desiring to obtain Tuition Aid shall file a Tuition Aid Application with his or her department head. The Tuition Aid Application shall be filed prior to the commencement of the course. See Appendix P.

(b) Review. The employee's department head shall review the Tuition Aid Application based upon the standards set forth in this Chapter including review of the employee's eligibility for assistance. The department head shall thereafter recommend approval or denial of the Tuition Aid Application to the City Manager. The City Manager shall review the Tuition Aid Application based upon the standards set forth herein, verify available funds for the request and approve or deny the Tuition Aid Application. Tuition Aid requests by the City Manager shall be forwarded to the City Council for review and approval in accordance with the provisions of this Chapter. In such instances of City Council review, any references herein to City Manager shall refer to the City Council.

(c) Reimbursement. Upon satisfactory completion of the approved course work, a portion of the employee's tuition expenses, fees and books may be reimbursed to the employee as follows:

(1) 90% for an "A" grade (or "pass" if course is only offered as Pass/Fail)

(2) 75% for a "B" grade

(3) 60% for a "C" grade

(4) 0% for lower than a "C" grade

(d) Transcript and Receipt. Prior to reimbursement, the employee must submit to the City Manager, a certified transcript of grade or certificate of completion of the course work and receipts for the actual tuition, fees and book expenses incurred.

16.060. Limitations.

(a) Funds. All Tuition Aid is contingent upon sufficient funds available in the City and/or department budget and shall be distributed on a first-come basis as determined by the date of final approval of the Tuition Aid Application by the City Manager.

(b) Annual Maximum. Eligible employees are limited to a maximum reimbursement of $2,000.00 per employee during any fiscal year (July 1st to June 30th) for tuition, fees, and books.

(c) Other Sources. Reimbursement is limited by the amount of financial aid the employee receives from other sources such as grants or scholarships; i.e. the employee is only eligible for reimbursement from the City for the appropriate percentage of the employee's total out-of-pocket costs after the grant or scholarship has been deducted.

(d) Repayment. Employees who voluntarily leave employment with the City or are terminated for reasons other than reduction in force or job elimination shall be required to repay the City in full for any Tuition Aid received from the City within one (1) year prior to the date of termination. Employees who are terminated during enrollment because of a reduction in force or job elimination will be reimbursed for the amount of the approved costs incurred up to the effective date of termination.

16.070. Compliance.

Failure to comply with this Chapter will result in disapproval of Tuition Aid Application and/or nonpayment of the reimbursement as determined appropriate in the sole discretion of the City Manager. Failure to comply may also result in disciplinary action, up to and including termination.

16.080. Records.

A copy of Tuition Aid records shall be retained by the City in accordance with the Government Records Access and Management Act, as set forth in *Utah Code Ann*. §§ 63-2-101, *et seq*., as amended.

CHAPTER 17
TRAVEL, CREDIT CARD, AND REIMBURSABLE EXPENSES

17.010. Travel Costs.
17.020. Credit Card Expenses.
17.030. Vacation/Sick Leave Cash Out for Emergency Preparedness.
17.040. General Expenses.

17.010. Travel Costs.

(a) Purpose. City employees may be permitted or required to attend seminars, meetings, conferences, and workshops when it is anticipated that the training and information received by the officer or employee at such events will benefit the City. It is the purpose of this policy to provide reasonable and systematic means by which attendance and travel to such events will be approved and the cost estimated and controlled for economic, budgetary, and auditing purposes. It is the intent of this policy to provide adequate controls over travel expenditures and to maintain accountability for such expenditures while allowing for flexibility.

(b) Budget. The City shall allocate in its annual budget funds deemed appropriate for travel expenditures. Each department head shall be responsible for keeping travel expenditures within his or her respective approved department travel budget.

(c) Eligibility. For purposes of this policy, "travel" shall be considered any in-state or out-of-state trip taken by a City employee in the course of performing his or her duties, including trips to or attendance at seminars, meetings, conferences, and workshops. All travel expenditures must be pre-approved by the City as set forth herein. All travel expenditures must be anticipated to serve a bona fide public purpose and confer a benefit upon the City.

(d) Procedures.

(1) Requests for Travel. An employee desiring to obtain travel funds shall request and receive written approval from his or her department head, stating the purpose, details, and estimated expenses of the travel at least two (2) weeks prior to the desired date of departure. Requests for travel by department heads shall be submitted to the City Manager and shall note the name of the person to be in charge of the department during the department head's absence.

(2) Review. The employee's department head shall review the travel request based upon the requirements set forth herein, including review of the department's approved travel budget. The department head may approve or deny the travel request. The City Manager may approve or deny the travel request of any department head.

(3) Advancements. Upon the request of the employee and timely submission of the Travel Application, approved travel expenses may be advanced.

(4) Receipts. The traveling employee shall document expenses of the trip and keep all original receipts and credit card receipts, provided that receipts for meals covered by the per diem compensation and fuel purchased with the City fuel card shall not be required.

(5) Documents. An expense report indicating the actual expenses of the trip together with all original required receipts shall be submitted to the City Manager within thirty (30) days after the event in order to receive any payment or refund. Except for per diem advancements, if less money was spent than was advanced, a reimbursement check made payable to the City for the difference shall be attached. Except for per diem advancements, if more money was spent than was advanced, a voucher request for the difference to be paid to the employee shall be attached.

(6) Summary. The City Manager, Mayor or Council may request a written summary or an oral report on all seminars, workshops, conferences, or conventions attended by employees.

(e) Mode of Transportation. With the approval of his or her Department Head, employees are responsible for arranging their own transportation. The most economical form of transportation shall be used considering factors such as the cost of the transportation and the amount of time required. If any employee chooses a more costly form of transportation, the City will pay the lesser cost of the two forms, and the per diem rate shall be based upon the amount of time it would have taken under the less costly form of transportation. If extra time is needed for the more costly form of transportation, the employee shall use vacation or compensatory time for the excess time needed to reach the destination.

(f) Costs. Employees are encouraged to utilize the lowest cost travel arrangements possible. Airline reservations should be made, whenever possible, at least thirty (30) days in advance. If a reduced airfare is offered for a stay over a Saturday night, and the reduced rate more than compensates for additional lodging and per diem costs, the employee is encouraged to stay over the additional night. The government or corporate rate should be requested at all hotels.

(g) Permitted Expenses. The following allowances and payments may be made for travel expenses.

(1) Transportation. The City may pay for the cost of the most economical form of transportation. Employees traveling in a private vehicle will be reimbursed per mile and per vehicle at the current reimbursement rate permitted by the Internal Revenue Service. Employees traveling in a City vehicle will be reimbursed for the actual cost of gasoline and any incidental and necessary costs incurred in connection with such vehicle. Gasoline and other incidental and necessary cost receipts must be provided for reimbursement.

(2) Meals. The City may pay employees a per diem amount to cover the cost of meals during travel or training. The maximum daily per diem allowance for Syracuse City employees engaged in travel in-state on the City's behalf is forty-two dollars ($42.00). The maximum daily per diem allowance for Syracuse City employees engaged in travel out-of-state on the City's behalf is forty-six dollars ($46.00). Employees shall be provided the following standard per diem rate for meals when in-state travel requires less than a full day:

$10.00 for breakfast (when departing before 6:00 a.m.);
$14.00 for lunch; and
$~~18.00~~19.00 for dinner (when returning after 7:00 p.m.).

Employees shall be provided the following standard per diem rate for meals when out-of-state travel requires less than a full day:

$10.00 for breakfast (when departing before 6:00 a.m.);
$14.00 for lunch; and
$22.00 for dinner (when returning after 7:00 p.m.).

It is the policy of the city to comply with the provisions of *Utah Administrative Code R25-7-6,* regarding reimbursement for meals.

(3) Fees. The City may pay the actual and reasonable cost of registration and other fees for seminars, workshops, conferences, and conventions.

(4) Ground Transportation. The City may pay the reasonable and necessary costs for ground transportation, including airport shuttle, taxi cab, rental car, and parking lot fees.

(5) Lodging. If an employee is traveling outside of Weber, Davis and Salt Lake Counties for City business for multiple days, the employee may stay overnight. The City may pay for the reasonable and necessary costs of lodging if an overnight stay is required. Traveling employees shall choose lodging based on pricing, location, and government rates. When possible, employees shall lodge at the conference sponsored hotel that offers a government rate. Traveling employees may elect to stay with friends, relatives, use their personal campers or trailer homes instead of staying in a motel/hotel. The City will compensate the employee fifty percent (50%) of the lowest total cost of the conference sponsored hotel price.

(6) Miscellaneous. The City may pay for other miscellaneous costs as deemed reasonable and necessary by the City Manager.

(7) Personal Expenses. Employees traveling on City business, including employees traveling with a spouse or other companion, shall strictly distinguish expenses incurred as part of City business from personal expenses. The City will provide reimbursement only for those expenses which the employee would normally incur if traveling alone. For example, the City will pay for the employee's lodging at the single room rate and the employee shall be required to pay for any additional double occupancy lodging charge or upgrade. The City shall not pay for personal expenses such as telephone charges, personal transportation charges, room service charges, etc.

17.020. Credit Card Expenses.

(a) Purpose. In order to ensure the proper use and accountability of tax payer dollars, the following credit card policies are to be followed when using Syracuse City Credit Cards to expend City funds. Compliance with the policy is the obligation of each City employee. Failure to follow the policy may result in disciplinary action up to and including termination as described below. Questions regarding the policy are to be directed to the Finance Director.

(b) Tax Exempt. Most City purchases are not subject to sales tax. For vendors requiring documentation of tax exempt status, a TC-721G Exemption Certificate for Governments and Schools may be obtained from the Finance Director. Lodging charges in Utah are subject to sales tax. It is the cardholder’s responsibility to ensure sales tax is only paid when required.

(c) Cardholder Responsibilities. It is the responsibility of the cardholder to:

(1) Read and understand the City Credit Card Policies and Procedures.

(2) Sign the Syracuse City Credit Card Acceptance Agreement. (See Appendix Q)

(3) Make only authorized purchases as prescribed by the City Purchasing Policy and approved departmental budget.

(4) Retain receipts for all transactions. In the absence of a receipt, a Missing Receipt Form must be completed and signed by the cardholder and their Department Head. (See Appendix R). This form can also be found in the policy manual or on the City Intranet.

(5) Reconcile the credit card statement upon its arrival. All reconciliations, statements, and receipts are due to Accounts Payable by the 10th of the following month.

(6) Keep the credit card and the corresponding account information secure. Immediately report any lost or stolen credit card and/or account information to the Finance Director.

(7) Report fraudulent charges or any discrepancies in the credit card statement in a timely manner to the Finance Director.

(d) Department Head or Supervisor Responsibilities. It is the responsibility of the Department Head or Supervisor to:

(1) Request and oversee the issuance of new cards through the Finance Director. The credit limit will be determined at the discretion of the Finance Director.

(2) Inform the Finance Director when changes and cancellations are needed because of personnel changes.

(3) Make sure credit card reconciliations are completed by the 10th of each month.

(4) Review the cardholder's reconciliation and transactions for completeness, accuracy, and compliance with Syracuse City policies and procedures.

(5) Address the cardholder about questionable transactions and take disciplinary actions when necessary

(6) Report any misuses of credit cards immediately to the Finance Director and/or the City Manager

(7) Sign the reconciliation form for each cardholder after review

(e) Prohibited Credit Card Purchases. The following purchases are strictly prohibited from being purchased by using a City credit card:

(1) Purchase of items for personal use or consumption

(2) Purchasing in violation of the City Purchasing Policy

(3) Alcohol

(4) Utah State Tax, except on lodging charges

(5) Fuel for fleet vehicles unless traveling outside of Utah. The state gas card should be used for fuel purchases.

(6) Splitting a purchase to remain under purchasing policy limits

(f) Disciplinary Action for Improper Use. Any employee found to be in violation of these policies may be subject to disciplinary action including but not limited to suspension of credit card, repayment of unauthorized charges, and/or termination of employment.

17.030. Vacation/Sick Leave Cash Out for Emergency Preparedness.

Once per fiscal year, Full-Time employees may purchase pre-approved emergency preparedness items and be reimbursed up to two hundred and fifty dollars ($250.00) by cashing out Vacation or Sick Leave. The employee must have a remaining balance of one-hundred and sixty (160) hours of accrued sick leave after the cash out is complete. The employee must submit an Emergency Preparedness Cash-Out form along with original receipts to his or her Department Head for approval. (See Appendix S) The Department Head will submit the form to the Finance Director and Human Resources for processing. The determination as to whether or not the Cash Out will be approved will be based on the availability of funds and will be re-evaluated on an "as needed" basis. Pre-approved emergency preparedness items include:

(a) Bottled Water

(b) Non-Perishable Food

(c) Water Storage

(d) 72 Hour Kit

(e) Generator

(f) Portable Fuel & Cooking Equipment (BBQ Grill not included)

(g) Battery-Powered Radio

(h) Batteries

(i) Flashlight

(j) First Aid Kit

(k) Whistle

(l) Duct Tape

(m) Can Opener

(n) Fire Extinguisher

(o) Compass

(p) Matches

(q) Multi-Purpose Tool (e.g. Leatherman or Swiss Army Knife)

(r) Emergency Blanket

(s) Fire Escape Ladder

(t) Two-Way Radios

(u) Rain Gear

(v) Dust Masks

(w) Local Maps

(x) Water Purification Systems/Devices

(y) Disposable Hand/Foot Warmers

(z) GPS Devices

(aa) Sleeping Bags

(bb) Tent

(cc) Backpacks/Duffel Bags

(dd) Toiletry/Personal Sanitation Supplies (e.g. toilet paper, personal wipes, transportable emergency toilet, etc.)

(ee) Emergency Heater/Portable Propane Heater

17.040. General Expenses.

With prior approval for purchase, legitimate expenses will be reimbursed by Syracuse City to the employee. Receipts are required to reimburse the employee. Reimbursement may be in the form of petty cash, direct deposit, or a separate check. Records must be kept reflecting the amount of reimbursement each employee has received. An expense for meals, beverages, snacks, etc. for meetings shall not be paid for with City funds and may not be reimbursed unless pre-approved by the City Manager. Examples of situations that may be approved include but are not limited to, a business lunch with an outside consultant who is providing information, advice or other business matters, a working lunch during an emergency or urgent project that requires staff to continue working, a training seminar.

CHAPTER 18
VEHICLE USE

18.010. Purpose.
18.020. Official City Business.
18.030. Use Agreement and Driver's License Verification.
18.040. Authorized Passengers Only.
18.050. Parking and Operation.
18.060. Vehicle Backing.
18.070. Secure Loads.
18.080. Vehicle Maintenance.
18.090. Vehicle Abuse.
18.100. Accidents.
18.110. Take-Home Vehicle Use and Rules.
18.120. Documentation of Vehicle Usage.
18.130. Qualified Non-Personal Use Vehicles.
18.140. Private Vehicle Use.
18.150. Failure to Comply.

18.010. Purpose.

The purpose of this Chapter is to establish guidelines for the use of City vehicles by employees. Employees using City vehicles shall comply with this Chapter. Employees failing to operate City vehicles in compliance with this Chapter shall be subject to disciplinary action up to and including termination.

18.020. Official City Business.

The use of City vehicles by employees shall be limited to official City business, provided that reasonable stops may be made while en route of City business or during break or lunch periods. All personal use of city vehicles is prohibited unless specifically approved herein or by the City Manager. Personal use includes:

(a) Commuting between residence and work station;

(b) Vacation or weekend use;

(c) Use by spouse, dependents, or other non-employees;

(d) All vehicle use that is not for official City business

18.030. Use Agreement and Driver's License Verification.

Each employee using a City vehicle shall sign a Vehicle Use Agreement and Driver's License Verification Form prior to using a City vehicle and shall carry a valid Utah driver's license corresponding to the type of vehicle being operated. Employees operating City vehicles shall be at least eighteen (18) years of age. However, an employee who is 16 or 17 years old may operate a single blade mower or an off-highway vehicle (OHV) on City property after completing a department safety training. The City shall have the right to review the driving records of all employees in order to identify unsafe or uninsurable

drivers in accordance with the City driving record evaluation policy set forth in Chapter 13. City employees with poor driving records may be prohibited from driving City vehicles or prohibited from driving personal vehicles on City business or may be required to obtain high risk insurance. Any employee subject to this Chapter for authorized use of a City vehicle whose driver's license expires or is suspended or revoked shall immediately report such expiration, suspension, or revocation to the employee's department head. The department head shall immediately notify the Human Resources Specialist of such expiration, suspension, or revocation. Any department head subject to this Chapter for authorized use of a City vehicle whose driver's license expires or is suspended or revoked shall immediately report such expiration, suspension, or revocation to the Human Resources Specialist.

18.040. Authorized Passengers Only.

Unless otherwise stated, all non-City personnel are prohibited from riding in or operating any City-owned vehicles. This rule also includes any family of City employees unless authorized by the employee's supervisor or department head and only in limited circumstances.

In the event that non-City personnel do ride in a city vehicle, he or she is required to dress and conduct themselves in a safe, proper manner that will promote a positive image of the City and its employees.

In the case of Police Officers and Fire Personnel, any non-police and/or non-fire personnel will be discharged from the vehicle prior to the off-duty officer and/or fire personnel responding to an emergency response situation in which the non-police and/or non-fire personnel may be placed in danger. This will be done at a safe and convenient location. The officer or fire personnel may then respond. Non-police and/or non-fire personnel may ride in City-owned vehicles only when authorized by the Department Head.

18.050. Parking and Operation.

All employees using City vehicles shall operate the vehicle in a safe manner and in accordance with all State and local traffic regulations, including but not limited to, all posted and required speed limits. Employees shall exercise defensive driving skills to prevent accidents and shall wear a seat belt at all times the vehicle is in operation. The employee shall be responsible for any citation or parking ticket received for non-compliance with such regulations. The employee shall also ensure that all passengers in the vehicle wear a seat belt at all times the vehicle is in operation. Smoking is prohibited in all City owned vehicles.

18.060. Vehicle Backing.

When backing any City vehicle, another employee should assist the driver whenever possible. When a spotter is not available, the driver should walk completely around the vehicle before backing and carefully watch the area that he or she is backing into. When possible, employees parking a City vehicle shall pull through a parking stall or back into a stall.

18.070. Secure Loads.

Drivers of City vehicles shall be responsible to secure all loads adequately to ensure that items in their vehicles do not fall off or blow off in transit.

18.080. Vehicle Maintenance.

Employees are responsible for the daily care and general maintenance of City vehicles under their control or assigned to them, provided however, that no repair or other alteration to the vehicle shall be made without authorization from their supervisor. Any suspicions regarding mechanical problems or any equipment breakdown, defect or failure involving a City vehicle shall be reported immediately to the employee's supervisor. No supervisor should knowingly require a subordinate to operate an unsafe vehicle or equipment. The routine maintenance schedule is under the responsibility of each Department Head.

18.090. Vehicle Abuse.

Any employee abusing a City vehicle shall be subject to disciplinary action up to and including termination. Vehicle abuse includes any intentional or unintentional misuse or misapplication of any City vehicle for a purpose other than that for which it was intended. Vehicle abuse shall include, but shall not be limited to, failure to provide proper maintenance of the vehicle such as checking the oil, tires, and windows, and failure to observe normal driver responsibility.

18.100. Accidents.

Employees involved in a vehicular accident while driving a City vehicle or while on City business shall immediately contact the local law enforcement agency with jurisdiction and fill out the appropriate police report for the incident. As soon as reasonably practical, employees shall report any accident or damage involving a City vehicle or work-related injuries to their supervisor in accordance with the accident and injury reporting procedures set forth in Chapter 14. Any required post-accident drug and alcohol testing shall be conducted in accordance with applicable provisions of Chapter 11 and Chapter 12 regarding Drug and Alcohol Testing.

18.110. Take-Home Vehicle Use and Rules.

City vehicles in general are not permitted to be taken home or utilized for personal use by City employees. The following employees may be permitted to use City vehicles for commuting to and from work and for other work-related purposes:

(a) Police officers in accordance with the vehicle use policy set forth by the Police Department Policies and Procedures;

(b) City employees who are subject to being called out for emergency response for City services during normal off-duty work hours and who are authorized by their Department Head and the City Manager. Such employees, as authorized, include: Fire Chief, Deputy Fire Chief, Public Works Director, Public Work Superintendents, Facility Maintenance Technician, employees assigned to on-call duty for which they are being compensated, and any other employee as deemed appropriate by the City Manager

In addition to the policies established herein, any employee taking a City vehicle home shall adhere to the following conditions:

(a) All city take home vehicles shall only be used for City business and commuting or de minimis personal use;

(b) The distance to or from City Hall and the employee's home shall not exceed seventeen (17) road miles (one-way);

(c) The vehicle shall be parked, secured, and locked, and remain at the employee's home when it is not being used for official business;

(d) The vehicle shall be returned to the City when the employee is on leave for more than three (3) days, on administrative leave of any duration, suspended from duty, or upon the request of the supervisor;

(e) The employee shall be responsible for maintaining both the interior and exterior of the vehicle in a clean and safe condition (the City may provide cleaning supplies for employee use in maintaining City vehicles in accordance with this policy); and

(f) The employee shall be responsible for any tax liability incurred by the employee for taking the vehicle to and from work and shall provide any information required by the City to complete the relevant tax forms regarding such use.

(g) An employee authorized to take home a vehicle is required to respond to emergency situations upon request within a half an hour, unless authorized otherwise by his or her Department Head.

18.120. Documentation of Vehicle Usage.

To comply with IRS guidelines and requirements, the employees who are authorized to use City vehicles to commute to and from work as mentioned in subsection 18.110, with the exception of Police Officers, the Fire Chief and the Deputy Fire Chief, will have three dollars ($3.00) per scheduled work day added to the employee's gross income to have the appropriate federal and state taxes withheld.

(a) An employee who regularly takes a City vehicle home will be responsible to let his or her Department Head and the Human Resource Specialist know when he or she does not take a City vehicle home to ensure he or she is not being taxed for personal use of the vehicle.

(b) An employee who is on call on a rotating basis and takes a City vehicle home less frequently, the employee and the Department Head will be responsible to let the Human Resource Specialist know when he or she takes the vehicle home to ensure compliance with the IRS guidelines and requirements.

Failure to comply with the policy herein will be subject to disciplinary action, up to and including termination.

18.130. Qualified Non-Personal Use Vehicles.

All use of a qualified non-personal use vehicle including commuting is excludable to employees as a working condition fringe benefit. As a result, all employees who drive a qualified non-personal use vehicle as a take home vehicle are not required to record and substantiate usage of such a vehicle for tax purposes. Qualified non-personal use vehicles include any vehicle that the employee is unlikely to use for more than minimal personal use due to the vehicle's design.

Other City vehicles that do not fit within the category of a qualified non-personal use vehicle or are not under the IRS Safe Harbor rule are not automatically excludable under tax law.

18.140. Private Vehicle Use.

Employees normally shall use City vehicles for City business. Department heads may approve employee use of private vehicles for City business in limited circumstances. When circumstances require an employee to use his or her private vehicle for City business and such use has been approved by the employee's department head, the employee may be paid mileage reimbursement the amount specified in the Internal Revenue Code. The employee shall submit documentation of approved mileage to his or her department head for review and approval prior to reimbursement. Employees shall be required to maintain appropriate insurance for such vehicles and shall be responsible and liable for any damage to the same.

18.150. Failure to Comply.

Any employee who disregards the provisions of this Chapter may be subject to disciplinary action, up to and including termination.

CHAPTER 19
COMPUTERS AND EQUIPMENT USE

19.010. City Office Equipment and Supplies.
19.020. Removal of Equipment.
19.030. Technology Resources.
19.040. Computers, Email, and Internet.
19.050. Prohibited Computer Use.
~~19.060. Postage Meters.~~
~~19.070. FAX and Copy Machines.~~
~~19.080. Land-Line Telephones.~~
~~19.090~~19.060. Cellular Phones.
~~19.100~~19.070. Bring Your Own Phone (BYOP) Policy.
~~19.110~~19.080. Termination.

19.010. City Office Equipment and Supplies.

All employees are charged with the responsibility of maintaining the City's property in the best possible condition and making the most economical use of supplies issued to them. All employees are charged with using and operating City equipment and property according to established protocol, including operating equipment in a safe and courteous manner. City office equipment includes any tool or machine used for office work such as: copy machines, typewriters, calculators, fax machines, printers, computers (including internet access and e-mail), laptops, tablets, telephones, and cell phones, etc. Theft or damage to City office equipment shall be reported as soon as practicable to the employee's supervisor. In cases of theft, the employee shall also notify the police in the jurisdiction of where the theft occurred.

19.020. Removal of Equipment.

No City owned, leased, or licensed equipment may be removed from City premises without prior approval from the employee's department head.

~~19.030. Technology Resources.~~

~~To help maximize its employees' efficiency in carrying out their responsibilities, Syracuse City provides various information and technology resources such as e-mail, computers, software/computer applications, networks, the internet, facsimile machines, cell phones, pagers, and other wireless communication devices and voice mail systems. These tools and equipment are City property and must be used in accordance with these Policies and Procedures.~~

19.040. ~~Computers, Email, and Internet.~~City Office Equipment.

The City provides ~~computer~~office equipment ~~-~~and internet access to designated employees for their use to transact City business. The following rules and restriction shall govern any and all use of City ~~computers, email, and internet.~~office equipment.

(a) Personal use of ~~computers~~city office equipment, internet and email is only allowed during non-working hours, such as breaks and lunch periods, and is subject to the restrictions and conditions of

this Chapter. Employees shall keep personal email and other electronic correspondence to a minimum and in no event shall such personal use of computers, internet and email interfere with the employee's work or productivity or disrupt other employees. Personal use for photocopies, fax transmissions, etc. shall be paid by the employee at the rate outlined in the consolidated fee schedule. When a portable IT device (such as a laptop computer, tablet or cellular phone) has been assigned to an employee for the primary purpose of fulfilling the employee's work duties, the personal use of that device, consistent with the restrictions in this Chapter, is authorized. Any damage sustained by the device while being used for personal use is the responsibility of the employee to which the device was assigned.

(b) To prevent ~~computer~~ IT related viruses and other network problems, employees are prohibited from any unauthorized downloading of any software. Only software which has been purchased and approved by Syracuse City may be loaded or used on any of the City's ~~computers~~office equipment.

(c) Employees are prohibited from accessing or visiting any websites, apps., etc. or receiving or sending any email information which would be considered offensive by community standards; including, but not limited to, pornographic or sexually explicit information.

(d) Employees shall not use City ~~computers or~~office equipment for personal gain, including, but not limited to, personal for-profit and not-for-profit business purposes, political activity, or any other activity that could be considered a violation of these policies and procedures.

(e) City ~~computers~~ office equipment are the sole property of the City and may be subject to monitoring at any time without notice. Any information or messages created or retrieved over the internet or through email on City ~~computers~~office equipment, and the contents of all City ~~computers~~office equipment, is considered the property of the City. The City retains the right to observe, record, access and review any transactions made on City ~~computers~~office equipment, including, but not limited to email messages, websites, etc. When using the email or voicemail systems, and other equipment ~~including City computers~~, the employee knowingly and voluntarily consents to being monitored and acknowledges the City's right to conduct such monitoring. The security of email and voicemail communications is not guaranteed.

(f) Certain electronic data may be considered a "record" subject to access pursuant to the Utah Governmental Records Access and Management Act, as set forth in *Utah Code Ann.* §§ 63-2-101, *et seq.*, as amended, or discoverable in litigation under applicable Rules of Civil Procedure.

(g) Abuse of email, voicemail and computer systems shall subject the employee to disciplinary action, up to and including termination.

19.050. Prohibited ~~Computer~~ City Office Equipment Use.

The City will not tolerate inappropriate or illegal use of electronic data, equipment or information and reserves the right to take appropriate disciplinary action as needed, up to and including termination of employment for any violations of this Chapter. Such inappropriate or illegal use of these resources includes, but is not limited to, the following:

(a) hacking;

(b) pirating software and/or video files;

(c) soliciting;

(d) distributing literature for outside entities;

(e) sending or forwarding inappropriate emails; including, but not limited to, offensive, harassing, disparaging, vulgar, obscene, slanderous, defaming, or threatening communications;

(f) accessing, viewing, or downloading inappropriate web sites, i.e., sites advocating hate or violence, displaying pornographic or sexually explicit material, or promoting illegal activity;

(g) distributing confidential information to persons or entities that are not entitled to such information;

(h) storing or placing unlawful information on City computers or network;

(i) copying system files, programs, or data without proper authorization;

(j) disseminating, printing, or copying copyrighted materials including articles and software in violation of copyright laws;

(k) using abusive or otherwise objectionable language in either public or private messages;

(l) sending or forwarding messages that are likely to result in the loss of the recipient's work or system use;

(m) sending or forwarding "chain-letters," jokes or lists or any other type of use that would cause congestion or disrupt the operation of the networks or otherwise interfere with the work of others;

(n) decryption of system or user passwords; or

(o) creating, distributing, viewing, or soliciting sexually oriented messages, materials, or images.

~~19.060. Postage Meters.~~

~~No employee shall be allowed to use Syracuse City owned postage metering machines at any time for posting and mailing of any material other than those associated with official business of Syracuse City.~~

~~19.070. FAX and Copy Machines.~~

~~Employees may use City fax and copy machines for limited personal use subject to supervisor approval. Employees shall pay for such use at the employee rate which is in effect at the time of use.~~

~~19.080. Land-Line Telephones.~~

~~Telephones are to be used to conduct Syracuse City business. Long distance or toll calls using City land lines of a personal nature are prohibited. Although occasional, limited local personal telephone~~

~~calls are permitted, they should be kept to a minimum in time and frequency and should not interfere with work performance of the employee and his or her co-workers.~~

~~19.090~~19.060. Cellular Telephones.

Only those employees authorized by their department head and/or the City Manager are authorized to have a City-issued cell phone. The level of monthly service for such City-issued cell phone shall be commensurate with the amount of City business conducted and needed by the employee. The primary purpose of all City-issued cell phones shall be to facilitate City business. The City will allow limited personal use of City-issued cell phones, though personal use of City cell phones shall not be excessive and shall not interfere with the performance of job duties. The City reserves the right to monitor the billing and use of all City-issued cell phones. By accepting the use of a City-issued cell phone, the employee also understands that excessive use of the cell phone that hinders job performance may result in disciplinary action. Cellular transmissions can be overheard by others. Discretion should be used in discussing confidential information on a cell phone. Employees, who are authorized to use a City-issued cell phone shall agree to be readily available to take calls, respond to e-mails and text messages during working hours, during on-call hours and as reasonably expected as outlined in the employee's job description~~.~~ Employees ~~, who are authorized to use their personal phone for work purposes~~ shall use best judgment when taking calls, responding to e-mails and text messages outside of his or her working hours to ensure that he or she is not working unreasonable or unapproved overtime. Employees may not use their ~~personal~~ City phones for work purposes during periods of unpaid leave ~~without authorization from his or her Department Head~~. Employees are responsible for taking reasonable precautions to prevent theft and/or vandalism of cellular equipment. An employee who violates the conditions of these policies relating to cell phones and usage will be subject to having the use of his or her City-issued cell phone terminated. In addition, employees may be subject to disciplinary action, up to and including termination, for any violation of these policies.

~~19.100~~19.070. Bring Your Own Phone (BYOP) Policy

Employees that would otherwise be given a City cell phone/smart phone may elect to use a personal cell phone/smart phone for City business if authorized by his or her Department Head and the City Manager. Employees who have not received authorization in writing from his or her Department Head and the City Manager will not be permitted to use personal phones for work purposes. Failure to comply with this policy may result in disciplinary action, up to and including termination of employment.

While at work, employees are expected to exercise the same discretion in using their personal phones as is expected for the use of City phones as defined in this chapter.

Employees, who are authorized to use their personal phone for work purposes shall agree to be readily available to take calls, respond to e-mails and text messages during working hours, during on-call hours and as reasonably expected as outlined in the employee's job description. Employees, who are authorized to use their personal phone for work purposes shall use best judgment when taking calls, responding to e-mails and text messages outside of his or her working hours to ensure that he or she is not working unreasonable or unapproved overtime. Employees may not use their personal phones for work purposes during periods of unpaid leave ~~without authorization from his or her Department Head~~.

No employee using his or her personal phone should expect any privacy except that which is governed by law. The City has the right, at any time, to monitor and preserve any communications that use the City's networks in any way; including data, voice mail, and email, to determine proper use. Management reserves the right to review or retain personal and company-related data on personal phones or to release the data to government agencies or third parties during an investigation or litigation

(a) BYOP Stipend. Employees authorized to use personal phones under this policy will receive an agreed-on quarterly stipend as approved by the City Manager. If an employee obtains or currently has a plan that exceeds the monthly stipend, the employee shall be responsible for any and all remaining amounts and the City will not be liable for the cost difference. Under no circumstances shall the City be responsible for any late fees or like charges.

(b) Lost, Stolen, Hacked or Damaged Equipment. Employees are expected to protect personal phones used for work-related purposes from loss, damage, or theft. Employees must ~~immediately~~ notify ~~management~~ their supervisor as soon as practicable in the event their personal phone is lost, stolen or damaged to ensure any City data is protected. If IT is unable to repair the phone, the employee will be responsible for the cost of replacement.

(c) Termination of Employment. Upon resignation or termination of employment, or at any time on request, the employee may be asked to produce the personal phone for inspection. All company data on personal phones will be removed by IT upon termination of employment.

~~19.110.~~19.080. Termination.

Employees will be required to return all City-issued equipment to the Department Head or his or her designee upon termination of their employment. Failure to return City-issued equipment upon termination will be considered theft and may be subject to prosecution.

CHAPTER 20
PERFORMANCE EVALUATIONS

20.010. General Policy.
20.020. Performance Evaluation Periods.
20.030. Performance Evaluations.
20.040. Records.
20.050. Performance Tracking

20.010. General Policy.

It is the policy of Syracuse City to evaluate City employees regarding their work performance in accordance with the City adopted performance evaluation system and the provisions of this Chapter. Performance evaluations are intended to improve the performance of employees by providing meaningful, constructive feedback on the adequacy of performance.

20.020. Performance Evaluation Periods.

(a) Probationary Employees. Probationary employees shall be evaluated at the next scheduled annual evaluation period following their one (1) year anniversary and may also be evaluated at any other time deemed necessary by the Supervisor and/or Department Head. The performance evaluations for probationary employees may be used to provide information to both the employee and the City regarding the employee's performance. Performance evaluations and the results of such evaluations for probationary employees shall not obligate Syracuse City to a particular course of action relative to the probationary employees, nor shall it create any property or due process rights for such employees relative to their employment with the City.

(b) Employees. All employees, other than temporary or seasonal employees, shall receive performance evaluations on an annual basis. The evaluation period for these annual reviews will be the previous calendar year (January 1 to December 31). The annual performance evaluations shall be conducted and completed by the employee's direct supervisor. Annual performance evaluations must be completed and submitted by the supervisors to the Human Resources Specialist on or before March 1 of each year. Additional evaluations may be made at any time at the discretion of the supervisor or department head or when directed by the Human Resources Specialist.

20.030. Performance Evaluations.

Employees shall be evaluated by his or her immediate supervisor in accordance with the City approved performance evaluation system and approved performance criteria. Performance evaluations should consist of a written evaluation form as well as an in-person interview. Performance evaluations may be used in decisions concerning advancement, future training needs, performance related salary adjustments and disciplinary actions.

20.040. Records.

Performance evaluation records shall be maintained in the employee's personnel file. Such records shall be maintained and accessed in accordance with the Utah Governmental Records Access and Management Act as set forth in *Utah Code Ann.* §§ 63-2-101, *et seq.*, as amended.

20.050. Performance Tracking.

Department Heads and/or Supervisors shall from time to time enter Significant Incident Reports (SIRs), whether positive and/or negative, into the City's evaluation system in order to track the employee's performance throughout the year.

CHAPTER 21
GRIEVANCES

21.010. Grievances.
21.020. Informal Grievance Procedures.
21.030. Formal Grievance Procedures.
21.040. Appeal.
21.050. Retaliations.
21.060. Records.

21.010. Grievances.

Employees may appeal a decision or disciplinary action by the City which affects his or her employment (other than suspension, demotion or dismissal which are governed by appeal provisions of Chapter 22) pursuant to the provisions set forth herein. These guidelines should not be construed as preventing, limiting, or delaying the City from taking disciplinary action, including immediate termination, in circumstances where the City deems such action appropriate. Except as required by State or Federal law, the grievance procedures provided herein shall be exhausted prior to seeking alternative remedies.

21.020. Informal Grievance Procedures.

Employees are encouraged to resolve their grievances at the lowest administrative level possible. An employee with a grievance may first attempt to settle the matter informally through discussion with his or her supervisor. The supervisor should review the matter and conduct an investigation as deemed appropriate under the circumstances. If the employee does not believe the problem has been satisfactorily resolved within ten (10) days after the circumstances are first discussed informally with the supervisor, or any time prior thereto, the employee may pursue formal grievance procedures as provided herein.

21.030. Formal Grievance Procedures.

(a) Complaint. An aggrieved employee may file a formal written grievance with the Human Resources Specialist within ten (10) days from the date of the event giving rise to the grievance or within ten (10) days from the date the employee has knowledge, or should have knowledge, of the event giving rise to the grievance. Grievances shall be filed using an Employee Grievance Form as provided by the City (See Appendix T). The time for filing a formal written grievance shall be extended during the time for which informal grievance procedures are pursued; provided, such time shall not exceed thirty (30) days. If the grievance involves the Human Resources Specialist, the grievance may be filed with the City Manager, in which case all references herein to Human Resources Specialist shall refer to City Manager.

(b) Investigation and Recommendation. Upon receipt of a grievance, the Human Resources Specialist shall review and investigate the matter as deemed appropriate under the circumstances. Upon completion of review and investigation, the Human Resources Specialist shall prepare a written recommendation to the City Manager regarding the matter.

(c) Decision. The City Manager should, within a reasonable time from receipt of the recommendation from the Human Resources Specialist, prepare and provide the employee written notice of his or her final decision in the matter.

21.040. Appeal.

An employee aggrieved by a final decision of the City Manager regarding a formal grievance filed hereunder may appeal such decision to the City Council by filing a written appeal stating the grounds therefore with the City Recorder within ten (10) days from the date of the decision. Only the issues presented in the original grievance may be considered on appeal. The City Council shall conduct a review of the matter reviewing the City Manager's decision for correctness. The City Council shall prepare and provide to the employee written notice of its final decision in the matter within a reasonable time from receipt of the appeal.

21.050. Retaliations.

Employees are entitled to bring good faith grievances hereunder without fear of retaliation. The City shall not discriminate against an employee because that individual made a grievance complaint, or has testified, assisted, or participated in any manner in an investigation, proceeding, or hearing to enforce any provision herein. No person shall coerce, intimidate, threaten, harass, or interfere with any individual in the exercise or enjoyment of the exercise of any right granted or protected herein. Employees are further protected under the provisions of the Utah Protection of Public Employees Act, more commonly known as the "Whistle Blower's Act," as set forth at *Utah Code Ann.* ' 67-21-1, *et seq.*, as amended.

21.060. Records.

The City shall maintain records pertaining to employee grievances filed hereunder and records pertaining to an appeal of such grievances in accordance with the Utah Government Records Access and Management Act as set forth in *Utah Code Ann.* §§ 63-2-101, *et seq.*, as amended. No document relating to an employee grievance shall be placed in the employee's personnel file.

CHAPTER 22
DISCIPLINARY ACTION

22.010. General Conduct.
22.020 Responsibility for Discipline.
22.030. Levels of Discipline.
22.040. Investigation.
22.050. Administrative Leave.
22.060. Verbal Warning.
22.070. Written Reprimand.
22.080. Probation.
22.090. Suspension.
22.100. Demotion.
22.110. Dismissal.
22.120. Pre-Disciplinary Action Hearing.
22.130. Disciplinary Action.
22.140. Appeals.

22.010. General Conduct.

It is the responsibility of all employees of the City to conduct themselves in accordance with the City's policies, rules, and regulations and to perform their work in a satisfactory manner. Employees are expected to conduct themselves in a professional and competent manner and to be courteous and cooperative at all times with fellow employees, supervisors, and the public. Any action or conduct not in accordance with City policies or in violation of any City rule or regulation shall be subject to disciplinary action up to and including termination.

22.020. Responsibility for Discipline.

The basic responsibility for discipline lies with the employee's supervisor under the direction of the City Manager, provided that any disciplinary action involving suspension, probation, demotion, or dismissal shall require a pre-disciplinary action hearing and prior review and approval of the City Manager in accordance with the procedures set forth herein. In addition, any dismissal of an employee shall comply with City Ordinances regarding Mayor and/or City Council approval, as more particularly set forth in Title 1 of the Syracuse Municipal Code.

22.030. Levels of Discipline.

When there are grounds for discipline, an employee shall be subject to appropriate disciplinary action, based upon the particular facts and circumstances of each case. Disciplinary action may include one or more of the following: verbal warning, written reprimand, suspension with or without pay, probation, demotion, and dismissal.

22.040. Investigation.

Prior to any disciplinary action or recommendation of any disciplinary action, the alleged misconduct and related circumstances shall be investigated by the employee's immediate supervisor and/or the Human Resources Specialist. When deemed appropriate, any investigation may also be conducted by an outside investigator hired by the City. The investigation shall be conducted to the extent

deemed necessary and appropriate under the circumstances. Such investigation should provide the employee with an opportunity to respond verbally and/or in writing to the alleged claims.

22.050. Administrative Leave.

In the event of an emergency, or when otherwise deemed appropriate and necessary pending full investigation of alleged violations of an employee, the City Manager, or his or her designee, may temporarily relieve an employee from duty, with pay, or temporarily reassign the employee to another position at the same rate of pay. Such temporary relief from duty with pay shall be considered administrative leave and shall not preclude subsequent disciplinary action against the employee. The Department Head shall fill out the Administrative Leave Form (see Appendix U) and turn into the Human Resource Specialist.

22.060. Verbal Warning.

After investigation of the alleged misconduct in accordance with Section 22.040, whenever grounds for disciplinary action exist and the supervisor determines that more severe action is not required, the supervisor may verbally communicate to the employee the observed deficiency. Written documentation of the warning shall be prepared by the supervisor using the City's Disciplinary Action Form setting forth the date, time, circumstances and grounds for the discipline, and the date, time, and circumstances of the verbal notice. The Disciplinary Action Form~~, along with a Signification Incident Record (SIR)~~ shall be signed by the supervisor, the Human Resources Specialist, and the employee. If the employee refuses to sign the form, the supervisor shall note such refusal in writing on the form. All disciplinary action documentation shall be filed and maintained with the employee's personnel records and input into the evaluation system as a Significant Incident Record (SIR). Failure to remedy the deficiency described in a verbal warning may result in additional disciplinary action being taken.

22.070. Written Reprimand.

After investigation of the alleged misconduct in accordance with Section 22.040, whenever grounds for disciplinary action exist and the supervisor determines that more severe action is not required, the supervisor may reprimand an employee in writing. Written reprimands shall be prepared by the supervisor using the City's Disciplinary Action Form setting forth the date, time, circumstances, and grounds for the discipline (See Appendix V). The Disciplinary Action Form, along with a Signification Incident Record (SIR) shall be signed by the supervisor, the Human Resources Specialist, and the employee. If the employee refuses to sign the form, the supervisor shall note such refusal in writing on the form. All disciplinary action documentation shall be filed and maintained with the employee's personnel records and input into the evaluation system as a SIR, Failure to remedy the deficiency described in a written reprimand may result in additional disciplinary action being taken.

22.080. Probation.

Whenever grounds for disciplinary action exist and the supervisor determines that the circumstances of the conduct justify more severe disciplinary action, the supervisor may recommend to the City Manager an employee be placed on disciplinary probation for a period not to exceed six (6) months. Written notice of such recommendation shall be prepared by the supervisor and submitted to the City Manager including a detailed statement of the date, time, circumstances and grounds for the recommended disciplinary action and the investigation conducted. The purpose of disciplinary probation is to provide a period during which the employee's performance is carefully monitored and evaluated. Upon receipt of a supervisor's recommendation for probation, the City Manager shall determine the

appropriate disciplinary action to be taken, if any. Probationary status shall not preclude any other disciplinary action being taken against the employee as deemed appropriate. Any probationary period may be extended by the City Manager for a period of time not to exceed three (3) months upon written notice to the employee. Any disciplinary action taken against an employee on probation, other than verbal or written reprimand, shall comply with the due process procedures set forth in Section 22.120 regarding pre-disciplinary action hearings and shall be subject to applicable appeal procedures set forth in Section 22.140.

22.090. Suspension.

After investigation of the alleged misconduct in accordance with Section 22.040, whenever grounds for disciplinary action exist and the supervisor determines that the circumstances of the conduct justify more severe disciplinary action, the supervisor may recommend to the City Manager an employee be suspended, with or without pay, for a period of time not to exceed fifteen (15) calendar days. Written notice of such recommendation shall be prepared by the supervisor and submitted to the City Manager and should include a detailed statement of the date, time, circumstances and grounds for the recommended disciplinary action and the investigation conducted. Upon receipt of a supervisor's recommendation for suspension, the City Manager shall follow the due process procedures set forth in Section 22.120 regarding pre-disciplinary action hearings and determine the appropriate disciplinary action to be taken, if any, in accordance with procedures set forth in Section 22.130. Any employee suspended with or without pay shall be responsible for making full employee contributions to his or her employee medical insurance benefits no later than the regularly scheduled pay day and must be available to work during all regular business hours if the suspension is with pay. Any employee who is suspended without pay for more than two (2) days may appeal such suspension to the Employee Appeal Board in accordance with the appeal procedures set forth in Section 22.140.

22.100. Demotion.

Whenever grounds for disciplinary action exist and the supervisor determines that the circumstances of the conduct justify more severe disciplinary action, the supervisor may recommend to the City Manager an employee be demoted. Written notice of such recommendation shall be prepared by the supervisor and submitted to the City Manager and should include a detailed statement of the date, time, circumstances and grounds for the recommended disciplinary action and the investigation conducted. Upon receipt of a supervisor's recommendation for demotion, the City Manager shall follow the due process procedures set forth in Section 22.120 regarding pre-disciplinary action hearings and determine the appropriate disciplinary action to be taken, if any, in accordance with procedures set forth in Section 22.130. Any employee who is demoted may appeal such demotion to the Employee Appeal Board in accordance with the appeal procedures set forth in Section 22.140.

22.110. Dismissal.

Except as otherwise provided by Ordinance for appointed officers and department heads, whenever grounds for disciplinary action exist and the supervisor determines that the circumstances of the conduct justify more severe disciplinary action, the supervisor may recommend to the City Manager an employee be dismissed. Written notice of such recommendation shall be prepared by the supervisor and submitted to the City Manager and should include a detailed statement of the date, time, circumstances and grounds for the recommended disciplinary action and the investigation conducted. Upon receipt of a supervisor's recommendation for dismissal, the City Manager shall follow the due process procedures set forth in Section 22.120 regarding pre-disciplinary action hearings and determine the appropriate disciplinary action to be taken, if any, in accordance with procedures set forth in Section

22.130. In addition, any dismissal of an employee shall comply with City Ordinances regarding Mayor and/or City Council approval, as more particularly set forth in Title 1 of the Syracuse Municipal Code. Any employee who is dismissed may appeal such dismissal to the Employee Appeal Board in accordance with the appeal procedures set forth in Section 22.140.

22.120. Pre-Disciplinary Action Hearing.

Upon receipt of a supervisor'=s recommendation of disciplinary action involving suspension, demotion or dismissal, the City Manager shall review and investigate the matter as deemed appropriate and shall hold a pre-disciplinary action hearing. The purpose of the pre-disciplinary action hearing is to provide the employee with notice and an opportunity to respond to the alleged violations and proposed disciplinary action. The City Manager shall provide the employee with written notice of the date and time of the pre-disciplinary action hearing and shall provide the employee with a copy of the supervisor='s letter recommending the proposed disciplinary action and stating the grounds therefore. The employee shall receive timely notice of the pre-disciplinary action hearing, overview of allegations and the proposed disciplinary action.

22.130. Disciplinary Action.

After the pre-disciplinary action hearing, the City Manager shall provide the employee with written notice of his or her final decision stating the disciplinary action to be taken, if any, the effective date of the disciplinary action, the grounds for the action, and the employee'=s right to appeal the same. In addition, the City Manager shall document the disciplinary action using the City's Disciplinary Action Form. The Disciplinary Action Form shall be signed by the City Manager, the Human Resources Specialist, and the employee. In instances of dismissal, the Disciplinary Action Form shall also be signed by the Mayor. If the employee refuses to sign the Disciplinary Action Form, the City Manager shall note such refusal in writing on the form. In determining the type and severity of the disciplinary action, the City Manager may consider aggravating and mitigating circumstances, which include, but are not limited to: the repeated nature of misconduct; prior disciplinary action imposed; the severity of the misconduct; the employee's work record; the effect of the misconduct on City operations; and/or the potential of the misconduct to harm persons or property.

22.140. Appeals.

Except as otherwise provided herein, or other applicable law, all appointed officers and Full-Time employees of the City shall hold their employment without limitation of time, being subject to suspension without pay for more than two (2) days, demotion, or dismissal only as provided in *Utah Code Ann.* ' 10-3-1106, as amended. As provided in Section 3-30-030 of the Syracuse Municipal Code, the following officers and employees are not covered by the provisions of this Section: police chief, deputy police chief, fire chief, deputy or assistant fire chief, department heads, deputy of department head, superintendents, probationary employees, part-time employees, temporary or seasonal employees, or officers appointed by the Mayor or other person or body exercising executive power in the City. All other appointed officers or employees ("covered employees") who are suspended without pay for more than two (2) days, demoted, or dismissed shall have the right to appeal such suspension, demotion or dismissal to the City Appeals Board in accordance with Section 3-30-030 of the Syracuse Municipal Code and the provisions of *Utah Code Ann.* ' 10-3-1106, as amended. All other disciplinary actions may be appealed in accordance with the grievance procedures set forth in Chapter 21.

CHAPTER 23
TERMINATION OF EMPLOYMENT

23.010. Types of Termination.
23.020. Voluntary Termination Procedures.
23.030. Involuntary Termination Procedures.
23.040. Resignation in Lieu of Involuntary Termination Procedures.
23.050. Reduction in Force Procedures.
23.060. Retirement Procedures.
23.070. Final Pay.
23.080. Return of City Property.
23.090. Exit Interview.
23.100. COBRA Coverage.

23.010. Types of Termination.

The following generally describes various types of termination of employment with the City. The following is provided for information purposes only and is not intended to be an exhaustive list or description of types of or grounds for termination of employment with the City.

(a) Voluntary Resignation. Voluntary resignation occurs when an employee wishes to leave employment with Syracuse City voluntarily and not due to retirement, involuntary termination, or resignation in lieu of involuntary termination, as more particularly described herein.

(b) Involuntary Termination. Involuntary termination occurs when the employee is terminated for involuntary reasons, such as for cause, or with or without cause in the case of at-will employees. Involuntary termination may include resignation in lieu of disciplinary action as more particularly described in Subsection (c).

(c) Resignation in Lieu of an Involuntary Termination. Any employee who resigns pending involuntary termination for cause proceedings may be deemed to have resigned in lieu of involuntary termination.

(d) Reductions in Force (Layoff). Reduction in force or layoff terminations may occur when it is deemed necessary by the City to reduce the number of employees due to lack of work, lack of funds, or other justified business reasons. The City may attempt to minimize reductions in force by readjustment of personnel through reassignment of duties in other work areas.

(e) Retirement. Retirement is voluntary termination at the end of an employee's career. For purposes of these Policies and Procedures, retirement specifically means an employee who has become eligible, applies for, and is entitled to receive a retirement allowance under applicable provisions of the Utah State Retirement and Insurance Benefits Act, as set forth in Title 49 of the *Utah Code Annotated*, as amended.

(f) Medical. The American's with Disabilities Act (ADA) prohibits illegal discrimination by an employer against an "otherwise qualified individual with a disability." An employee should not be terminated for medical reasons without prior consultation with legal counsel and compliance with the City's ADA policies and procedures.

(g) Death. If an employee of Syracuse City dies, his or her estate receives all pay due and any earned and payable benefits (such as payment for compensatory time, annual vacation leave, and sick leave, if applicable) as of the date of death in accordance with City policies and procedures and applicable State and Federal regulations.

23.020. Voluntary Termination Procedures.

Employees who wish to voluntarily terminate their employment with Syracuse City shall notify the City at least two (2) weeks in advance of their voluntary termination. Such notice should be given in writing to the employee's department head or supervisor. Employees must comply with the notice requirements set forth herein to be eligible for rehire. A Notice of Voluntary Resignation Form (see Appendix W) shall be filled out by the employee and signed prior to final voluntary termination. If an employee wishes to rescind their resignation, the employee must request to rescind their resignation in writing to their department head as soon as possible. If the job opening has been posted or reorganization of the department has been developed, the request will be denied.

23.030. Involuntary Termination Procedures.

Any involuntary terminations for cause shall comply with applicable procedures set forth in Chapter 22 regarding Disciplinary Action, including any applicable pre-disciplinary hearing and due process requirements set forth therein. Such procedures shall not be required for involuntary termination of at-will or excluded employees as more particularly set forth in these Policies and Procedures or as provided by law.

23.040. Resignation in Lieu of Involuntary Termination Procedures.

If an employee chooses to resign pending any for cause termination proceedings, the resignation may be considered an involuntary termination pending final resolution of the termination proceedings. Alternatively, the City and the employee may negotiate and enter into a Resignation in Lieu of Involuntary Termination Agreement containing terms acceptable to the City, including, but not limited to hold harmless and indemnification provisions regarding the resignation in lieu of involuntary termination proceedings, and waiver of notice and due process requirements for involuntary termination.

23.050. Reduction in Force Procedures.

(a) If Syracuse City is facing a possible reduction in labor force, the City should explain the situation to its employees, advising them of the possibility that reductions in force or layoffs may become an economic necessity for the City.

(b) In the selection of employees for reduction in force, the following guidelines should be considered:

(1) Temporary and probationary employees should be laid off first.

(2) Regular employees should be the last to be laid off and based on the following factors: longevity, previous performance evaluations and disciplinary actions.

(c) Before any reduction in force, Syracuse City should determine whether it is subject to the requirements of the Worker Adjustment and Retraining Notification Act, 29 U.S.C. 2101, *et seq*., as amended, and shall comply with any applicable requirements.

(d) Syracuse City should explain to any employee terminated through reduction in force the employee's options (such as COBRA and Retirement Plan Options).

(e) Written reduction in force notices should be provided to employees terminated through reduction in force procedures. Such notice should contain a statement that separation from employment is based on reduction in force and the effective date of the reduction in force termination.

23.060. Retirement Procedures.

Employees who desire to retire from employment with the City should notify the City as soon as possible but no later than two (2) months in advance of his or her final work day. Such notice should be in writing to the employee's Department Head or Supervisor. Employees must comply with the notice requirements set forth herein to be eligible for rehire. A Notice of Voluntary Resignation Form shall be filled out by the employee and submitted to the Human Resource Specialist prior to final voluntary termination. In addition, employees eligible for retirement benefits through Utah Retirement Systems (URS) shall work directly with URS to work out the details of such retirement and benefits.

23.070. Final Pay.

Upon termination of employment with the City, the City will arrange for distribution of any pay which may be due the employee, including pay for any hours worked but not paid, pay for unused, accrued vacation leave (if applicable), pay for any unused, accrued compensation time off (if applicable), and pay for unused, accrued sick leave (if applicable). Final pay shall be distributed on the regularly scheduled pay day following the termination.

23.080. Return of City Property.

Terminating employees shall return any and all keys, supplies or equipment, which are the property of Syracuse City to the Department Head or his or her designee at termination. Failure to return City-issued keys, supplies and/or equipment upon termination will be considered theft and may be subject to prosecution. Uniforms shall be retired according to the policy established by the department.

23.090. Exit Interview.

In order to provide appropriate feedback to the City and conclusion of employment for the employee, terminating employees should complete an Exit Interview with the Human Resources Specialist. When conducted, an Exit Interview Form should be signed by the employee and the Human Resources Specialist.

23.100 COBRA Coverage.

Any terminated employee shall be notified of his or her rights to continued insurance coverage and other protections and requirements of the Consolidated Omnibus Budget Reconciliation Act of 1985 ("COBRA") in accordance with applicable Federal regulations.

APPENDIX A:
Policy Manual Acknowledgement of Receipt

I

Syracuse City Corporation

PERSONNEL POLICY AND PROCEDURES MANUAL
ACKNOWLEDGEMENT OF RECEIPT

I, the undersigned employee of Syracuse City Corporation, hereby acknowledge that Syracuse City has made a copy of the Personnel Policy and Procedures manual electronically available to me and that I have received instructions on how to access it.

I further acknowledge that I may request a paper copy of the manual if I am unable to access the manual electronically.

By signing below, I agree to familiarize myself with and abide by the policies and procedures outlined in the manual. Further, I understand that this agreement does not create an obligation or contract of employment between Syracuse City and myself.

I understand that reading this manual constitutes one of my job duties and that I am required to perform my duties in accordance with the policies contained in this manual and any updates, additional rules, regulations, policies or procedures which may be imposed by the City or the department in which I work, whether or not I read this manual. I understand that my failure to read this manual, as required, does not excuse me from being covered by or complying with its provisions.

I understand that if I have any questions about the provisions contained in this manual, I should direct them to the City Manager.

I understand that this manual serves only as a guide and that Syracuse City reserves the right to change any of its policies and/or procedures at any time for any reason.

Name (printed): _____

Signature: _____ Date: _____

APPENDIX B:
Recruitment, Retention, and Compensation Policy

RECRUITMENT, RETENTION, AND COMPENSATION POLICY

1. **PURPOSE**

   a. The purpose of this policy is to establish a planned approach to ensure that Syracuse City attracts the best talent possible, and motivates and retains that talent for the overall benefit of the citizens.

   b. It is essential that Syracuse City recruits and retains the best talent possible to ensure the most efficient use of City resources. Excessive turnover and any lack of direction provided by City leadership will produce inefficiencies that waste City resources, and will degrade the quality of service provided to the citizenry.

2. **COMPONENTS OF THE POLICY**

   a. **Leadership & Responsibility**

      i. As the Executive/Administrative branch of Syracuse City, the leadership and responsibility for creating an environment that breeds productive, dedicated, and engaged employees lies primarily with the City Manager, and ultimately with the Mayor, with the support of the department heads and the City Council. The City Council will be tasked with reviewing programs and policies proposed by the City Manager, and proposing policies that align with the purpose of this policy.

   b. **Employee Compensation Plan**

      It is the general policy of Syracuse City that it will compensate its employees on a merit based system in a manner that is competitive with the market. Overcompensating does not ensure the best service, and undercompensating erodes the City's ability to attract and retain quality employees.

APPENDIX B (continued):
Recruitment, Retention, and Compensation Policy

i. Benchmark Cities

1. The purpose of benchmarking in this policy is to establish an estimate of the local and regional market for municipal employees. When deciding which cities to compare with, there needs to be consideration of various characteristics of city structure (size, land use, revenue, tax base, etc) and logistical competition (geographic proximity, type of community, etc). Benchmarks serve as a market indicator and checkpoint, but will not be used as the sole determining wage scale indicator. The City Council reserves the right to adjust the wage scales to a level where it feels appropriately represents the market.

2. Based on location, it is reasonable to expect that all of Davis County and Weber County would be the primary market location for Syracuse employees. While other areas along the Wasatch Front also compete for employees, the cities in Davis and Weber counties will carry higher weight in the benchmark analysis due to their proximity to Syracuse City.

3. Within the primary market location (Davis/Weber County), there are certain cities that are significantly different than Syracuse City. The Council may decide to withdraw or include such cities from the market analysis.

4. Based on all the factors listed above, the City Manager will propose, and the City Council will have final approval of a list of cities that will constitute the benchmark for comparison of wage scales.

5. The following chart outlines the cities that will be included in the benchmarking process:

Benchmark Cities

Primary Market	
Bountiful	
Centerville	
Clearfield	
Clinton	
Davis County	
Farmington	
Fruit Heights	New
Herriman	New
Highland	New
Kaysville	

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APPENDIX B (continued):
Recruitment, Retention, and Compensation Policy

Layton	
North Davis Fire District	
North Salt Lake	
North Ogden	
Plain City	New
Pleasant View	New
Riverdale	
Roy	
Saratoga Springs	New
South Davis Fire District	
South Ogden	
South Weber	New
Washington Terrace	
Weber County	
West Bountiful	New
West Point	
Weber Fire District	
Woods Cross	

Alternate Benchmark Cities
Alpine
Bluffdale
Cedar Hills
Eagle Mountain
Elk Ridge
Farr West
Harrisville
Lehi
Mapleton
Marriott-Slaterville
South Jordan
Sunset
Vineyard
West Haven
Woodland Hills

APPENDIX B (continued):
Recruitment, Retention, and Compensation Policy

ii. Setting Position Wage Scales

1. The minimum and maximum wage for any given position will be determined by calculating the percentile specified by the Council for each position's wage scale from the list of benchmark cities. Wage scales will not be set lower than the 50th percentile of the market. Based on inability to attract an acceptable applicant pool, or due to a change in the labor market for any given position, the Council may adjust the wage scale to a higher percentile.

2. Due to the uniqueness of each city, some cities may be added or deleted from the wage scale benchmark of a position to ensure a more accurate comparison of duties and responsibilities.

iii. Other Benefits

The City will strive to provide other benefits, such as medical/dental/vision, retirement, and paid time off, at a level that reasonably competes with the benchmark cities. The City Manager will propose, and the City Council will have final approval of the benefit package to be offered.

iv. Setting Individual Wages

1. In determining the wage for individual employees, the City Manager shall consider relevant factors such as experience, education, skills, performance, and training obtained by the employee. For new hires, the City Manager may use these factors to set the new employee's wage up to the mid-point of the wage scale, assuming budgetary allowance to do so. If the City Manager determines that the new hire should start above the mid-point of the wage scale, he/she must first get approval from a majority of the City Council.

2. For existing employees, if the City Manager determines that an employee should receive an increase in wages above that allowed within this policy, then he/she must first get approval from a majority of the City Council.

v. Merit Increases

1. Syracuse City has adopted a "pay for performance" ethic, and therefore does not use programmed step increases or cost of living increases based on time of service. A merit-based system is created

APPENDIX B (continued):
Recruitment, Retention, and Compensation Policy

to encourage continuous improvement of employees, for the overall benefit of the City. Commensurate with employee performance and improvement, the City Manager will administer a system that provides a path for employees to progress through the salary and wage scale for each position. It is the policy of Syracuse City that it will not participate in collective bargaining.

2. An evaluation system with scores ranging from 0 to 5 (5=highest) will be utilized for employee performance evaluations. Administration of merit increases will be based on employee evaluation scores, and is performed by the City Manager under direction of the Mayor, subject to the amount budgeted by the Council. The City Manager will ensure that all evaluations are reviewed and checked for quality to ensure the evaluation program is effective.

3. In order to determine the budgeted amount for merit increases, the Council will:

    a. Calculate the moving average of wage increases for the last 3 years of benchmark cities/companies.

    b. Set aside a minimum of 25% of the net increase in combined sales tax, property tax, and franchise tax from the previous fiscal year for purposes of funding the merit increases.

    c. Decide to either increase, decrease, or maintain the set-aside amount in order to stay competitive with the market.

4. Each department will be allotted a proportional share of the budgeted merit increase dollars based on the following formula:

    Dept Share of Budgeted Merit Increase Dollars= (Total budgeted dollars approved by Council for merit increases/Total city-wide payroll dollars) X Total payroll of the departmentNote: Department heads will be considered a separate department for these purposes.

5. For each department, the Average Merit Increase will be calculated using the following formula:

    AVG Merit Increase = Dept Share of Budgeted Merit Increase Dollars / Total payroll of the department.

6. For each department, the average evaluation score will be calculated. The average score will be targeted to receive the Average Merit Increase. Scores above the average evaluation will be provided a higher merit increase, and scores below the average will be provided a lower merit increase. Nevertheless, in no case shall the highest merit increase be higher than 50% above the average, unless

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APPENDIX B (continued):
Recruitment, Retention, and Compensation Policy

approved by the City Council. Any score below a 3 will not be eligible for a merit increase.

7. The City Council may, in its sole discretion, grant a merit increase not to exceed five percent (5%) of an employee's gross pay to an employee who has been paid at or above the range maximum for a minimum of five (5) years, provided the employee has received a successful or outstanding performance rating in the last year and has been employed by Syracuse City for at least eight (8) years. An employee whose salary exceeds the range maximum is eligible to receive a merit adjustment no more frequently than every five (5) years after the initial adjustment. Any subsequent increase above the range maximum shall not exceed five percent (5%) of the employee's gross pay. An employee is eligible to receive a maximum of five (5) successive adjustments beyond the range maximum. As an alternative to the annual merit increase, an employee who is being paid at or above the range maximum may receive an annual bonus in the amount equivalent to the wage/salary adjustment. No adjustment is made to the base wage/salary when a bonus is given.

vi. Advancements

1. Some positions are eligible for Advancements (e.g. Police Officer I and II, Water Maintenance Worker I and II, etc.) An Advancement is defined as a movement to a higher position due to improved skill, knowledge, or capability, but does not significantly increase the employee's responsibilities and/or supervisory duties.

2. Employees that advance to a higher position will move to the bottom of the new wage scale, but at least a 5% increase. Employees that advance are not eligible for a merit increase for the same year of advancement.

vii. Promotions

Promotions are defined as a movement to a higher position that significantly increases the employee's responsibilities and/or supervisory duties. An employee who is promoted will receive an increase to the minimum wage of the entering wage scale, but at least a 5% increase. Employees that promote will be eligible for a pro-rated annual merit increase for the months at the lower position and the months at the higher position.

APPENDIX B (continued):
Recruitment, Retention, and Compensation Policy

c. Ongoing Review and Periodic Market Adjustments

i. Biennial Review

Every 2 years, the City Council will conduct an in-depth review of each department. The primary purpose of the in-depth review is to discuss the operations, issues, overall direction of the department, and the goals of the City Council. The biennial in-depth review will also be a time to discuss any wage abnormalities or other special adjustments that the administration feels is needed.

The departments will be reviewed on a rotating basis as follows:

Yr 1: Police, Fire, Park & Rec

Yr 2: PW, CED, IT, Courts, Finance

ii. Quadrennial Market Review

1. Every other Biennial Review (every 4 years), the City Council will review the compensation levels for each position in the City and, if needed, make the necessary wage scale and/or individual wage adjustments to ensure the City remains competitive in its compensation. Issues such as wage compression may also be addressed at this time. The positions in the City will divided into two groups based on department as follows:

   Group 1: Police, Fire, Park & Rec

   Group 2: PW, CED, IT, Courts, Finance

2. Below is the schedule of the biennial department reviews and quadrennial market reviews:

   Year 1: In-depth review and benchmark of Police, Fire, Park & Rec

   Year 2: In-depth review and benchmark of PW, CED, IT, Courts, Finance

   Year 3: In-depth review of Police, Fire, Park & Rec

   Year 4: In-depth review of PW, CED, IT, Courts, Finance

   Year 5: In-depth review and benchmark of Police, Fire, Park & Rec

   Year 6: In-depth review and benchmark of PW, CED, IT, Courts, Finance

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APPENDIX B (continued):
Recruitment, Retention, and Compensation Policy

3. The analysis of wage scales will be conducted in the same method as explained above in evaluating Benchmark Cities, and Setting Position Wage Scales (See Section 2.b.i & ii). If the City Council determines that wage scales need to be adjusted to better reflect market conditions, they will make such adjustments effective at the beginning of the upcoming fiscal year. The Council has full discretion on wage scale adjustments, but generally will only make adjustments if a position's wage scale has changed 2.5% or more since the last adjustment. A change in wage scale does not automatically trigger a change in individual wages.

4. With each quadrennial market review, individual wages may be adjusted if a majority of the City Council approves. This market wage adjustment will be in the form of an additional percentage that the employee is eligible to receive in the annual merit increase evaluation, based on performance over the previous 4 years. Unless the City Council approves, an employee's wages will not be adjusted due to the market review if the employee has been hired within the previous 24 months.

5. In order to determine whether individual wages will be adjusted due to the market review, the Council may consider any of the following:

    a. A comparative study of individual wages from the benchmark cities obtained through an independent contract that has been subject to the RFP process and be conducted under the direction of the city council and city manager.

    b. Using Technet or similar shared database, the City can provide an analysis of changes in wage scales and wages over the previous 4 years. If a majority of the Council determines the information from Technet/similar shared database appears to show an anomaly or otherwise appears to be incomplete or inaccurate, a more detailed comparative study of that position may be conducted.

    c. Any other economic data that a majority of the Council deems relevant.

APPENDIX C:
Volunteer Service Agreement

Syracuse City Corporation

VOLUNTEER SERVICE AGREEMENT

Volunteer Information

Name: _____

Primary Phone Number: _____

Alternate Phone Number: _____

Address: _____

Social Security Number: _____

Emergency Contact Information:

Name: _____

Relationship: _____

Phone Number(s): _____

Volunteer Assignment Information

Project Type (check one box):

- ☐ Court Ordered Community Service
- ☐ Eagle Scout or Other Boy Scout Community Service
- ☐ Church Group
- ☐ Ongoing Community / Volunteer Service
- ☐ Other Community / Volunteer Service

Department Working In: _____

City Staff Member Overseeing Service: _____

1

APPENDIX C (continued):
Volunteer Service Agreement

Description of Service to be performed: _____

_____

Anticipated Dates of Service:

Start: _____

End: _____

Volunteer Acknowledgement and Agreement

1. I acknowledge that I am volunteering solely for personal purposes or benefit without promise or expectation of compensation, benefits, or future employment from Syracuse City beyond any specified reimbursement agreements.
2. I agree to familiarize myself with, and abide by, Syracuse City's policies and procedures regarding conduct, confidentiality, safety, and related policies and procedures. I understand that I may be subject to the same pre-employment screening and background checks as paid employees performing similar duties.
3. I agree to follow the supervision and direction of any personnel, employee, or other volunteer to whom I have been assigned to perform services. I also agree to participate in any training required by Syracuse City in order to perform volunteer services.
4. I understand and agree to follow the guidelines set forth for volunteers that are under the age of 16 years of age. Volunteers that are 14 or 15 years of age may not volunteer for more than 3 hours on a school day and may not volunteer later than 7:00PM from September 1st to June 1st each year and may not volunteer later than 9:00PM from June 2nd to August 31st each year. Volunteers that are 16 years of age or older do not have any restricted hours.
5. If my duties include driving on City business, I acknowledge that I must possess a valid driver's license and that I may be subject to a Department of Motor Vehicle (DMV) driver's license background investigation.
6. I acknowledge that the City provides limited accidental liability coverage to volunteers, but that no other City-sponsored medical, retirement, or insurance apply to my associate with Syracuse City as a volunteer.
7. I acknowledge that Syracuse City may end my volunteer services with the City at any time and for any reason.

By signing below, I attest that I am freely volunteering my time and services to Syracuse City. I also attest that I have read and agree to abide by the acknowledgements and agreements listed above.

Volunteer: _____ Date: _____

If you are under 18, a parent or guardian must also sign this form

Parent/Guardian: _____ Date: _____

2

APPENDIX C (continued):
Volunteer Service Agreement

Approval Signatures:

Supervisor: _____ Date: _____

City Manager: _____ Date: _____

To Be Completed By Volunteer Supervisor Upon Completion of Volunteer Service

Actual Dates of Services:

Start Date: _____

End Date: _____

Total Time Donated: _____

Eligible for Future Volunteer Services? ☐ Yes ☐ No

If "NO", please specify why: _____

_____

3

APPENDIX D:
Employee Rights & Responsibilities

EMPLOYEE RIGHTS AND RESPONSIBILITIES
UNDER THE FAMILY AND MEDICAL LEAVE ACT

Basic Leave Entitlement
FMLA requires covered employers to provide up to 12 weeks of unpaid, job-protected leave to eligible employees for the following reasons:

- For incapacity due to pregnancy, prenatal medical care or child birth;
- To care for the employee's child after birth, or placement for adoption or foster care;
- To care for the employee's spouse, son or daughter, or parent, who has a serious health condition; or
- For a serious health condition that makes the employee unable to perform the employee's job.

Military Family Leave Entitlements
Eligible employees with a spouse, son, daughter, 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 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.

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. A covered servicemember is a current member of the Armed Forces, including a member of the National Guard or Reserves, who has a serious injury or illness incurred in the line of duty on active duty that may render the servicemember medically unfit to perform his or her duties for which the servicemember is undergoing medical treatment, recuperation, or therapy; or is in outpatient status; or is on the temporary disability retired list.

Benefits and Protections
During FMLA leave, the employer must maintain the employee's health coverage under any "group health plan" on the same terms as if the employee had continued to work. Upon return from FMLA leave, most employees must be restored to their original or equivalent positions with equivalent pay, benefits, and other employment terms.

Use of FMLA leave cannot result in the loss of any employment benefit that accrued prior to the start of an employee's leave.

Eligibility Requirements
Employees are eligible if they have worked for a covered employer for at least one year, for 1,250 hours over the previous 12 months, and if at least 50 employees are employed by the employer within 75 miles.

Definition of Serious Health Condition
A serious health condition is an illness, injury, impairment, or physical or mental condition that involves either an overnight stay in a medical care facility, or continuing treatment by a health care provider for a condition that either prevents the employee from performing the functions of the employee's job, or prevents the qualified family member from participating in school or other daily activities.

Subject to certain conditions, the continuing treatment requirement may be met by a period of incapacity of more than 3 consecutive calendar days combined with at least two visits to a health care provider or one visit and a regimen of continuing treatment, or incapacity due to pregnancy, or incapacity due to a chronic condition. Other conditions may meet the definition of continuing treatment.

Use of Leave
An employee does not need to use this leave entitlement in one block. Leave can be taken intermittently or on a reduced leave schedule when medically necessary. Employees must make reasonable efforts to schedule leave for planned medical treatment so as not to unduly disrupt the employer's operations. Leave due to qualifying exigencies may also be taken on an intermittent basis.

Substitution of Paid Leave for Unpaid Leave
Employees may choose or employers may require use of accrued paid leave while taking FMLA leave. In order to use paid leave for FMLA leave, employees must comply with the employer's normal paid leave policies.

Employee Responsibilities
Employees must provide 30 days advance notice of the need to take FMLA leave when the need is foreseeable. When 30 days notice is not possible, the employee must provide notice as soon as practicable and generally must comply with an employer's normal call-in procedures.

Employees must provide sufficient information for the employer to determine if the leave may qualify for FMLA protection and the anticipated timing and duration of the leave. Sufficient information may include that the employee is unable to perform job functions, the family member is unable to perform daily activities, the need for hospitalization or continuing treatment by a health care provider, or circumstances supporting the need for military family leave. Employees also must inform the employer if the requested leave is for a reason for which FMLA leave was previously taken or certified. Employees also may be required to provide a certification and periodic recertification supporting the need for leave.

Employer Responsibilities
Covered employers must inform employees requesting leave whether they are eligible under FMLA. If they are, the notice must specify any additional information required as well as the employees' rights and responsibilities. If they are not eligible, the employer must provide a reason for the ineligibility.

Covered employers must inform employees if leave will be designated as FMLA-protected and the amount of leave counted against the employee's leave entitlement. If the employer determines that the leave is not FMLA-protected, the employer must notify the employee.

Unlawful Acts by Employers
FMLA makes it unlawful for any employer to:

- Interfere with, restrain, or deny the exercise of any right provided under FMLA;
- Discharge or discriminate against any person for opposing any practice made unlawful by FMLA or for involvement in any proceeding under or relating to FMLA.

Enforcement
An employee may file a complaint with the U.S. Department of Labor or may bring a private lawsuit against an employer.

FMLA does not affect any Federal or State law prohibiting discrimination, or supersede any State or local law or collective bargaining agreement which provides greater family or medical leave rights.

FMLA section 109 (29 U.S.C. § 2619) requires FMLA covered employers to post the text of this notice. Regulations 29 C.F.R. § 825.300(a) may require additional disclosures.

For additional information:
1-866-4US-WAGE (1-866-487-9243) TTY: 1-877-889-5627
WWW.WAGEHOUR.DOL.GOV

U.S. Department of Labor | Employment Standards Administration | Wage and Hour Division

U.S. Wage and Hour Division

WHD Publication 1420 Revised January 2009

APPENDIX E:
FMLA Notice of Eligibility and Rights & Responsibilities

Notice of Eligibility and Rights & Responsibilities
(Family and Medical Leave Act)

U.S. Department of Labor
Wage and Hour Division

U.S. Wage and Hour Division

OMB Control Number: 1235-0003
Expires: 3/31/2015

In general, to be eligible an employee must have worked for an employer for at least 12 months, meet the hours of service requirement in the 12 months preceding the leave, and work at a site with at least 50 employees within 75 miles. While use of this form by employers is optional, a fully completed Form WH-381 provides employees with the information required by 29 C.F.R. § 825.300(b), which must be provided within five business days of the employee notifying the employer of the need for FMLA leave. Part B provides employees with information regarding their rights and responsibilities for taking FMLA leave, as required by 29 C.F.R. § 825.300(b), (c).

[Part A – NOTICE OF ELIGIBILITY]

TO: _____
Employee

FROM: _____
Employer Representative

DATE: _____

On _____, you informed us that you needed leave beginning on _____ for:

____ The birth of a child, or placement of a child with you for adoption or foster care;

____ Your own serious health condition;

____ Because you are needed to care for your ____ spouse; ____child; _____ parent due to his/her serious health condition.

____ Because of a qualifying exigency arising out of the fact that your ____ spouse; ____son or daughter; _____ parent is on covered active duty or call to covered active duty status with the Armed Forces.

____ Because you are the ____ spouse; ____son or daughter; _____ parent; _____ next of kin of a covered servicemember with a serious injury or illness.

This Notice is to inform you that you:

____ Are eligible for FMLA leave (See Part B below for Rights and Responsibilities)

____ Are **not** eligible for FMLA leave, because (only one reason need be checked, although you may not be eligible for other reasons):

- ____ You have not met the FMLA's 12-month length of service requirement. As of the first date of requested leave, you will have worked approximately ___ months towards this requirement.
- ____ You have not met the FMLA's hours of service requirement.
- ____ You do not work and/or report to a site with 50 or more employees within 75-miles.

If you have any questions, contact _____ or view the FMLA poster located in _____.

[PART B-RIGHTS AND RESPONSIBILITIES FOR TAKING FMLA LEAVE]

As explained in Part A, you meet the eligibility requirements for taking FMLA leave and still have FMLA leave available in the applicable 12-month period. **However, in order for us to determine whether your absence qualifies as FMLA leave, you must return the following information to us by** _____. (If a certification is requested, employers must allow at least 15 calendar days from receipt of this notice; additional time may be required in some circumstances.) If sufficient information is not provided in a timely manner, your leave may be denied.

____ Sufficient certification to support your request for FMLA leave. A certification form that sets forth the information necessary to support your request ___is/___ is **not** enclosed.

____ Sufficient documentation to establish the required relationship between you and your family member.

____ Other information needed (such as documentation for military family leave): _____

_____

_____

____ No additional information requested

Page 1 CONTINUED ON NEXT PAGE Form WH-381 Revised February 2013

APPENDIX E (continued):
FMLA Notice of Eligibility and Rights & Responsibilities

If your leave does qualify as FMLA leave you will have the following **responsibilities** while on FMLA leave (only checked blanks apply):

____ Contact _____ at _____ to make arrangements to continue to make your share of the premium payments on your health insurance to maintain health benefits while you are on leave. You have a minimum 30-day (or, indicate longer period, if applicable) grace period in which to make premium payments. If payment is not made timely, your group health insurance may be cancelled, provided we notify you in writing at least 15 days before the date that your health coverage will lapse, or, at our option, we may pay your share of the premiums during FMLA leave, and recover these payments from you upon your return to work.

____ You will be required to use your available paid _____ **sick**, _____ **vacation**, and/or _____ **other leave** during your FMLA absence. This means that you will receive your paid leave and the leave will also be considered protected FMLA leave and counted against your FMLA leave entitlement.

____ Due to your status within the company, you are considered a "key employee" as defined in the FMLA. As a "key employee," restoration to employment may be denied following FMLA leave on the grounds that such restoration will cause substantial and grievous economic injury to us. We ___**have**/___ **have not** determined that restoring you to employment at the conclusion of FMLA leave will cause substantial and grievous economic harm to us.

____ While on leave you will be required to furnish us with periodic reports of your status and intent to return to work every _____. (Indicate interval of periodic reports, as appropriate for the particular leave situation).

If the circumstances of your leave change, and you are able to return to work earlier than the date indicated on the this form, you will be required to notify us at least two workdays prior to the date you intend to report for work.

If your leave does qualify as FMLA leave you will have the following **rights** while on FMLA leave:

- You have a right under the FMLA for up to 12 weeks of unpaid leave in a 12-month period calculated as:
  - ____ the calendar year (January – December).
  - ____ a fixed leave year based on _____.
  - ____ the 12-month period measured forward from the date of your first FMLA leave usage.
  - ____ a "rolling" 12-month period measured backward from the date of any FMLA leave usage.
- You have a right under the FMLA for up to 26 weeks of unpaid leave in a single 12-month period to care for a covered servicemember with a serious injury or illness. This single 12-month period commenced on _____.
- Your health benefits must be maintained during any period of unpaid leave under the same conditions as if you continued to work.
- You must be reinstated to the same or an equivalent job with the same pay, benefits, and terms and conditions of employment on your return from FMLA-protected leave. (If your leave extends beyond the end of your FMLA entitlement, you do not have return rights under FMLA.)
- If you do not return to work following FMLA leave for a reason other than: 1) the continuation, recurrence, or onset of a serious health condition which would entitle you to FMLA leave; 2) the continuation, recurrence, or onset of a covered servicemember's serious injury or illness which would entitle you to FMLA leave; or 3) other circumstances beyond your control, you may be required to reimburse us for our share of health insurance premiums paid on your behalf during your FMLA leave.
- If we have not informed you above that you must use accrued paid leave while taking your unpaid FMLA leave entitlement, you have the right to have ___ **sick**, ___ **vacation**, and/or ___ **other leave** run concurrently with your unpaid leave entitlement, provided you meet any applicable requirements of the leave policy. Applicable conditions related to the substitution of paid leave are referenced or set forth below. If you do not meet the requirements for taking paid leave, you remain entitled to take unpaid FMLA leave.

  ___For a copy of conditions applicable to sick/vacation/other leave usage please refer to _____ available at: _____.

  ___Applicable conditions for use of paid leave:_____

Once we obtain the information from you as specified above, we will info applicable conditions **rs, whether your leave will be designated as FMLA leave and count towards your FMLA leave entitlement. If you ha** **t hesitate to contact:**

_____at _____.

PAPERWORK REDUCTION ACT NOTICE AND PUBLIC BURDEN STATEMENT

It is mandatory for employers to provide employees with notice of their eligibility for FMLA protection and their rights and responsibilities. 29 U.S.C. § 2617; 29 C.F.R. § 825.300(b), (c). It is mandatory for employers to retain a copy of this disclosure in their records for three years. 29 U.S.C. § 2616; 29 C.F.R. § 825.500. Persons are not required to respond to this collection of information unless it displays a currently valid OMB control number. The Department of Labor estimates that it will take an average of 10 minutes for respondents to complete this collection of information, including the time for reviewing instructions, searching existing data sources, gathering and maintaining the data needed, and completing and reviewing the collection of information. If you have any comments regarding this burden estimate or any other aspect of this collection information, including suggestions for reducing this burden, send them to the Administrator, Wage and Hour Division, U.S. Department of Labor, Room S-3502, 200 Constitution Ave., NW, Washington, DC 20210. **DO NOT SEND THE COMPLETED FORM TO THE WAGE AND HOUR DIVISION.**

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Appendix F:
FMLA Designation Notice

Designation Notice
(Family and Medical Leave Act)

U.S. Department of Labor
Wage and Hour Division

OMB Control Number: 1235-0003
Expires: 3/31/2015

Leave covered under the Family and Medical Leave Act (FMLA) must be designated as FMLA-protected and the employer must inform the employee of the amount of leave that will be counted against the employee's FMLA leave entitlement. In order to determine whether leave is covered under the FMLA, the employer may request that the leave be supported by a certification. If the certification is incomplete or insufficient, the employer must state in writing what additional information is necessary to make the certification complete and sufficient. While use of this form by employers is optional, a fully completed Form WH-382 provides an easy method of providing employees with the written information required by 29 C.F.R. §§ 825.300(c), 825.301, and 825.305(c).

To: _____

Date: _____

We have reviewed your request for leave under the FMLA and any supporting documentation that you have provided.
We received your most recent information on _____ and decided:

____ **Your FMLA leave request is approved. All leave taken for this reason will be designated as FMLA leave.**

The FMLA requires that you notify us as soon as practicable if dates of scheduled leave change or are extended, or were initially unknown. Based on the information you have provided to date, we are providing the following information about the amount of time that will be counted against your leave entitlement:

____ Provided there is no deviation from your anticipated leave schedule, the following number of hours, days, or weeks will be counted against your leave entitlement: _____

____ Because the leave you will need will be unscheduled, it is not possible to provide the hours, days, or weeks that will be counted against your FMLA entitlement at this time. You have the right to request this information once in a 30-day period (if leave was taken in the 30-day period).

Please be advised (check if applicable):

____ You have requested to use paid leave during your FMLA leave. Any paid leave taken for this reason will count against your FMLA leave entitlement.

____ We are requiring you to substitute or use paid leave during your FMLA leave.

____ You will be required to present a fitness-for-duty certificate to be restored to employment. If such certification is not timely received, your return to work may be delayed until certification is provided. A list of the essential functions of your position ___ is ___ is not attached. If attached, the fitness-for-duty certification must address your ability to perform these functions.

____ **Additional information is needed to determine if your FMLA leave request can be approved:**

____ The certification you have provided is not complete and sufficient to determine whether the FMLA applies to your leave request. You must provide the following information no later than _____, unless it is not
(Provide at least seven calendar days)
practicable under the particular circumstances despite your diligent good faith efforts, or your leave may be denied.

_____
(Specify information needed to make the certification complete and sufficient)

____ We are exercising our right to have you obtain a second or third opinion medical certification at our expense, and we will provide further details at a later time.

____ Your FMLA Leave request is Not Approved.
____ The FMLA does not apply to your leave request.
____ You have exhausted your FMLA leave entitlement in the applicable 12-month period.

PAPERWORK REDUCTION ACT NOTICE AND PUBLIC BURDEN STATEMENT

It is mandatory for employers to inform employees in writing whether leave requested under the FMLA has been determined to be covered under the FMLA. 29 U.S.C. § 2617; 29 C.F.R. §§ 825.300(d), (e). It is mandatory for employers to retain a copy of this disclosure in their records for three years. 29 U.S.C. § 2616; 29 C.F.R. § 825.500. Persons are not required to respond to this collection of information unless it displays a currently valid OMB control number. The Department of Labor estimates that it will take an average of 10 – 30 minutes for respondents to complete this collection of information, including the time for reviewing instructions, searching existing data sources, gathering and maintaining the data needed, and completing and reviewing the collection of information. If you have any comments regarding this burden estimate or any other aspect of this collection information, including suggestions for reducing this burden, send them to the Administrator, Wage and Hour Division, U.S. Department of Labor, Room S-3502, 200 Constitution Ave., NW, Washington, DC 20210. **DO NOT SEND THE COMPLETED FORM TO THE WAGE AND HOUR DIVISION.**

Form WH-382 January 2009

APPENDIX G:
FMLA Certification Form – Employees Own Serious Health Condition

Certification of Health Care Provider for Employee's Serious Health Condition (Family and Medical Leave Act)

U.S. Department of Labor
Wage and Hour Division

OMB Control Number: 1235-0003
Expires: 3/31/2015

SECTION I: For Completion by the EMPLOYER

INSTRUCTIONS to the EMPLOYER: The Family and Medical Leave Act (FMLA) provides that an employer may require an employee seeking FMLA protections because of a need for leave due to a serious health condition to submit a medical certification issued by the employee's health care provider. Please complete Section I before giving this form to your employee. Your response is voluntary. While you are not required to use this form, you may not ask the employee to provide more information than allowed under the FMLA regulations, 29 C.F.R. §§ 825.306-825.308. Employers must generally maintain records and documents relating to medical certifications, recertifications, or medical histories of employees created for FMLA purposes as confidential medical records in separate files/records from the usual personnel files and in accordance with 29 C.F.R. § 1630.14(c)(1), if the Americans with Disabilities Act applies.

Employer name and contact: _____

Employee's job title: _____ Regular work schedule: _____

Employee's essential job functions: _____

_____

Check if job description is attached: ____

SECTION II: For Completion by the EMPLOYEE

INSTRUCTIONS to the EMPLOYEE: Please complete Section II before giving this form to your medical provider. The FMLA permits an employer to require that you submit a timely, complete, and sufficient medical certification to support a request for FMLA leave due to your own serious health condition. If requested by your employer, your response is required to obtain or retain the benefit of FMLA protections. 29 U.S.C. §§ 2613, 2614(c)(3). Failure to provide a complete and sufficient medical certification may result in a denial of your FMLA request. 29 C.F.R. § 825.313. Your employer must give you at least 15 calendar days to return this form. 29 C.F.R. § 825.305(b).

Your name: _____
First Middle Last

SECTION III: For Completion by the HEALTH CARE PROVIDER

INSTRUCTIONS to the HEALTH CARE PROVIDER: Your patient has requested leave under the FMLA. Answer, fully and completely, all applicable parts. Several questions seek a response as to the frequency or duration of a condition, treatment, etc. Your answer should be your best estimate based upon your medical knowledge, experience, and examination of the patient. Be as specific as you can; terms such as "lifetime," "unknown," or "indeterminate" may not be sufficient to determine FMLA coverage. Limit your responses to the condition for which the employee is seeking leave. Please be sure to sign the form on the last page.

Provider's name and business address: _____

Type of practice / Medical specialty: _____

Telephone: (____) _____ Fax:(____) _____

Page 1 CONTINUED ON NEXT PAGE Form WH-380-E Revised January 2009

APPENDIX G (continued):
FMLA Certification Form – Employees Own Serious Health Condition

PART A: MEDICAL FACTS

1. Approximate date condition commenced: _____

Probable duration of condition: _____

Mark below as applicable:
Was the patient admitted for an overnight stay in a hospital, hospice, or residential medical care facility?
___No ___Yes. If so, dates of admission:

_____

Date(s) you treated the patient for condition:

_____

Will the patient need to have treatment visits at least twice per year due to the condition? ___No ___ Yes.

Was medication, other than over-the-counter medication, prescribed? ___No ___Yes.

Was the patient referred to other health care provider(s) for evaluation or treatment (e.g., physical therapist)?
___No ___Yes. If so, state the nature of such treatments and expected duration of treatment:

_____

2. Is the medical condition pregnancy? ___No ___Yes. If so, expected delivery date: _____

3. Use the information provided by the employer in Section I to answer this question. If the employer fails to provide a list of the employee's essential functions or a job description, answer these questions based upon the employee's own description of his/her job functions.

Is the employee unable to perform any of his/her job functions due to the condition: ___No ___Yes.

If so, identify the job functions the employee is unable to perform:

_____

4. Describe other relevant medical facts, if any, related to the condition for which the employee seeks leave (such medical facts may include symptoms, diagnosis, or any regimen of continuing treatment such as the use of specialized equipment):

_____
_____
_____
_____
_____
_____
_____

APPENDIX G (continued):
FMLA Certification Form – Employees Own Serious Health Condition

PART B: AMOUNT OF LEAVE NEEDED

5. Will the employee be incapacitated for a single continuous period of time due to his/her medical condition, including any time for treatment and recovery? ___No ___Yes.

   If so, estimate the beginning and ending dates for the period of incapacity: _____

6. Will the employee need to attend follow-up treatment appointments or work part-time or on a reduced schedule because of the employee's medical condition? ___No ___Yes.

   If so, are the treatments or the reduced number of hours of work medically necessary? ___No ___Yes.

   Estimate treatment schedule, if any, including the dates of any scheduled appointments and the time required for each appointment, including any recovery period:

   _____

   Estimate the part-time or reduced work schedule the employee needs, if any:

   _____ hour(s) per day; _____ days per week from _____ through _____

7. Will the condition cause episodic flare-ups periodically preventing the employee from performing his/her job functions? ____No ____Yes.

   Is it medically necessary for the employee to be absent from work during the flare-ups? ____ No ____Yes. If so, explain:

   _____

   _____

   Based upon the patient's medical history and your knowledge of the medical condition, estimate the frequency of flare-ups and the duration of related incapacity that the patient may have over the next 6 months (e.g., 1 episode every 3 months lasting 1-2 days):

Frequency : _____ times per _____ week(s) _____ month(s)

Duration: _____ hours or ___ day(s) per episode

ADDITIONAL INFORMATION: IDENTIFY QUESTION NUMBER WITH YOUR ADDITIONAL ANSWER.

_____

_____

_____

_____

_____

_____

Page 3 CONTINUED ON NEXT PAGE Form WH-380-E Revised January 2009

APPENDIX G (continued):
FMLA Certification Form – Employees Own Serious Health Condition

Signature of Health Care Provider **Date**

PAPERWORK REDUCTION ACT NOTICE AND PUBLIC BURDEN STATEMENT

If submitted, it is mandatory for employers to retain a copy of this disclosure in their records for three years. 29 U.S.C. § 2616; 29 C.F.R. § 825.500. Persons are not required to respond to this collection of information unless it displays a currently valid OMB control number. The Department of Labor estimates that it will take an average of 20 minutes for respondents to complete this collection of information, including the time for reviewing instructions, searching existing data sources, gathering and maintaining the data needed, and completing and reviewing the collection of information. If you have any comments regarding this burden estimate or any other aspect of this collection information, including suggestions for reducing this burden, send them to the Administrator, Wage and Hour Division, U.S. Department of Labor, Room S-3502, 200 Constitution Ave., NW, Washington, DC 20210. **DO NOT SEND COMPLETED FORM TO THE DEPARTMENT OF LABOR; RETURN TO THE PATIENT.**

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APPENDIX H:
FMLA Certification Form – Family Member's Serious Health Condition

Certification of Health Care Provider for Family Member's Serious Health Condition (Family and Medical Leave Act)

U.S. Department of Labor
Wage and Hour Division

OMB Control Number: 1235-0003
Expires: 3/31/2015

SECTION I: For Completion by the EMPLOYER

INSTRUCTIONS to the EMPLOYER: The Family and Medical Leave Act (FMLA) provides that an employer may require an employee seeking FMLA protections because of a need for leave to care for a covered family member with a serious health condition to submit a medical certification issued by the health care provider of the covered family member. Please complete Section I before giving this form to your employee. Your response is voluntary. While you are not required to use this form, you may not ask the employee to provide more information than allowed under the FMLA regulations, 29 C.F.R. §§ 825.306-825.308. Employers must generally maintain records and documents relating to medical certifications, recertifications, or medical histories of employees' family members, created for FMLA purposes as confidential medical records in separate files/records from the usual personnel files and in accordance with 29 C.F.R. § 1630.14(c)(1), if the Americans with Disabilities Act applies.

Employer name and contact: _____

SECTION II: For Completion by the EMPLOYEE

INSTRUCTIONS to the EMPLOYEE: Please complete Section II before giving this form to your family member or his/her medical provider. The FMLA permits an employer to require that you submit a timely, complete, and sufficient medical certification to support a request for FMLA leave to care for a covered family member with a serious health condition. If requested by your employer, your response is required to obtain or retain the benefit of FMLA protections. 29 U.S.C. §§ 2613, 2614(c)(3). Failure to provide a complete and sufficient medical certification may result in a denial of your FMLA request. 29 C.F.R. § 825.313. Your employer must give you at least 15 calendar days to return this form to your employer. 29 C.F.R. § 825.305.

Your name: _____
First Middle Last

Name of family member for whom you will provide care: _____
First Middle Last

Relationship of family member to you: _____

If family member is your son or daughter, date of birth: _____

Describe care you will provide to your family member and estimate leave needed to provide care:

_____

_____

_____

_____ _____
Employee Signature Date

Page 1 CONTINUED ON NEXT PAGE Form WH-380-F Revised January 2009

APPENDIX H (continued):
FMLA Certification Form – Family Member's Serious Health Condition

SECTION III: For Completion by the HEALTH CARE PROVIDER

INSTRUCTIONS to the HEALTH CARE PROVIDER: The employee listed above has requested leave under the FMLA to care for your patient. Answer, fully and completely, all applicable parts below. Several questions seek a response as to the frequency or duration of a condition, treatment, etc. Your answer should be your best estimate based upon your medical knowledge, experience, and examination of the patient. Be as specific as you can; terms such as "lifetime," "unknown," or "indeterminate" may not be sufficient to determine FMLA coverage. Limit your responses to the condition for which the patient needs leave. Page 3 provides space for additional information, should you need it. Please be sure to sign the form on the last page.

Provider's name and business address: _____

Type of practice / Medical specialty: _____

Telephone: ( ) _____ Fax:( ) _____

PART A: MEDICAL FACTS

1. Approximate date condition commenced: _____

Probable duration of condition: _____

Was the patient admitted for an overnight stay in a hospital, hospice, or residential medical care facility?
___No ___Yes. If so, dates of admission: _____

Date(s) you treated the patient for condition: _____

Was medication, other than over-the-counter medication, prescribed? ___No ___Yes.

Will the patient need to have treatment visits at least twice per year due to the condition? ___No ___Yes

Was the patient referred to other health care provider(s) for evaluation or treatment (e.g., physical therapist)?
___ No ___Yes. If so, state the nature of such treatments and expected duration of treatment:

2. Is the medical condition pregnancy? ___No ___Yes. If so, expected delivery date: _____

3. Describe other relevant medical facts, if any, related to the condition for which the patient needs care (such medical facts may include symptoms, diagnosis, or any regimen of continuing treatment such as the use of specialized equipment):

Page 2 CONTINUED ON NEXT PAGE Form WH-380-F Revised January 2009

APPENDIX H (continued):
FMLA Certification Form – Family Member's Serious Health Condition

PART B: AMOUNT OF CARE NEEDED: When answering these questions, keep in mind that your patient's need for care by the employee seeking leave may include assistance with basic medical, hygienic, nutritional, safety or transportation needs, or the provision of physical or psychological care:

4. Will the patient be incapacitated for a single continuous period of time, including any time for treatment and recovery? ___No ___Yes.

   Estimate the beginning and ending dates for the period of incapacity: _____

   During this time, will the patient need care? __No __Yes.

   Explain the care needed by the patient and why such care is medically necessary: _____

5. Will the patient require follow-up treatments, including any time for recovery? ___No ___Yes.

   Estimate treatment schedule, if any, including the dates of any scheduled appointments and the time required for each appointment, including any recovery period:

   Explain the care needed by the patient, and why such care is medically necessary: _____

6. Will the patient require care on an intermittent or reduced schedule basis, including any time for recovery? __ No __Yes.

   Estimate the hours the patient needs care on an intermittent basis, if any:

   _____ hour(s) per day; _____ days per week from _____ through _____

   Explain the care needed by the patient, and why such care is medically necessary: _____

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APPENDIX H (continued):
FMLA Certification Form – Family Member's Serious Health Condition

7. Will the condition cause episodic flare-ups periodically preventing the patient from participating in normal daily activities? ____No ____Yes.

Based upon the patient's medical history and your knowledge of the medical condition, estimate the frequency of flare-ups and the duration of related incapacity that the patient may have over the next 6 months (e.g., 1 episode every 3 months lasting 1-2 days):

Frequency: _____ times per _____ week(s) _____ month(s)

Duration: _____ hours or ___ day(s) per episode

Does the patient need care during these flare-ups? ____ No ____ Yes.

Explain the care needed by the patient, and why such care is medically necessary: _____

ADDITIONAL INFORMATION: IDENTIFY QUESTION NUMBER WITH YOUR ADDITIONAL ANSWER.

Signature of Health Care Provider **Date**

PAPERWORK REDUCTION ACT NOTICE AND PUBLIC BURDEN STATEMENT

If submitted, it is mandatory for employers to retain a copy of this disclosure in their records for three years. 29 U.S.C. § 2616; 29 C.F.R. § 825.500. Persons are not required to respond to this collection of information unless it displays a currently valid OMB control number. The Department of Labor estimates that it will take an average of 20 minutes for respondents to complete this collection of information, including the time for reviewing instructions, searching existing data sources, gathering and maintaining the data needed, and completing and reviewing the collection of information. If you have any comments regarding this burden estimate or any other aspect of this collection information, including suggestions for reducing this burden, send them to the Administrator, Wage and Hour Division, U.S. Department of Labor, Room S-3502, 200 Constitution Ave., NW, Washington, DC 20210.
DO NOT SEND COMPLETED FORM TO THE DEPARTMENT OF LABOR; RETURN TO THE PATIENT.

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APPENDIX I:
FMLA Certification Form – Certification of Qualifying Exigency for Military Family Leave

Certification of Qualifying Exigency
For Military Family Leave
(Family and Medical Leave Act)

U.S. Department of Labor
Wage and Hour Division

OMB Control Number: 1235-0003
Expires: 3/31/2015

SECTION I: For Completion by the EMPLOYER

INSTRUCTIONS to the EMPLOYER: The Family and Medical Leave Act (FMLA) provides that an employer may require an employee seeking FMLA leave due to a qualifying exigency to submit a certification. Please complete Section I before giving this form to your employee. Your response is voluntary, and while you are not required to use this form, you may not ask the employee to provide more information than allowed under the FMLA regulations, 29 CFR 825.309.

Employer name: _____

Contact Information: _____

SECTION II: For Completion by the EMPLOYEE

INSTRUCTIONS to the EMPLOYEE: Please complete Section II fully and completely. The FMLA permits an employer to require that you submit a timely, complete, and sufficient certification to support a request for FMLA leave due to a qualifying exigency. Several questions in this section seek a response as to the frequency or duration of the qualifying exigency. Be as specific as you can; terms such as "unknown," or "indeterminate" may not be sufficient to determine FMLA coverage. Your response is required to obtain a benefit. 29 CFR 825.310. While you are not required to provide this information, failure to do so may result in a denial of your request for FMLA leave. Your employer must give you at least 15 calendar days to return this form to your employer.

Your Name: _____
First Middle Last

Name of military member on covered active duty or call to covered active duty status:

_____
First Middle Last

Relationship of military member to you: _____

Period of military member's covered active duty: _____

A complete and sufficient certification to support a request for FMLA leave due to a qualifying exigency includes written documentation confirming a military member's covered active duty or call to covered active duty status. Please check one of the following and attach the indicated document to support that the military member is on covered active duty or call to covered active duty status.

- ☐ A copy of the military member's covered active duty orders is attached.
- ☐ Other documentation from the military certifying that the military member is on covered active duty (or has been notified of an impending call to covered active duty) is attached.
- ☐ I have previously provided my employer with sufficient written documentation confirming the military member's covered active duty or call to covered active duty status.

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APPENDIX I (continued):
FMLA Certification Form – Certification of Qualifying Exigency for Military Family Leave

PART A: QUALIFYING REASON FOR LEAVE

1. Describe the reason you are requesting FMLA leave due to a qualifying exigency (including the specific reason you are requesting leave):

2. A complete and sufficient certification to support a request for FMLA leave due to a qualifying exigency includes any available written documentation which supports the need for leave; such documentation may include a copy of a meeting announcement for informational briefings sponsored by the military; a document confirming the military member's Rest and Recuperation leave; a document confirming an appointment with a third party, such as a counselor or school official, or staff at a care facility; or a copy of a bill for services for the handling of legal or financial affairs. Available written documentation supporting this request for leave is attached.

Yes ☐ No ☐ None Available ☐

PART B: AMOUNT OF LEAVE NEEDED

1. Approximate date exigency commenced: _____

Probable duration of exigency: _____

2. Will you need to be absent from work for a single continuous period of time due to the qualifying exigency?

Yes ☐ No ☐

If so, estimate the beginning and ending dates for the period of absence:

3. Will you need to be absent from work periodically to address this qualifying exigency? Yes ☐ No ☐

Estimate schedule of leave, including the dates of any scheduled meetings or appointments:

Estimate the frequency and duration of each appointment, meeting, or leave event, including any travel time (i.e., 1 deployment-related meeting every month lasting 4 hours):

Frequency: ____ times per ____ week(s) ____ month(s)

Duration: ____ hours ___ day(s) per event.

APPENDIX I (continued):
FMLA Certification Form – Certification of Qualifying Exigency for Military Family Leave

PART C:

If leave is requested to meet with a third party (such as to arrange for childcare or parental care, to attend counseling, to attend meetings with school, childcare or parental care providers, to make financial or legal arrangements, to act as the military member's representative before a federal, state, or local agency for purposes of obtaining, arranging or appealing military service benefits, or to attend any event sponsored by the military or military service organizations), a complete and sufficient certification includes the name, address, and appropriate contact information of the individual or entity with whom you are meeting (i.e., either the telephone or fax number or email address of the individual or entity). This information may be used by your employer to verify that the information contained on this form is accurate.

Name of Individual: _____ Title: _____

Organization: _____

Address: _____

Telephone: (_____) _____ Fax: (_____) _____

Email: _____

Describe nature of meeting: _____

PART D:

I certify that the information I provided above is true and correct.

Signature of Employee _____ Date _____

PAPERWORK REDUCTION ACT NOTICE AND PUBLIC BURDEN STATEMENT

If submitted, it is mandatory for employers to retain a copy of this disclosure in their records for three years. 29 U.S.C. 2616; 29 CFR 825.500. Persons are not required to respond to this collection of information unless it displays a currently valid OMB control number. T he Department of Labor estimates that it will take an average of 20 minutes for respondents to complete this collection of information, including the time for reviewing instructions, searching existing data sources, gathering and maintaining the data needed, and completing and reviewing the collection of information. If you have any comments regarding this burden estimate or any other aspect of this collection information, including suggestions for reducing this burden, send them to the Administrator, Wage and Hour Division, U.S. Department of Labor, Room S-3502, 200 Constitution AV, NW, Washington, DC 20210. **DO NOT SEND THE COMPLETED FORM TO THE WAGE AND HOUR DIVISION; RETURN IT TO THE EMPLOYER.**

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APPENDIX J:
FMLA Certification Form – Certification for Serious Injury or Illness of Covered Service Member

Certification for Serious Injury or Illness of a Current Servicemember - -for Military Family Leave (Family and Medical Leave Act)

U.S. Department of Labor
Wage and Hour Division

OMB Control Number: 1235-0003
Expires: 3/31/2015

Notice to the EMPLOYER

INSTRUCTIONS to the EMPLOYER: The Family and Medical Leave Act (FMLA) provides that an employer may require an employee seeking FMLA leave due to a serious injury or illness of a current servicemember to submit a certification providing sufficient facts to support the request for leave. Your response is voluntary. While you are not required to use this form, you may not ask the employee to provide more information than allowed under the FMLA regulations, 29 CFR 825.310. Employers must generally maintain records and documents relating to medical certifications, recertifications, or medical histories of employees or employees' family members created for FMLA purposes as confidential medical records in separate files/records from the usual personnel files and in accordance with 29 CFR 1630.14(c)(1), if the Americans with Disabilities Act applies.

SECTION I: For Completion by the EMPLOYEE and/or the CURRENT SERVICEMEMBER for whom the Employee Is Requesting Leave

INSTRUCTIONS to the EMPLOYEE or CURRENT SERVICEMEMBER: Please complete Section I before having Section II completed. The FMLA permits an employer to require that an employee submit a timely, complete, and sufficient certification to support a request for FMLA leave due to a serious injury or illness of a servicemember. If requested by the employer, your response is required to obtain or retain the benefit of FMLA-protected leave. 29 U.S.C. 2613, 2614(c)(3). Failure to do so may result in a denial of an employee's FMLA request. 29 CFR 825.310(f). The employer must give an employee at least 15 calendar days to return this form to the employer.

SECTION II: For Completion by a UNITED STATES DEPARTMENT OF DEFENSE ("DOD") HEALTH CARE PROVIDER or a HEALTH CARE PROVIDER who is either: (1) a United States Department of Veterans Affairs ("VA") health care provider; (2) a DOD TRICARE network authorized private health care provider; (3) a DOD non-network TRICARE authorized private health care provider; or (4) a health care provider as defined in 29 CFR 825.125

INSTRUCTIONS to the HEALTH CARE PROVIDER: The employee listed on Page 2 has requested leave under the FMLA to care for a family member who is a current member of the Regular Armed Forces, the National Guard, or the Reserves who is undergoing medical treatment, recuperation, or therapy, is otherwise in outpatient status, or is otherwise on the temporary disability retired list for a serious injury or illness. For purposes of FMLA leave, a serious injury or illness is one that was incurred in the line of duty on active duty in the Armed Forces or that existed before the beginning of the member's active duty and was aggravated by service in the line of duty on active duty in the Armed Forces that may render the servicemember medically unfit to perform the duties of his or her office, grade, rank, or rating.

A complete and sufficient certification to support a request for FMLA leave due to a current servicemember's serious injury or illness includes written documentation confirming that the servicemember's injury or illness was incurred in the line of duty on active duty or if not, that the current servicemember's injury or illness existed before the beginning of the servicemember's active duty and was aggravated by service in the line of duty on active duty in the Armed Forces, and that the current servicemember is undergoing treatment for such injury or illness by a health care provider listed above. Answer, fully and completely, all applicable parts. Several questions seek a response as to the frequency or duration of a condition, treatment, etc. Your answer should be your best estimate based upon your medical knowledge, experience, and examination of the patient. Be as specific as you can; terms such as "lifetime," "unknown," or "indeterminate" may not be sufficient to determine FMLA coverage. Limit your responses to the servicemember's condition for which the employee is seeking leave.

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APPENDIX J (continued):
FMLA Certification Form – Certification for Serious Injury or Illness of Covered Service Member

SECTION I: For Completion by the EMPLOYEE and/or the CURRENT SERVICEMEMBER for whom the Employee Is Requesting Leave:

(This section must be completed first before any of the below sections can be completed by a health care provider.)

Part A: EMPLOYEE INFORMATION

Name and Address of Employer (this is the employer of the employee requesting leave to care for the current servicemember):

Name of Employee Requesting Leave to Care for the Current Servicemember:

First Middle Last

Name of the Current Servicemember (for whom employee is requesting leave to care):

First Middle Last

Relationship of Employee to the Current Servicemember:

Spouse ☐ Parent ☐ Son ☐ Daughter ☐ Next of Kin ☐

Part B: SERVICEMEMBER INFORMATION

(1) Is the Servicemember a Current Member of the Regular Armed Forces, the National Guard or Reserves?
Yes ☐ No ☐

If yes, please provide the servicemember's military branch, rank and unit currently assigned to:

Is the servicemember assigned to a military medical treatment facility as an outpatient or to a unit established for the purpose of providing command and control of members of the Armed Forces receiving medical care as outpatients (such as a medical hold or warrior transition unit)?
Yes ☐ No ☐

If yes, please provide the name of the medical treatment facility or unit:

(2) Is the Servicemember on the Temporary Disability Retired List (TDRL)?
Yes ☐ No ☐

Part C: CARE TO BE PROVIDED TO THE SERVICEMEMBER

Describe the Care to Be Provided to the Current Servicemember and an Estimate of the Leave Needed to Provide the Care:

APPENDIX J (continued):
FMLA Certification Form – Certification for Serious Injury or Illness of Covered Service Member

SECTION II: For Completion by a United States Department of Defense ("DOD") Health Care Provider or a Health Care Provider who is either: (1) a United States Department of Veterans Affairs ("VA") health care provider; (2) a DOD TRICARE network authorized private health care provider; (3) a DOD non-network TRICARE authorized private health care provider; or (4) a health care provider as defined in 29 CFR 825.125. If you are unable to make certain of the military-related determinations contained below in Part B, you are permitted to rely upon determinations from an authorized DOD representative (such as a DOD recovery care coordinator).

(Please ensure that Section I above has been completed before completing this section. Please be sure to sign the form on the last page.)

Part A: HEALTH CARE PROVIDER INFORMATION

Health Care Provider's Name and Business Address: _____

Type of Practice/Medical Specialty: _____

Please state whether you are either: (1) a DOD health care provider; (2) a VA health care provider; (3) a DOD TRICARE network authorized private health care provider; (4) a DOD non-network TRICARE authorized private health care provider, or (5) a health care provider as defined in 29 CFR 825.125:

_____

Telephone: ( ) _____ Fax: ( ) _____ Email: _____

PART B: MEDICAL STATUS

(1) The current Servicemember's medical condition is classified as (Check One of the Appropriate Boxes):

☐ **(VSI) Very Seriously Ill/Injured –** Illness/Injury is of such a severity that life is imminently endangered. Family members are requested at bedside immediately. (Please note this is an internal DOD casualty assistance designation used by DOD healthcare providers.)

☐ **(SI) Seriously Ill/Injured –** Illness/injury is of such severity that there is cause for immediate concern, but there is no imminent danger to life. Family members are requested at bedside. (Please note this is an internal DOD casualty assistance designation used by DOD healthcare providers.)

☐ **OTHER Ill/Injured –** a serious injury or illness that may render the servicemember medically unfit to perform the duties of the member's office, grade, rank, or rating.

☐ **NONE OF THE ABOVE** (Note to Employee: If this box is checked, you may still be eligible to take leave to care for a covered family member with a "serious health condition" under § 825.113 of the FMLA. If such leave is requested, you may be required to complete DOL FORM WH-380-F or an employer-provided form seeking the same information.)

(2) Is the current Servicemember being treated for a condition which was incurred or aggravated by service in the line of duty on active duty in the Armed Forces? Yes☐ No☐

(3) Approximate date condition commenced: _____

(4) Probable duration of condition and/or need for care: _____

APPENDIX J (continued):
FMLA Certification Form – Certification for Serious Injury or Illness of Covered Service Member

(5) Is the servicemember undergoing medical treatment, recuperation, or therapy for this condition? Yes☐ No☐

If yes, please describe medical treatment, recuperation or therapy:

PART C: SERVICEMEMBER'S NEED FOR CARE BY FAMILY MEMBER

(1) Will the servicemember need care for a single continuous period of time, including any time for treatment and recovery? Yes☐ No☐

If yes, estimate the beginning and ending dates for this period of time:

(2) Will the servicemember require periodic follow-up treatment appointments? Yes☐ No☐

If yes, estimate the treatment schedule:

(3) Is there a medical necessity for the servicemember to have periodic care for these follow-up treatment appointments? Yes☐ No☐

(4) Is there a medical necessity for the servicemember to have periodic care for other than scheduled follow-up treatment appointments (e.g., episodic flare-ups of medical condition)?
Yes☐ No☐

If yes, please estimate the frequency and duration of the periodic care:

Signature of Health Care Provider: **Date:**

PAPERWORK REDUCTION ACT NOTICE AND PUBLIC BURDEN STATEMENT

If submitted, it is mandatory for employers to retain a copy of this disclosure in their records for three years, in accordance with 29 U.S.C. 2616; 29 CFR 825.500. Persons are not required to respond to this collection of information unless it displays a currently valid OMB control number. The Department of Labor estimates that it will take an average of 20 minutes for respondents to complete this collection of information, including the time for reviewing instructions, searching existing data sources, gathering and maintaining the data needed, and completing and reviewing the collection of information. If you have any comments regarding this burden estimate or any other aspect of this collection information, including suggestions for reducing this burden, send them to the Administrator, Wage and Hour Division, U.S. Department of Labor, Room S-3502, 200 Constitution AV, NW, Washington, DC 20210. **DO NOT SEND THE COMPLETED FORM TO THE WAGE AND HOUR DIVISION; RETURN IT TO THE PATIENT.**

Page 4 Form WH-385 Revised February 2013

APPENDIX K:
FMLA Certification Form – Certification for Serious Injury or Illness of a Veteran for Military Caregiver Leave

Certification for Serious Injury or Illness of a Veteran for Military Caregiver Leave (Family and Medical Leave Act)

U.S. Department of Labor
Wage and Hour Division

OMB Control Number: 1235-0003
Expires: 3/31/2015

Notice to the EMPLOYER

The Family and Medical Leave Act (FMLA) provides that an employer may require an employee seeking military caregiver leave under the FMLA leave due to a serious injury or illness of a covered veteran to submit a certification providing sufficient facts to support the request for leave. Your response is voluntary. While you are not required to use this form, you may not ask the employee to provide more information than allowed under the FMLA regulations, 29 CFR 825.310. Employers must generally maintain records and documents relating to medical certifications, recertifications, or medical histories of employees or employees' family members, created for FMLA purposes as confidential medical records in separate files/records from the usual personnel files and in accordance with 29 CFR 1630.14(c)(1), if the Americans with Disabilities Act applies.

SECTION I: For completion by the EMPLOYEE and/or the VETERAN for whom the employee is requesting leave

INSTRUCTIONS to the EMPLOYEE and/or VETERAN: Please complete Section I before having Section II completed. The FMLA permits an employer to require that an employee submit a timely, complete, and sufficient certification to support a request for military caregiver leave under the FMLA leave due to a serious injury or illness of a covered veteran. If requested by the employer, your response is required to obtain or retain the benefit of FMLA-protected leave. 29 U.S.C. 2613, 2614(c)(3). Failure to do so may result in a denial of an employee's FMLA request. 29 CFR 825.310(f). The employer must give an employee at least 15 calendar days to return this form to the employer.

(This section must be completed before Section II can be completed by a health care provider.)

Part A: EMPLOYEE INFORMATION

Name and address of employer (this is the employer of the employee requesting leave to care for a veteran):

Name of employee requesting leave to care for a veteran:

First Middle Last

Name of veteran (for whom employee is requesting leave):

First Middle Last

Relationship of employee to veteran:

Spouse ☐ Parent ☐ Son ☐ Daughter ☐ Next of Kin ☐ (please specify relationship):

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APPENDIX K (continued):
FMLA Certification Form – Certification for Serious Injury or Illness of a Veteran for Military Caregiver Leave

Part B: VETERAN INFORMATION

(1) Date of the veteran's discharge:

(2) Was the veteran **dishonorably** discharged or released from the Armed Forces (including the National Guard or Reserves)? Yes☐ No☐

(3) Please provide the veteran's military branch, rank and unit at the time of discharge:

(4) Is the veteran receiving medical treatment, recuperation, or therapy for an injury or illness? Yes☐ No☐

Part C: CARE TO BE PROVIDED TO THE VETERAN

Describe the care to be provided to the veteran and an estimate of the leave needed to provide the care:

Page 2 CONTINUED ON NEXT PAGE Form WH-385-V Revised February 2013

APPENDIX K (continued):
FMLA Certification Form – Certification for Serious Injury or Illness of a Veteran for Military Caregiver Leave

SECTION II: For completion by: (1) a United States Department of Defense ("DOD") health care provider; (2) a United States Department of Veterans Affairs ("VA") health care provider; (3) a DOD TRICARE network authorized private health care provider; (4) a DOD non-network TRICARE authorized private health care provider; or (5) a health care provider as defined in 29 CFR 825.125.

INSTRUCTIONS to the HEALTH CARE PROVIDER: The employee named in Section I has requested leave under the military caregiver leave provision of the FMLA to care for a family member who is a veteran. For purposes of FMLA military caregiver leave, a serious injury or illness means an injury or illness incurred by the servicemember in the line of duty on active duty in the Armed Forces (or that existed before the beginning of the servicemember's active duty and was aggravated by service in the line of duty on active duty in the Armed Forces) and manifested itself before or after the servicemember became a veteran, and is:

(i) a continuation of a serious injury or illness that was incurred or aggravated when the covered veteran was a member of the Armed Forces and rendered the servicemember unable to perform the duties of the servicemember's office, grade, rank, or rating; or
(ii) a physical or mental condition for which the covered veteran has received a U.S. Department of Veterans Affairs Service Related Disability Rating (VASRD) of 50 percent or greater, and such VASRD rating is based, in whole or in part, on the condition precipitating the need for military caregiver leave; or
(iii) a physical or mental condition that substantially impairs the covered veteran's ability to secure or follow a substantially gainful occupation by reason of a disability or disabilities related to military service, or would do so absent treatment; or
(iv) an injury, including a psychological injury, on the basis of which the covered veteran has been enrolled in the Department of Veterans' Affairs Program of Comprehensive Assistance for Family Caregivers.

A complete and sufficient certification to support a request for FMLA military caregiver leave due to a covered veteran's serious injury or illness includes written documentation confirming that the veteran's injury or illness was incurred in the line of duty on active duty or existed before the beginning of the veteran's active duty and was aggravated by service in the line of duty on active duty, and that the veteran is undergoing treatment, recuperation, or therapy for such injury or illness by a health care provider listed above. Answer fully and completely all applicable parts. Several questions seek a response as to the frequency or duration of a condition, treatment, etc. Your answer should be your best estimate based upon your medical knowledge, experience, and examination of the patient. Be as specific as you can; terms such as "lifetime," "unknown," or "indeterminate" may not be sufficient to determine FMLA military caregiver leave coverage. Limit your responses to the veteran's condition for which the employee is seeking leave.

(Please ensure that Section I has been completed before completing this section. Please be sure to sign the form on the last page and return this form to the employee requesting leave (See Section I, Part A above). **DO NOT SEND THE COMPLETED FORM TO THE WAGE AND HOUR DIVISION.**)

Part A: HEALTH CARE PROVIDER INFORMATION

Health care provider's name and business address:

_____

Telephone: ( ) _____ Fax: ( ) _____ Email: _____

Type of Practice/Medical Specialty: _____

Please indicate if you are:

☐ a DOD health care provider

☐ a VA health care provider

☐ a DOD TRICARE network authorized private health care provider

☐ a DOD non-network TRICARE authorized private health care provider

☐ other health care provider

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APPENDIX K (continued):
FMLA Certification Form – Certification for Serious Injury or Illness of a Veteran for Military Caregiver Leave

PART B: MEDICAL STATUS

Note: If you are unable to make certain of the military-related determinations contained in Part B, you are permitted to rely upon determinations from an authorized DOD representative (such as, DOD Recovery Care Coordinator) or an authorized VA representative.

(1) The Veteran's medical condition is:

☐ A continuation of a serious injury or illness that was incurred or aggravated when the covered veteran was a member of the Armed Forces and rendered the servicemember unable to perform the duties of the servicemember's office, grade, rank, or rating.

☐ A physical or mental condition for which the covered veteran has received a U.S. Department of Veterans Affairs Service Related Disability Rating (VASRD) of 50% or higher, and such VASRD rating is based, in whole or in part, on the condition precipitating the need for military caregiver leave.

☐ A physical or mental condition that substantially impairs the covered veteran's ability to secure or follow a substantially gainful occupation by reason of a disability or disabilities related to military service, or would do so absent treatment.

☐ An injury, including a psychological injury, on the basis of which the covered veteran is enrolled in the Department of Veterans' Affairs Program of Comprehensive Assistance for Family Caregivers.

☐ None of the above.

(2) Is the veteran being treated for a condition which was incurred or aggravated by service in the line of duty on active duty in the Armed Forces? Yes☐ No☐

(3) Approximate date condition commenced: _____

(4) Probable duration of condition and/or need for care: _____

(5) Is the veteran undergoing medical treatment, recuperation, or therapy for this condition? Yes☐ No☐

If yes, please describe medical treatment, recuperation or therapy:

_____

PART C: VETERAN'S NEED FOR CARE BY FAMILY MEMBER

"Need for care" encompasses both physical and psychological care. It includes situations where, for example, due to his or her serious injury or illness, the veteran is unable to care for his or her own basic medical, hygienic, or nutritional needs or safety, or is unable to transport him or herself to the doctor. It also includes providing psychological comfort and reassurance which would be beneficial to the veteran who is receiving inpatient or home care.

(1) Will the veteran need care for a single continuous period of time, including any time for treatment and recovery? Yes☐ No☐

If yes, estimate the beginning and ending dates for this period of time: _____

(2) Will the veteran require periodic follow-up treatment appointments? Yes☐ No☐

If yes, estimate the treatment schedule: _____

Page 4 CONTINUED ON NEXT PAGE Form WH-385-V Revised February 2013

APPENDIX K (continued):
FMLA Certification Form – Certification for Serious Injury or Illness of a Veteran for Military Caregiver Leave

(3) Is there a medical necessity for the veteran to have periodic care for these follow-up treatment appointments?
Yes☐ No☐

(4) Is there a medical necessity for the veteran to have periodic care for other than scheduled follow-up treatment appointments (e.g., episodic flare-ups of medical condition)? Yes☐ No☐

If yes, please estimate the frequency and duration of the periodic care:

_____

_____

Signature of Health Care Provider: _____ **Date:** _____

PAPERWORK REDUCTION ACT NOTICE AND PUBLIC BURDEN STATEMENT

If submitted, it is mandatory for employers to retain a copy of this disclosure in their records for three years, in accordance with 29 U.S.C. 2616; 29 CFR 825.500. Persons are not required to respond to this collection of information unless it displays a currently valid OMB control number. The Department of Labor estimates that it will take an average of 20 minutes for respondents to complete this collection of information, including the time for reviewing instructions, searching existing data sources, gathering and maintaining the data needed, and completing and reviewing the collection of information. If you have any comments regarding this burden estimate or any other aspect of this collection information, including suggestions for reducing this burden, send them to the Administrator, Wage and Hour Division, U.S. Department of Labor, Room S-3502, 200 Constitution Ave., NW, Washington, DC 20210. **DO NOT SEND THE COMPLETED FORM TO THE WAGE AND HOUR DIVISION; RETURN IT TO THE EMPLOYEE REQUESTING LEAVE (As shown in Section I, Part "A" above).**

Page 5 Form WH-385-V Revised February 2013

APPENDIX L:
Notice of Secondary Employment

Syracuse City Corporation
Human Resources Department
Form HR-109
Updated January 1, 2013

SYRACUSE EST. CITY 1935

Syracuse City Corporation
NOTICE OF SECONDARY EMPLOYMENT

Date Request Submitted: _____

Employee Information

Name: _____ Employee Number: _____

Department: _____ Job Title: _____

Secondary Employment Information

Employers Name: _____

Employers Address: _____

Employers Type of Business: _____

General Description of Job Duties: _____

_____

_____

In general, what hours would you be working (i.e., 8 am to 5 pm)? _____

On average, how many hours per week will you work for the secondary employer? _____

I hereby request approval to engage in secondary (outside) employment as described above.

Employee Signature: _____ Date: _____

Approval Details

☐ Approved

☐ Unapproved (please explain): _____

Supervisor Signature: _____ Date: _____

Department Head Signature: _____ Date: _____

HR Director Signature: _____ Date: _____

City Administrator Signature: _____ Date: _____

APPENDIX M:
Injury/Incident Report Form

Syracuse City Accident / Injury / Incident Report Form

Please print clearly & check the correct box (witness/supervisor fill in all information you have knowledge of)

Status:	☐ Person Involved	☐ Witness	☐ Supervisor	☐ Other _____
Outcome:	☐ Vehicle Accident	☐ Injury/Illness	☐ Near Miss	☐ Other Incident

1. DETAILS OF PERSON INVOLVED

Name: _____ Phone: _____

Address: _____ Date of birth: _____

_____

Department: _____ Position: _____

Supervisor: _____ Work start time on day of incident: _____am/pm

2. DETAILS OF VEHICLE / PROPERTY (if applicable)

Year/Make/Model/Color or Description of Property: _____

VIN/Serial Number: _____

Other Information: _____

3. DETAILS OF INCIDENT

Date of Incident: _____ Time of Incident: _____am/pm

Date Reported: _____ Reported to: _____

Exact Location: _____

Describe how the incident occurred and what you were doing at the time: _____

_____

_____

_____

_____

How could the incident have been prevented?: _____

_____

_____

_____

Were any safeguards or PPE being used? Which ones?: _____

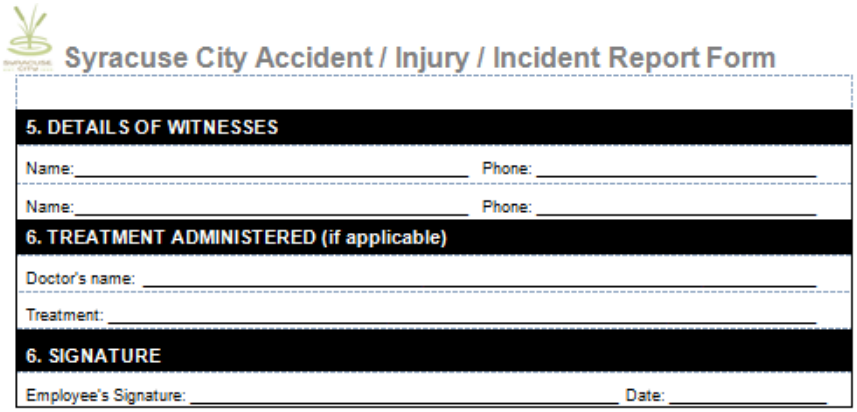
4. DETAILS OF INJURY (if applicable)

Nature of injury (eg. burn, cut, sprain): _____

Cause of injury (eg. fall, hit with falling hammer): _____

Location of body (eg. lower back, left forearm): _____

APPENDIX M (continued):
Injury/Incident Report Form



Syracuse City Accident / Injury / Incident Report Form

5. DETAILS OF WITNESSES

Name:_____ Phone: _____

Name:_____ Phone: _____

6. TREATMENT ADMINISTERED (if applicable)

Doctor's name: _____

Treatment: _____

6. SIGNATURE

Employee's Signature: _____ Date: _____

APPENDIX N:
Injury/Incident Checklist

Post-Accident/Incident Checklist

1. ☐ Notify Supervisor/Dept. Head
2. ☐ Notify HR Specialist
3. ☐ Take employee to get medical care as instructed above
4. ☐ Have WorkMed do drug and alcohol screening (call after-hours phone 801-387-8378, if needed)
5. ☐ Employee, Witnesses & Supervisor fills out Injury/Incident Report form and gives to HR Specialist ASAP
6. ☐ Gives pictures or any other information pertinent to injury/incident to HR Specialist ASAP.
7. ☐ Gives a copy of the Return to Work or Restricted Duty instructions from the doctor to the HR Specialist ASAP.

APPENDIX O:
Bomb Threat Checklist

Syracuse City Corporation
Human Resources Department
Form HR-113
Updated March 18, 2015

Syracuse City Corporation
BOMB THREAT CHECKLIST

If you receive a bomb threat, please record as much information about the threat, call, and caller as possible, including the following:

1. Was the threat received through the news media, a law enforcement agency, through a telephone call, or via some other method of communication?
   - ☐ News Media
   - ☐ Law Enforcement Agency
   - ☐ Telephone Calls
   - ☐ Other Method of Communication: _____
2. What time was the threat received? _____
3. Was the person making the threat an adult?
   - ☐ Yes
   - ☐ No
   - ☐ Unable to Determine
4. Was the person making the threat male or female?
   - ☐ Male
   - ☐ Female
   - ☐ Unable to Determine
5. Was a specific time given for the explosion?
   - ☐ Yes: _____
   - ☐ No
6. Was a specific location given for the bomb?
   - ☐ Yes: _____
   - ☐ No
7. Was a warning given to evacuate?
   - ☐ Yes
   - ☐ No
8. Did the caller provide a cause or justification for the bombing?
   - ☐ Yes: _____
   - ☐ No
9. Do you remember any other details about the threat, the call, or the caller? _____

_____

_____

APPENDIX P:
Tuition Aid Application

Syracuse City Corporation
Human Resources Department
Form HR-114
Updated March 18, 2015

Syracuse City Corporation
TUITION AID REQUEST

Date Request Submitted: _____

Tuition Aid Policy Information

Syracuse City offers tuition aid to full-time, non-probationary employees who wish to continue their education. Tuition aid requests must be for courses of study that are related to the employee's position with the City and approval of tuition aid requests is subject to the availability of funds. Tuition aid request must be submitted for approval prior to the start date of the course(s) for which the employee is requesting tuition aid. Approved tuition aid requests will be paid to the requesting employee as provided in section 16.060 (c) of the Syracuse City Personnel Policies and Procedures Manual. Employees who receive tuition aid will be required to return any aid received if they terminate their employment with Syracuse City within one year after receipt of said tuition aid.

Employee Information

Name: _____ Employee Number: _____

Department: _____ Job Title: _____

Date of Hire: _____ Supervisor: _____

Course Information

Educational Institution: _____

Course Number(s): _____

Course Description(s): _____

_____

_____

Estimated Tuition Expense*: _____

* Please attach a copy of any related receipts.

I hereby request approval for tuition aid as described above.

Employee Signature: _____ Date: _____

Approval Details

☐ Approved (please give the amount of aid approved): _____

☐ Unapproved (please explain): _____

_____

1

APPENDIX P (continued):
Tuition Aid Application

Syracuse City Corporation
Human Resources Department
Form HR-114
Updated March 18, 2015

Approval Signatures

Supervisor: _____ Date: _____

Department Head: _____ Date: _____

City Administrator: _____ Date: _____

Tuition Aid Payment Information (to be completed upon employee's completion of course(s))

1. Were the courses for which tuition aid was requested completed with a "C" grade or better? (a copy of the employee's transcript much be attached)

   ☐ Yes (eligible for tuition aid payment)

   ☐ Some (if more than one course taken; please specify which were completed): _____

   _____

   ☐ No (not eligible for tuition aid payment)

2. If "Yes" above, please indicate which course(s) were completed with a "C" grade or better, the grade received in each course, and the related percentage of aid that the employee is eligible for for each course (refer to section 16.060 (c) for reimbursement percentage):

   _____

   _____

   _____

3. Please forward this completed form to the HR department for reimbursement.

FOR HR USE ONLY

1. Has the employee received any other tuition aid during the current fiscal year?

   ☐ Yes – How much? $ _____

   ☐ No

2. Total amount of reimbursement for which the employee is eligible in the current fiscal year: $ _____

3. Total amount of reimbursement for which the employee is eligible on this request: $ _____

4. Total amount of reimbursement to be provided to the employee: $ _____

5. Date the reimbursement was paid out to the employee: _____

6. Reimbursement processed by: _____

2

APPENDIX Q:
Credit Card Agreement

Credit Card Acceptance Agreement

SYRACUSE CITY CREDIT CARD USER AGREEMENT

I, the undersigned, agree to accept responsibility for the Zion's Bank credit card issued to me by Syracuse City. I agree to use it in conformance with the terms and conditions set forth herein and applicable City Personnel Policies and Procedures. I understand and agree to use this card only for approved City business.

I understand and agree that I am responsible for any credit card charges made by me against the City account and I am also responsible to report these charges fully on an approved expense reconciliation form. In the event that I should fail to make a proper and timely accounting for such charges, I agree that the City may, at its sole discretion, withhold from all or any part of my salary an amount equal to the total amount of the card charges not accounted for and approved. Any use in violation of City policy is grounds for disciplinary action, which may include termination.

I also understand that the following purchases are prohibited and that I will be held personally liable for any of the following charges:

(1) Purchase of items for personal use or consumption.
(2) Purchases in violation of the City Purchasing Policy.
(3) Alcohol
(4) Utah State Tax, except on lodging charges
(5) Fuel for fleet vehicles unless traveling outside of Utah. The state gas card should be used for fuel purchases.
(6) Splitting a purchase to remain under purchasing policy limits.

I also agree that I shall relinquish my card back to the County upon request and/or termination of my employment for any reason.

Dept: Card #: Name:

Sign: _____ Date: _____

APPENDIX R:
Missing Receipt Form

Missing Receipt Form

Department			
Cardholder/Employee Name			
Expense Acct #			
Travel # (When Applicable)			
Merchant Name			
Date			
Why Receipt is Missing			
Item Description	Quantity	$/Unit	Total
Total			$
Employee Signature		Supervisor Signature	

APPENDIX S:
Emergency Preparedness Cash Out Form

Syracuse City Corporation
Human Resources Department
Form HR-106
Updated March 18, 2015

SYRACUSE
EST. CITY 1935

Syracuse City Corporation

EMERGENCY PREPAREDNESS CASH OUT FORM

Date Submitted: _____

Employee Information

Name: _____ Employee Number: _____

Department: _____ Job Title: _____

Request Details

☐ Cash Out Sick Leave
Dollar Amount Requesting: _____

☐ Cash Out Vacation Leave
Dollar Amount Requesting: _____

Items Purchased: _____

_____

_____

Employee Signature: _____

Approval Signatures:

City Manager: _____

Department Head: _____

Finance Director: _____

Human Resources: _____

For HR Purposes Only:

Hourly Rate of Pay: _____

Number of Sick Leave Hours being Cashed Out: _____

Number of Vacation Leave Hours being Cashed Out: _____

1

APPENDIX T:
Employee Grievance Form

Syracuse City Corporation
Human Resources Department
Form HR-117
Updated March 18, 2015

SYRACUSE EST. CITY 1935

Syracuse City Corporation
FORMAL EMPLOYEE GRIEVANCE FORM

Date Completed: _____

Grievance Policy Information

It is the purpose of the Syracuse City grievance procedure (established in Chapter 21 of the City's Personnel Policy and Procedures Manual) to establish a method whereby employee grievances can be fairly and effectively resolved. The filing of a good-faith grievance will in no way prejudice the status of the employee. It is the goal of the City's grievance policy to address employee grievances at the lowest administrative level possible.

Grievance Form Instructions

Please complete all sections of this form completely and with as much detail as possible. The form should be completed and submitted to your supervisor (or other party in accordance with the City's grievance policy) within 10 days of the event giving rise to the grievance or within 10 days of acquiring knowledge of the event giving rise to the grievance.

Employee Information

Name: _____ Employee Number: _____

Department: _____ Job Title: _____

Grievance Details

Statement of Grievance (please attach additional sheets if necessary): _____

_____

_____

_____

_____

Background Information (please attach additional sheets if necessary): _____

_____

_____

_____

_____

_____

APPENDIX T (continued):
Employee Grievance Form

Syracuse City Corporation
Human Resources Department
Form HR-117
Updated March 18, 2015

Grievance Details (continued)

Requested Resolution: _____

_____

_____

_____

_____

I hereby request attest that the information contained in this grievance is true and accurate to the best of my knowledge.

Employee Signature: _____ Date: _____

Grievance Acknowledgement(s)

First Notification

Name: _____ Date Received: _____

Signature: _____

Please attach your response and/or investigation results and return to the aggrieved employee.

Second Notification

Name: _____ Date Received: _____

Signature: _____

Please attach your response and/or investigation results and return to the aggrieved employee.

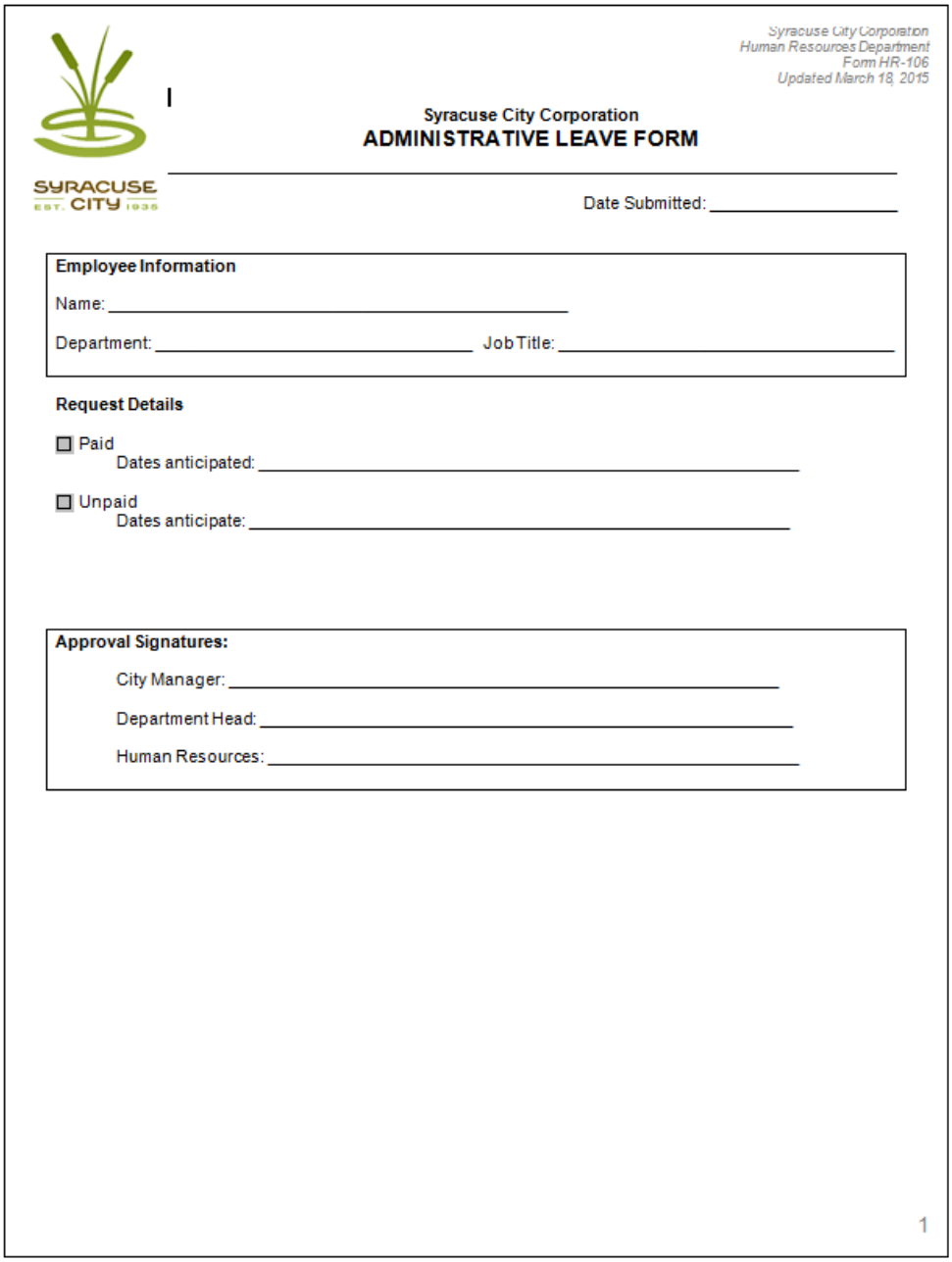
Third Notification

Name: _____ Date Received: _____

Signature: _____

Please attach your response and/or investigation results and return to the aggrieved employee.

APPENDIX U:
Administrative Leave Form



Syracuse City Corporation
Human Resources Department
Form HR-106
Updated March 18, 2015

SYRACUSE
EST. CITY 1935

Syracuse City Corporation
ADMINISTRATIVE LEAVE FORM

Date Submitted: _____

Employee Information

Name: _____

Department: _____ Job Title: _____

Request Details

☐ Paid
Dates anticipated: _____

☐ Unpaid
Dates anticipate: _____

Approval Signatures:

City Manager: _____

Department Head: _____

Human Resources: _____

1

APPENDIX V:
Disciplinary Action Form

Syracuse City Corporation
Human Resources Department
Form HR-118
Updated January 1, 2008

SYRACUSE EST. CITY 1935

Syracuse City Corporation
DISCIPLINARY ACTION FORM

Date Completed: _____

Disciplinary Action Form Instructions

This form is used as a guide for the supervisor when documenting issues that need attention under the provisions of the Syracuse City Disciplinary Action policy. When completed, it serves as a written record of disciplinary action conducted with an employee pertaining to violation of City rules and/or failure to meet necessary performance standards.

Employee Information

Name: _____ Employee Number: _____

Department: _____ Job Title: _____

Type of Disciplinary Action Being Issued (check the appropriate box):

☐ Verbal Warning

☐ Written Reprimand

☐ Suspension
Effective Date:
☐ With Pay
☐ Without Pay

☐ Probation
Effective Date:
Length of Probation:

☐ Demotion
Effective Date:

☐ Termination
Effective Date:

Violation/Incident Details

Date and Time of Violation/Incident:

Violation/Incident Details:

Have There Been Similar Violations/Incidents? ☐ Yes ☐ No

*If yes, list dates and details of previous violations/incidents and action taken:

Action to be Taken for Current Violation/Incident:

Consequences of Failure to Improve:

APPENDIX V (continued):
Disciplinary Action Form

Syracuse City Corporation
Human Resources Department
Form HR-118
Updated January 1, 2008

Signatures:

To the employee:
This written record of disciplinary action is being issued based on your violation of one or more City rules and/or your failure to meet the performance standards necessary for your current position. This report will remain in your personnel file. You are being provided a copy of this Disciplinary Action Form.

Your signature below indicates that you have seen the completed Disciplinary Action Form and that the contents have been reviewed with you. Your signature does not necessary indicate that you agree with the information contained above.

Employee: _____ Date: _____

Supervisor: _____ Date: _____

Human Resources Specialist: _____ Date: _____

APPENDIX W:
Voluntary Resignation Form

SYRACUSE
EST. CITY 1935

NOTICE OF VOLUNTARY RESIGNATION

Employee Name: _____

Date of Notice Given: _____

Last Day of Work: _____

Position Title: _____

Department: _____

Reason for Leaving: _____

_____

_____

_____

_____

Present Address: _____

_____ Phone #_____

*Should your address change, be sure to update your address with us to ensure timely receipt of your W-2 Statement and any other correspondence that may be mailed to you.

_____ _____
Employee Signature Date

COUNCIL AGENDA
September 24, 2019

Agenda Item **"k"** **Proposed Voter Participation Areas.**

Factual Summation

- Any question regarding this agenda item may be directed at City Recorder Brown.

- The Utah State Legislature passed House Bill (HB) 119 during the 2019 session; this bill requires counties and cities of the first, second, third, and fourth class to establish voter participation areas. This action must be taken by January 1, 2020.

- Voter participation areas will be used during local initiatives and referendums to calculate the number of valid signatures needed. The Davis County GIS Department has developed eight voter participation areas for the County and they also developed a proposal for each city in Davis County as well. The law requires these areas to be contiguous and compact and be of substantially equal population.

Objectives of discussion:

- **Review and discuss proposal developed by Davis County GIS and supported by City Recorder.**
- **Determine whether action item can be placed on October 8, 2019 business meeting agenda for creation of voter participation areas.**

Proposed Municipal Voter Participation Areas within Davis County

Precincts in Voter Participation Areas

Bountiful
- Area A: Bountiful 1-6, 10, 32
- Area B: Bountiful 7-9, 11-14, 17
- Area C: Bountiful 15-16, 20-25
- Area D: Bountiful 18-19, 26-31, 33

Centerville
- Area A: Centerville 8-10
- Area B: Centerville 4, 7, 12
- Area C: Centerville 3, 6, 11
- Area D: Centerville 1-2, 5

Clearfield
- Area A: Clearfield 4, 10, 11
- Area B: Clearfield 6-7, 12-15
- Area C: Clearfield 1, 3, 5, 17
- Area D: Clearfield 2, 8-9, 16

Clinton
- Area A: Clinton 3, 5-6, 12
- Area B: Clinton 2, 7, 13
- Area C: Clinton 1, 4, 8
- Area D: Clinton 9-11

Farmington
- Area A: Farmington 4-7
- Area B: Farmington 2-3, 13, 15
- Area C: Farmington 8-9, 12, 14
- Area D: Farmington 1, 10-11, 16

Kaysville
- Area A: Kaysville 5, 10-12, 18,21
- Area B: Kaysville 3-4, 6-9
- Area C: Kaysville 1-2, 13-15
- Area D: Kaysville 16-17, 19-20, 22

Layton
- Area A: Layton 1-6
- Area B: Layton 20-25
- Area C: Layton 7-9, 18, 19, 26
- Area D: Layton 10-14
- Area E: Layton 15-17, 27, 42, 43
- Area F: Layton 37-41
- Area G: Layton 28-32, 45, 47
- Area H: Layton 33-36, 44, 46

North Salt Lake
- Area A: North Salt Lake 1, 4, 10
- Area B: North Salt Lake 2-3
- Area C: North Salt Lake 9, 11
- Area D: North Salt Lake 5-6, 8

Syracuse
- Area A: Syracuse 4-6, 10, 19
- Area B: Syracuse 1-2, 13-15
- Area C: Syracuse 3, 8, 11, 18
- Area D: Syracuse 7, 9, 12, 16-17

West Point
- Area A: West Point 2, 5, 7
- Area B: West Point 3, 8
- Area C: West Point 1
- Area D: West Point 4, 6

Woods Cross
- Area A: Woods Cross 6-7
- Area B: Woods Cross 1, 5
- Area C: Woods Cross 3
- Area D: Woods Cross 2, 4

--Numbers displayed on the map represent the number of registered voters within each area.
--Unincorporated lands are not included in municipal voter participation areas.

Davis County ELECTIONS Clerk/Auditor

Participation Areas shown were determined based on voter registrations as of August 12, 2019.

ParticipationAreasCities.mxd 28 August 2019.

Office of the City Attorney
Syracuse City
1979 West 1900 South
Syracuse, UT 84075

MEMORANDUM

TO: Mayor Gailey, City Council
CC: Brody Bovero, Hon. Catherine Hoskins, Jody Howell
FROM: Paul H. Roberts, City Attorney
DATE: September 18, 2019

RE: JUSTICE COURT RECERTIFICATION FEASIBILITY

Every four years, a municipality which operates a justice court is required to demonstrate that its court meets minimum requirements established by the legislature and the Utah Supreme Court.[1] Failure to do so may result in the Judicial Council's declination or revocation of a justice court's certification.[2] The Justice Court Standards Committee has promulgated minimum standards[3] by which justice courts are measured. Rather than recite these requirements, I have attached them as an addendum.

The Committee has required an attorney opinion letter both informing the City Council of the requirements for operating a justice court and expressing an opinion on the feasibility of maintaining our Justice Court. I am available to discuss any of the requirements about which you may have questions. The remainder of this memorandum will address justice court feasibility.

If it wishes to recertify the justice court, the Council will be required to pass a resolution making this request and submit it to the Administrative Office of Courts by October 30, 2019. City staff will prepare a resolution for your consideration at the October 9 business meeting.

Benefits of Operating a Municipal Justice Court

The natural point to begin a discussion of feasibility is to discuss the court's desirability and its ability to provide service to our community.

The primary benefit to establishing a justice court is to provide easy access to our citizens in order to address routine traffic and criminal violations, as well as a venue to file small claims actions. By locating a justice court within our municipality, our City has avoided the need for all of these actions to be heard in Second District Court, most likely the Farmington Division. In the absence of a municipal justice court, all class B misdemeanors, class C

[1] Utah Code Ann. § 78A-7-103(1)(b)(i). Minimum standards have been established by the Justice Court Standards Committee. Utah R. Jud. Admin. 3-112.
[2] Utah Code Ann. § 78A-7-103(b)(ii).
[3] Utah R. Jud. Admin. Appx. B.

misdemeanors, and Infraction level offenses would be heard in district court on a criminal calendar. The same would be true of small claims, which would be placed on a small claims calendar in district court. It is far more onerous to travel to district court in order to resolve a traffic ticket. Additionally, city police officers, victim advocate and prosecutor would be required to travel to Farmington in order to address those criminal cases, resulting in increased time and cost for each case. And the revenues would drop significantly if we prosecuted in district court; part of the calculation provides a share of the revenue to the location where court is conducted.

Another benefit to justice court is the light docket which can be maintained here. After reviewing the number of the Syracuse City Justice Court's total filings, it has maintained its Class III status under the state's operational standards.[4] As a result of this smaller number of filings, docket management is enhanced. Cases are consolidated into a once-weekly combined calendar, during which arraignments, pre-trial conferences, review hearings, suppression hearings, bench trials, and small claims cases may all be heard.[5] Additionally, individuals are given specific appointments to reduce their total amount of time spent in court, and to keep the volume of cases smoothly flowing. This leads to a more satisfactory experience for the litigant and a less stressful environment for the prosecution. District court is often packed and there is little time for individual attention; additionally, we would have no control over the scheduling, so the City might be expected to appear in court more than one day per week.

Locally-run courts are also more responsive to the community's needs and priorities. In district courts, which are located outside of our jurisdiction and which staff judges who handle cases of varying type and severity, individual jurisdictions are not given individualized attention. In a municipal justice court, on the other hand, the court can respond to trends in crime patterns and establish a standard of justice in its community. Some defendants become familiar with the court, and the judge is able to tailor consequences for certain behavior to fit the defendant before her. Defendants who leave court know that if they commit crimes in Syracuse again, they will have to face the same judge and explain their behavior.

Appeals

Appeals from the justice court are *de novo* proceedings in the district court. A *de novo* review restarts the entire criminal justice process: pre-trial conferences, suppression hearings, and even a second jury trial. This is not problematic for many cases; it is easy to call an officer in to testify a second time in a case involving a traffic accident. In cases of domestic abuse, on the other hand, testifying in trial is often a harrowing experience for the crime victim. Testifying in a second trial and facing the possibility that the abuser may escape conviction – despite having been once convicted by a jury – is an extremely stressful situation. However, it represents one impact of establishing a justice court.

[4] Operational standards classify a justice court as Class III if 61-200 citations are filed each month (on average). According to numbers from 2014, approximately 163 cases were filed in our justice court each month (1,956 total cases in 2014).

[5] Jury trials are scheduled on different days, due to the length of time they require (usually between 6-10 hours for class B misdemeanor cases).

On the other hand, once an appeal has been heard in the district court, this represents the breadth of a defendant's appeal rights. With few exceptions, there is no appeal to the Court of Appeals. Municipalities which have not established justice courts are required to defend all appeals in the Court of Appeals, which is a much more expensive and time-consuming endeavor than a *de novo* appeal. And while the appellant is much less likely to succeed on such an appeal, the additional costs are nevertheless incurred by the municipality.

Overall, appeals are relatively rare in our justice court. I have had one appeal during the four years that I have been prosecuting in Syracuse. As such, the type of appeal has little weight in our analysis of the court's feasibility.

Financial Viability

Justice courts are not established to generate revenue for the municipality they serve. But attention should be paid to ensure that the costs associated with the benefits of justice courts are not too much to bear, just like any other service provided to our community. The following financial information was provided to my office, which includes actual budget expenditures during FY 2019, as well as amounts budgeted for FY 2020:

Syracuse Justice Court	Actual **FY2019**	Budget **FY2020**
Revenue:	$ 240,359.28	$ 230,000.00
Expenses:		
Salaries, Wages, & Benefits	$ 159,244.02	$ 181,344.00
Prosecution[6]	$ 32,984.55	$ 32,818.65
Books, Sub., Memberships	$ 25.00	$ 100.00
Travel & Training	$ 2,271.97	$ 2,000.00
Office Supplies	$ 1,818.42	$ 2,300.00
Prof. & Technical[7]	$ 13,135.00	$ 15,000.00
Juror & Witness Costs	$ 204.64	$ 500.00
Total Expenses	**$ 209,683.60**	**$ 234,062.65**
Net Total	$ 30,675.68	($ 4,062.65)

[6] I previously attributed 20% of my time to prosecution. Our legal secretary is ½ time, and we attribute ½ of that time to prosecution duties. We first hired a legal secretary during Winter of FY2019. Now that our new legal secretary is trained and assisting, I will attribute 15% of my time to prosecution. Technically, because the City would still be responsible for prosecution of Infractions, and B & C Misdemeanors, regardless of whether we operate a justice court, this amount would be incurred no matter what. It is included so that the Council can have a holistic view of the costs of prosecution and courts in the City, and to demonstrate that the justice court is covering its own costs and the costs of prosecution.

[7] This budget item covers the cost of bailiff services, and also out legal defense for the indigent. Some of the indigent defense costs are recouped by the court, but not all.

Excluding its portion of overhead costs, such as administrative support (like payroll, human resources, & receipting), IT resources, and the use of the City's facility, the Justice Court has been operating at a net gain, and even covers all costs of prosecution. And although we have budgeted for less revenue and greater expenses in FY2020, we generally do so in order to be fiscally conservative; I do not anticipate that the budget will exceed revenues this fiscal year. Indeed, revenue has been slightly trending upward over the past few years. As such, roughly speaking, the court is financially viable.

Prosecution

Prosecution of class B and C misdemeanors and infractions which are committed within our municipal boundaries are a statutory responsibility of the City Attorney.[8] Thus, even if the justice court was not in operation, a prosecutor would need to attend district court proceedings on the City's behalf for these filings. Housing the court within City Hall makes prosecution much more convenient; information may be more easily retrieved, and I am able to conduct city business during lulls in court proceedings or during small claims proceedings. Simply put, maintaining a justice court makes prosecution in our city much more efficient.

Facilities & Staffing

The City has adequate facilities, technology and staffing levels in order to accommodate the justice court. Currently, court is held in Council chambers, which is equipped with required sound recording systems, and which has ample space to grow. Payments are conveniently taken in the same location as those for utility bills or other city fees. Staffing is provided so that we provide court coverage for the public during regular business hours. Dedicated office space is provided for court staff and the judge. Even if our justice court docket expands with our population, I do not anticipate that these facilities will ever be inadequate to house the justice court.

Opinion of Feasibility

Taking all of the circumstances into consideration, the continued operation of a justice court is feasible.

[8] Utah Code Ann. § 10-3-928.

ADDENDUM A

JUSTICE COURT STANDARDS FOR RECERTIFICATION

SEPTEMBER 2019

OPERATIONAL STANDARDS

The following standards are intended to be applied in the recertification review by the Board of Justice Court Judges as operational standards. The justice courts are classified into four classes, based upon case filings. The case filing information is expressed in terms of filings per month, but courts will be classified on the basis of average monthly filings over a period of at least one year.

The classification of a Court is determined at creation and is subject to review and possible reclassification whenever the Court is recertified. While the standards for some areas of court operation are uniform for all classifications of Justice Court, other standards are developed on a continuum, reflecting the difference in the time needed to competently manage caseloads at different levels.

Waiver or extension of any requirement promulgated by the Judicial Council may be obtained at the discretion of the Judicial Council based upon the need for a Court. Considerations for waiver or extension will be made on a case by case basis in consideration of, among other things, public convenience and proximity to other courts.

CLASS I

MINIMUM REQUIREMENTS [Note that the following are **minimum** requirements. In order to adequately function as a Class I Court it may be necessary for your court to exceed the minimum requirements.]

- **FILINGS:**
  501 or more citations or cases filed per month

- **HOURS:**
  Court Open: Full time
  Judge: Full time

- **FACILITY:**
  Dedicated Courtroom (with juror deliberation room)
  Judge's Chambers
  Clerk Office
  Co-located in the same facility
  (Meet the Master Plan Guidelines adopted by the Judicial Council)

- **CLERICAL RESOURCES:**
  At least three full-time clerks

- **PROSECUTION:**
  Prosecutor to screen cases and represent the county or municipality at trial.

- **INDIGENT DEFENSE:**
  The municipality or county provides adequate funding to provide indigent defense counsel for any defendant who requests representation and qualifies.

- **LEGAL RESOURCES:**

The following must be available and kept current:

a. Utah Code
b. Local ordinances
c. Justice Court Manual
d. Code of Judicial Administration
e. Uniform Bail Schedule
f. Other legal resources as required under 78A-7-103.

- **LAW ENFORCEMENT:**

The local government creating the court must have at least one employed or contracted peace officer.

- **BAILIFF:**

The local government creating the court must provide a sworn law enforcement officer to attend court when required and provide security for the court.

- **SECURITY PLAN:**

A court security plan must be submitted consistent with C.J.A. Rule 3-414.

- **JURY/ WITNESS FEES:**

Local government is responsible for payment of statutory juror and witness fees.

- **EDUCATION:**

Local government is responsible for cost of attendance at Judicial Council mandated training (at least 30 hours per year for the judge and 10 hours per year for clerks).

- **REPORTING:**

All reports and audits shall be made and timely filed as provided by law or by rule of Judicial Council. Reports to the Driver License Division and the Bureau of Criminal Identification must be made electronically (via the internet).

CLASS II

MINIMUM REQUIREMENTS [Note that the following are **minimum** requirements. In order to adequately function as a Class II Court it may be necessary for your court to exceed the minimum requirements.]

- **FILINGS:**

201 to 500 citations or cases a month.

- **HOURS:**

Court Open:

201-300 filings	At least 4 hours per day
301-400 filings	At least 5 hours per day
401-500 filings	At least 6 hours per day

Judge available when needed. Trial calendar set at least weekly.

- **FACILITY:**

Courtroom (configuration is permanent but may be shared)
Judge's Office
Clerk Office
(Courtroom and office must be co-located in the same building)

- **CLERICAL RESOURCES:**

201-275 filings	At least one full-time clerk
276-350 filings	1.5 FTEs
351-425 filings	2.0 FTEs
426-500 filings	2.5 FTEs

- **PROSECUTION:**

Prosecutor to screen cases and represent the county or municipality at trial.

- **INDIGENT DEFENSE:**

The municipality or county provides adequate funding to provide indigent defense counsel for any defendant who requests representation and qualifies.

- **LEGAL RESOURCES:**

The following must be available and kept current:

a. Utah Code
b. Local ordinances
c. Justice Court Manual
d. Code of Judicial Administration
e. Uniform Bail Schedule
f. Other legal resources as required under 78A-7-103

- **LAW ENFORCEMENT:**

The local government creating the court must have at least one employed or contracted peace officer.

- **BAILIFF:**

The local government creating the court must provide a sworn law enforcement officer to attend court when required and provide security for the court.

- **SECURITY PLAN:**

A court security plan must be submitted consistent with C.J.A. Rule 3-414.

- **JURY/ WITNESS FEES:**

Local government is responsible for payment of statutory juror and witness fees.

- **EDUCATION:**

Local government is responsible for costs of attendance at Judicial Council mandated training (at least 30 hours per year for the judge and 10 hours per year for clerks).

- **REPORTING:**

All reports and audits shall be made and timely filed as provided by law or by rule of Judicial Council. Reports to the Driver License Division and the Bureau of Criminal Identification must be made electronically, via the internet.

CLASS III

MINIMUM REQUIREMENTS [Note that the following are **minimum** requirements. In order to adequately function as a Class III Court it may be necessary for your court to exceed the minimum requirements.]

- **FILINGS:**

61-200 citations or cases per month

- **HOURS:**

Court Open

61-150 filings	At least 2 hours a day
151-200 filings	At least 3 hours a day

Judge available as needed. Trial calendar set at least every other week.

- **FACILITY:**

Courtroom (access to public facility for trials, arraignments, etc.)
Judge's /clerk office
(Meets minimum requirements)

- **CLERICAL RESOURCES:**

At least one clerk required to be available daily during the scheduled hours of court operation and during court sessions as needed.

- **PROSECUTION:**

Prosecutor to screen cases and represent the county or municipality at trial.

- **INDIGENT DEFENSE:**

The municipality or county provides adequate funding to provide indigent defense counsel for any defendant who requests representation and qualifies.

- **LEGAL RESOURCES:**

The following must be available and kept current:

a. Utah Code
b. Local ordinances

c. Justice Court Manual
d. Code of Judicial Administration
e. Uniform Bail Schedule
f. Other legal resources as required under 78A-7-103

- **LAW ENFORCEMENT:**
The local government creating the court must have at least one employed or contracted peace officer.

- **BAILIFF:**
The local government creating the court must provide a sworn law enforcement officer to attend court when required and provide security for the court.

- **SECURITY PLAN:**
A court security plan must be submitted consistent with C.J.A. Rule 3-414.

- **JURY/ WITNESS FEES:**
Local government is responsible for payment of statutory juror and witness fees.

- **EDUCATION:**
Local government is responsible for costs of attendance at Judicial Council mandated training (at least 30 hours each year for the judge and 10 hours per year for clerks).

- **REPORTING:**
All reports and audits shall be made and timely filed as provided by law or by rule of Judicial Council. Reports to the Driver License Division and the Bureau of Criminal Identification must be made electronically, via the internet.

CLASS IV

MINIMUM REQUIREMENTS [Note that the following are **minimum** requirements. In order to adequately function as a Class IV Court it may be necessary for your court to exceed the minimum requirements.]

- **FILINGS:**
0-60 citations and/or cases per month

- **HOURS:**
Court open at least one hour per day. Judge available as needed and trial calendar set at least monthly.

- **FACILITY:**
Courtroom (access to public facility for trials, arraignments, etc.)
Judge's/clerk office (can be a shared resource but court has priority when needed.)
(Meets minimum requirements)

- **CLERICAL RESOURCES:**

At least one clerk required to be available daily during the scheduled hours of court operation and during court sessions as needed.

- **PROSECUTION:**

Prosecutor to screen cases and represent the county or municipality at trial.

- **INDIGENT DEFENSE:**

The municipality or county provides adequate funding to provide indigent defense counsel for any defendant who requests representation and qualifies.

- **LEGAL RESOURCES:**

The following must be available and kept current:

a. Utah Code
b. Local ordinances
c. Justice Court Manual
d. Code of Judicial Administration
e. Uniform Bail Schedule
f. Other legal resources as required under 78A-7-103

- **LAW ENFORCEMENT:**

The local government creating the court must have at least one employed or contracted peace officer.

- **BAILIFF:**

The local government creating the court must provide a sworn law enforcement officer to attend court when required and provide security for the court.

- **SECURITY PLAN:**

A court security plan must be submitted consistent with C.J.A. Rule 3-414.

- **JURY/ WITNESS FEES:**

Local government is responsible for payment of statutory juror and witness fees.

- **EDUCATION:**

Local government is responsible for costs of attendance at Judicial Council mandated training (at least 30 hours each year for the judge and 10 hours per year for clerks).

- **REPORTING:**

All reports and audits shall be made and timely filed as provided by law or by rule of Judicial Council. Reports to the Driver License Division and the Bureau of Criminal Identification must be made electronically, via the internet.

MINIMUM STANDARDS FOR THE COURTROOM AND OFFICE

Utah Justice Courts handle a very high volume of cases. With this magnitude of cases, it is likely that any contact an average citizen will have with the Utah Judicial System will be through the Justice Courts. In many instances this contact will be a citizen's only impression of Utah's system of justice and, even in minor cases, is likely to leave a lasting impression. Regardless of the gravity of a matter before the court, citizens take their appearances as a defendant, witness or juror very seriously and form judgments on the entire judicial system on the basis of their personal experience. As such, it is essential that Justice Courts convey a sense of justice, dignity and concern for the citizens who interact with it. The facilities which house the courts play an instrumental role in forming these opinions and it is incumbent upon the judicial system to provide appropriately appointed forums in both the largest urban courts and the smallest rural communities.

The following space standards recommend courtroom designs that promote these goals. The courtroom sizes and support staff space are intended to allow for the expeditious administration of justice. They also allow for growth in judicial workloads and unforeseen changes in practice and procedure. In general terms, there are great similarities between the higher courts and Justice Courts in courtroom configuration and space dynamics. For example, the principles of bench elevation sight lines, witness-jury-judge proximity, and spectator-well orientation are all consistent between courts. Therefore, most of the design recommendations suggested for District Courts apply to Justice Courts. The following discussion emphasizes these similarities and notes exceptions due to statutory and procedural differences as well as resource limitations.

- GENERAL COURTROOM DESIGN:

As stated above, Justice Court courtrooms should convey the same impressions of dignity, justice, and authority as those serving a court of higher jurisdiction. The appearance of the courtroom should reflect the fact that they are forums for justice. In applying design principles of the higher court to Justice Courts, the absence of court reporters and full-time bailiffs should be noted. Therefore, the following guidelines are presented in areas that are materially affected by the unique nature of the Justice Courts.

1. Courtrooms should be at least 1,300 square feet in Class I jurisdictions, 1,100 square feet in Class II jurisdictions and 800 square feet in Class III and Class IV jurisdictions. Walls and ceilings should have appropriate finishes and the well should be illuminated to prevent reading eye strain. The room should be sound insulated from outside noise. All courtrooms should be fully carpeted and adequate ventilation and temperature controls should be installed.

2. The judge's bench should be elevated at least one riser above the well floor level. As in the District Court, judges' benches should be elevated above the eye level of persons who approach the bench, usually three risers. It is recognized however, those low ceiling heights in some Justice Courts do not allow for three-riser elevation. Benches elevated 18 inches or more in smaller courts can bring the judge too close to the ceiling when standing and puts the bench out of proportion to the room size. One riser should be the minimum standard and additional elevation is desirable as the

dimensions of the room permit. Sufficient space should be provided on the bench for limited file and personal storage and the necessary audio/visual and technology systems to facilitate court proceedings. A concealed duress alarm should be located at the bench in case of emergencies. Other space design considerations may be considered and implemented as necessary to facilitate court proceedings.

3. The witness box should be placed adjacent to the judge's bench. All courtroom participants must have a clear line of sight to the witness box. The box should be large enough to accommodate two people and be enclosed on two to three sides, depending on the entry location. The height of the witness box should shield the witness only from the waist down so that all non-verbal gestures can be easily viewed.

4. The jury box should be placed near the witness box and also have a clear line of sight to all participants. The standard jury box should accommodate five jurors. This will accommodate four jurors with an option for an alternate juror and space for a disabled juror. The jury box should consist of a single row of stationary swivel seats.

   The jurors themselves should be in view of the court as well as the spectators to ensure the perception of an open and public trial. However, the jury box should be sufficiently distanced from the spectator area to inhibit any physical or verbal contact. Seven feet from the center of the first juror's chair to the bar is adequate. This leaves an additional two to three feet from the edge of the bar to the center of the nearest spectator's seat.

   A "modesty rail" should be placed in front of the jurors with enough depth to rest documents and files.

   A clerk's station should be provided by the judge's bench opposite from the witness stand. This will accommodate different in-courtroom practices and procedures. It should also have storage and required technology systems and controls to facilitate court proceedings. The clerk's station should be located to facilitate conversation between the Clerk and the Judge from the judge's bench.

5. Tables for the defense and prosecution should be provided to comfortably seat three persons each. The tables' distance from each other, the spectators and the jury should be such that private conversations cannot be overheard. This usually requires at least five feet between tables and eight feet from the nearest juror or spectator.

6. Judge's chambers should be at least 120-160 square feet with direct access to the judge's bench and to the clerk's area. Chambers should be equipped with adequate shelving for law texts, a desk and chair for the judge and visitor seating for small meetings or conferences.

7. A jury room no smaller than 150 square feet should be integrated into each Justice Court. This space can serve as a conference room for attorneys and clients or as

flexible space when not in use by a jury. A table and chairs should be provided and a telephone outlet should be installed for conference use. A toilet room should be conveniently available to the conference room and a drinking fountain should be in close proximity.

The Clerk's area should include a reception area for visitors and a counter to receive people with business before the court. The reception area should be no less than 150 square feet and the counter space should comprise 60 square feet (e.g. a seven-foot counter with a depth of three feet and approximately three feet of open area on each side).

A restroom for the public and a separate restroom for the judge, staff and jurors should be provided.

Clerical staff should be afforded 75 square feet per person to accommodate a desk, chair, computer and other equipment and perimeter space. Staff space should be open landscape type. A small storage and print/copier area should also be provided.

- CLERICAL/SUPPORT SPACE:

The clerical and support space listed in the general court standards can also be applied to the Justice Courts. Actual Justice Court staff will vary widely depending on location, workload and county support.

COUNCIL AGENDA
September 24, 2019

Agenda Item **"m"** Fire Department Biennial Review

Factual Summation

- Any question regarding this agenda item may be directed at Fire Chief Aaron Byington

- Please see attached documents. (We are still waiting on statistical data that will be added to the packet once available)

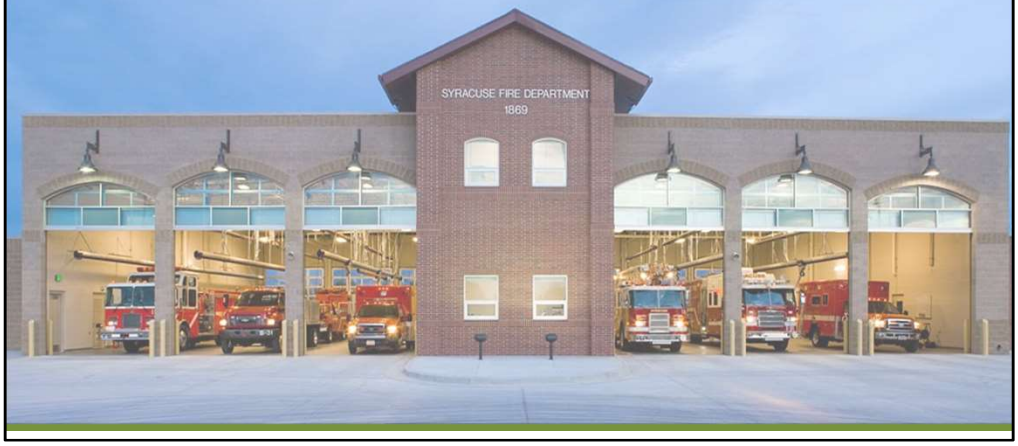
Discussion Goals

The following items outline the goals of this discussion:

1. The goal for this discussion is to review the following:
    - Fire Department Vision Statements
    - 2017 and 2018 Statistics
    - Efficiency Measures
    - New Technology
    - Future Challenges / Considerations

Fire Department

Biennial Review
2019



Mission Statement

*"As professional firefighters, we will respond to serve and assist the citizens of our community in their time of need with **courage**, **conviction** and **compassion**."*

Objectives

- Fire Department Expectations
- Brief Fire Department History
- 2017 and 2018 Statistics
- Efficiency Measures
- Technology
- Future Considerations
- Questions

Minimum Training Standards:

Syracuse firefighters are trained to respond on a multitude of emergencies which result in the need to be proficient in skills such as; emergency medical services, mass casualty incidents, hazardous materials, apparatus maintenance and operation, fire inspections and investigations, public education, rope rescue, confined space rescue, trench and structural collapse rescue, vehicle extrication, ice rescue, structural and wildland firefighting, and any other unexpected emergency.

Our fully trained firefighters carry up to 17 or more professional certifications and licenses which require more than 200 hours of continuing education each year to maintain.

Entry level firefighters are required to have the following credentials:

- Firefighter I
- Firefighter II
- Hazardous Materials Awareness
- Hazardous Materials Operations
- Advanced Emergency Medical Technician
- NIMS IS-706, ICS-100, ICS-200
- Wildland Firefighter I (within one year of employment)
- Ice Rescue Tech (within one year of employment)

In addition to the entry level requirements, Engineers are required to have the following credentials:

- Apparatus Driver Operator Pumper
- Apparatus Driver Operator Aerial
- Commercial Driver's License with Tanker Endorsement
- Command Training Phase I
- Fire Instructor I
- Fire Inspector I
- Fire Officer I

In addition to the entry level and Engineer requirements, Captains are required to have the following credentials:

- Incident Safety Officer
- Technical Rescue
- Command Training Phase II
- NIMS ICS 300 and 400

In addition to all the previously mentioned requirements, Chief Officers are required to have the following credentials:

- Associate degree in Fire Science or related field (bachelor's degree preferred)
- Utah State Fire Officer Designation
- Fire Officer II
- Fire Instructor II
- NIMS IS-701 and IS-702

Continuing Education:

To maintain certifications and licenses, each firefighter is required to provide proof of the following continuing education hours annually:

192 firefighter training hours for ISO requirements
50 hours EMS training for National Registry requirements
36 hours Specialty training for Utah Fire and Rescue Academy

Recognition for Excellence:

Syracuse firefighters have made it a habit to continually go above and beyond for our customers. Examples include; shoveling driveways and changing smoke detector batteries for the elderly, following up with patients needing special services, attending church and business safety fairs when available.

The fire department administration has both a formal and non-formal plan for employee and team recognition. This includes one on one recognition, group recognition, nominations for City employee recognition, and formal recognition at our annual awards banquet. Formal recognition includes:

- Firefighter of the Year
- Rookie of the Year
- Above and Beyond Award
- Special Recognition
- Years of Service and Longevity

Response Times:

Syracuse fire department prides themselves on a quick response to emergencies within the community. We track call response times and continually work at finding ways to improve. To help achieve this goal, the following tracking systems and methods are in place:

- Daily report logs of all incidents and times
- Weekly quality assurance of incident reports
- Monthly reporting to the State Fire Marshal's Office
- Monthly meetings with Captains to identify ways to improve response
- Quarterly meetings with Davis County Dispatch

Staffing:

The fire department maintains 24-hour staffing with 5 assigned firefighters per day to respond on emergency incidents and other duties as assigned. In addition to emergency incidents, daily assignments include:

- equipment checks and maintenance
- continuing education training
- physical fitness
- station tours
- hydrant testing
- pre-plans
- fire safety inspections
- station maintenance.

The fire department tests City owned hydrants on a 4-year rotation to ensure proper working condition, using seasonal employees to paint hydrants as needed.

The fire department conducts annual fire safety inspections on all businesses within the City, using on duty crews to help as their availability allows.

With the addition of the 5th person to our daily staffing, we have been able to keep apparatus in service which provides and added benefit to the city all while improving firefighter safety when working on emergency incidents.

Training:
The fire department conducts crew training daily as well as department wide training monthly. Training objectives meet the continuing education standards for firefighters to maintain certification and licensure. Training is also built to be specific to the needs of our City and to prepare for professional responses to emergency incidents.

Peer Support:
As a volunteer, Retired Firefighter Doug Robison oversees our department peer support program. With the help of Firefighters Troy Jamison and Joel Crawmer, this program has reached county wide and is quite successful.

Apparatus and Equipment:
Syracuse fire department uses daily, weekly and monthly checks to ensure our equipment is in proper working condition. It is our goal to complete preventative maintenance and routine checks to prolong the life of our equipment and save the community money.

To fulfill the vision, the fire department has an apparatus and equipment replacement schedule. The following apparatus and large equipment items are assigned to the fire department and are used regularly to accomplish our mission:

1995 Smeal Fire Truck (to be retired)
2002 Pierce Ladder Truck
2007 Horton 465 Ambulance
2008 Pierce Transport Engine
2009 GMC Sierra 4500 Type 6 Brush Truck
2009 Polaris Ranger
2011 Kenworth Water Tender
2013 Ford F150 (Deputy Fire Chief)
2013 Chevy Silverado (Fire Marshal)
2015 Horton F-350 Ambulance
2016 Ford F-550 Type 6 Brush Truck
2018 Pierce Transport Engine (Due November 2019)
2019 Ford F-150 (Fire Chief)

Fire Investigation Trailer

Wildland Program:
The fire department wildland program allows us to fulfill the vision through training and real-life experience for our personnel which offers us the opportunity to be better prepared for large scale wildfire incidents in our jurisdiction. In addition, the wildland program creates a revenue source which assists in funding long-term maintenance of equipment, training and personnel.

Future Planning:
The fire department works closely with City Administration to plan for emergency service needs in relation to the current and projected growth of Syracuse. Working with other City departments, call response surveys have been completed to help us project the best area for a second station when the time arises.

Insurance Services Office
Syracuse Fire Department is proud to announce that Syracuse City will receive the ISO (Insurance Services Office) Class 3 public protection rating, effective February 1, 2019. This is a huge improvement from our last ISO survey in which we were assigned a Class 4 rating.

ISO is a third-party independent agency that evaluates and classifies over 46,000 fire protection areas across the United States, and as of 2017 there have only been 3,456 communities issued a Class 3 rating for public protection. Classifications are based upon an evaluation system which rates fire department response capabilities, water supply and communications.

Most U.S. insurers use this information in their decision-making process when deciding what coverages to offer or premiums to charge for personal or commercial property insurance. Our improvement from a Class 4 to a Class 3 rating may result in more competitive insurance premiums for residences and businesses in our community.

Fire Department Expectations

Vision Statement #3

Syracuse firefighters and EMS providers are part of the community and respected by the public.

New Programs Coming:

CPR HANDS-ONLY™ Training

STOP THE BLEED

The fire department is heavily involved in citizen interaction with programs and events such as:

Boy Scout first aid classes for merit badge requirements (as scheduled)
Station tours (weekly as scheduled)
Community CPR classes (several times per year as scheduled)
Annual Open House for Fire Prevention Week
City Sponsored Events (Heritage Days, Pumpkin Walk, etc…)
City / Department Sponsored Charity Fundraisers
Sporting Event Standbys
Annual Santa Run
Smoke Detector Batteries for Elderly
Residential and Commercial Fire Safety Inspections
Davis Technical College Internship Program
High School Internship Program

Syracuse Fire Department, Station 31 is the primary responding agency to approximately 9.5 square miles of Syracuse City, 4 square miles of unincorporated Davis County, and 44 square miles of Antelope Island State Park. We provide both fire and ambulance services to our residents, our transient population, as well as mutual aid to our neighboring cities.

Fire Department History

Prior to 1955 the only fire protection for Syracuse City came from Davis County. Because this coverage was inadequate, Syracuse City and Davis County jointly hired Clearfield Fire Department to service the calls at a shared cost of $50.00 per call. In April of 1955 the county discontinued their share and Clearfield increased the cost to $100 per call. Layton City Fire Department offered their services for $50 per call, however, the distance and response time made this impractical.

In December of 1964, Clearfield City declared that they would no longer give fire protection to Syracuse. On June 23, 1965, Councilmember Lawrence Briggs proposed that if Syracuse had their own department, fire insurance rates would decrease. A joint meeting between West Point and Syracuse City Council took place almost immediately and the Syracuse Fire Department was established. A 1946 Ford Pumper was purchased and by September, a small fire station was built, a siren was ordered (believed to be the same one used today), and volunteer firefighters were trained by Mr. Tanner, State Fire Marshal. Keith West was selected as the first fire chief of Syracuse, resigning in December 1965 because of extended hours in his regular job. Chief West passed away on March 14, 2014 at the age of 97.

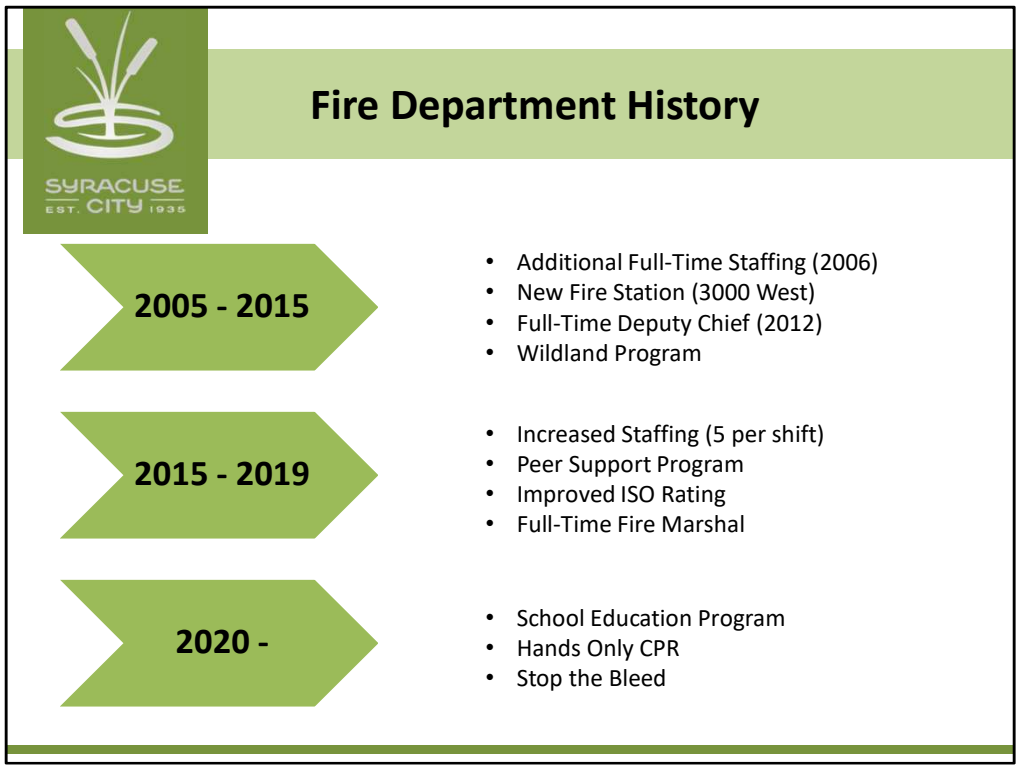
On January 5, 1966, Roy Miya was appointed by the city council as the new fire chief with

Val Cook being elected by the volunteer firefighters to serve as his assistant. The fire department had twenty-five volunteers who provided fire protection to Syracuse and West Point Cities, and for $500.00 per year also provided fire protection to the unincorporated area belonging to Davis County.

In January of 1968 the city council with the recommendation of the fire department decided to purchase a larger fire truck and build a meeting room for the firefighters. The chief received $25.00 a month and volunteers received $2.00 for each meeting. For fire responses, firefighters received $3.00 for the first hour and $2.00 an hour after that. Roy Miya served faithfully for 19 years, retiring the last day of December 1984. Chief Miya passed away September 4, 1998.

On January 1, 1985, Thomas Jensen was appointed by the city council as the new fire chief with Gary Hamblin being elected by volunteer firefighters to serve as his assistant. With better water pressure from newly installed water mains and fire hydrants placed throughout the city at key places, fire insurance did go down. A new grass fire truck was purchased in January of 1986 for $14,120. The fire department moved into a new 3 bay fire station that was constructed during the winter of 1993-94. This was a much-needed facility to keep up with the demands of the ever-growing city. Chief Jensen served the community for 13 years, resigning in 1998.

Following Chief Jensen's resignation in 1998, Dale Snyder was appointed by the city council as the new fire chief with Kevin Hansen serving as his deputy chief and Bruce Peterson serving as his assistant. In 2002 Syracuse City purchased two ambulances (one used) and began providing ambulance service to its residents; a service that was previously provided by the Davis County Sheriff's office. To staff the ambulance, Syracuse City hired its first full-time firefighters and in August of 2002 began staffing the fire station 24 hours, with 4 firefighters during the day and 3 firefighters throughout the night. During this time, Syracuse City also purchased its first ladder truck; a 75' Quint from Pierce Manufacturing in Appleton, Wisconsin. Chief Snyder was involved in managing the rapidly changing needs of the fire department for eight years, resigning in 2006.



Fire Department History Continued…

On February 6, 2007, Craig Cottrell was appointed by the city council as the new fire chief with Bruce Peterson serving as his assistant. Syracuse was still seeing explosive growth when Chief Cottrell was appointed. Syracuse purchased a new ambulance and plans were made to move the fire department to a new fire station that would serve both the current needs of the city as well as the future needs when the city reaches its build out population. In 2008, a transport engine (Combination Fire Engine/Ambulance) was purchased from Pierce Manufacturing in Appleton Wisconsin. In January of 2009, the fire department moved to its new home at 1869 South 3000 West, where it is currently located. This station includes an integrated training space, a large training room as well as offices and living quarters for the firefighters.

During his tenure, Chief Cottrell worked with firefighters to create a wildland program which would allow our resources to help the Northern Utah Interagency Fire Center (NUIFC) and National Wildfire Coordinating Group (NWCG) on larger incidents throughout the Western United States. This revenue generating program has created an invaluable training and experience opportunity for our firefighters, strengthening the response capabilities in our community. Chief Cottrell led the fire department for 5 years, resigning in December 2011.

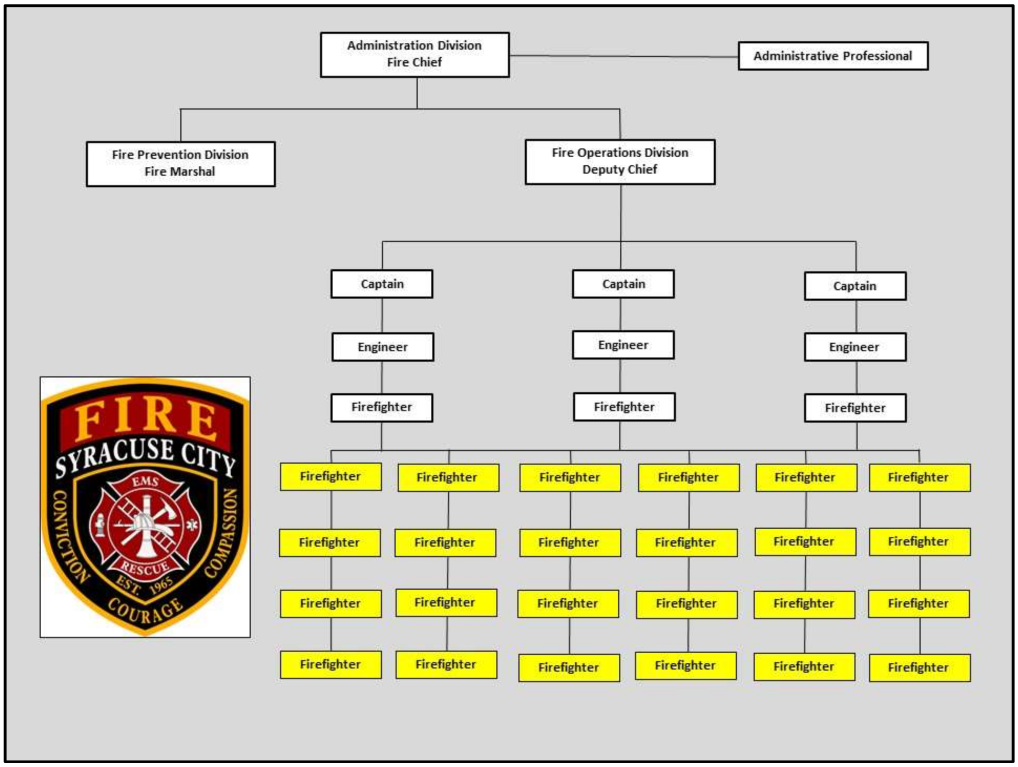
On February 2, 2012, Eric Froerer was appointed by the city council as the new fire chief. Chief Froerer was responsible for maintaining the great service Syracuse City was used to as our economy was slowly recovering from a recession. During his tenure, Chief Froerer

worked with the city council to approve funding for the department's first full time deputy chief who would also fill the responsibilities of the fire marshal. Captain Jo Hamblin would be promoted to fill this new position.
In 2015, a new Horton F-350 Ambulance was purchased and in 2016 a Type 6 Brush Truck was assembled in-house by the firefighters to help cover the needs within the city as well as Antelope Island and other mutual aid wildland fires we would be called to assist with. In 2017, a transport engine was purchased and is due to be delivered in the Fall of 2018. Chief Froerer laid the groundwork for new equipment and additional staffing, resigning in 2017 after 5 years of service.

On November 14, 2017, Aaron Byington was appointed by the city council as the new fire chief with Jo Hamblin serving as his deputy chief. In July of 2018 the city council approved additional part-time staffing to increase the level of service to the growing demands of the City. The Syracuse Fire Department is currently staffed 24 hours a day with 5 full-time and part-time firefighters who respond to both medial and fire emergencies within our city limits, unincorporated Davis County and Antelope Island State Park.

Syracuse Fire Department and Syracuse City commits to finding new ways in which to improve their service to our community. We have an insurance rating (ISO) of 3 within the city limits and 9 in the county areas we cover. The fire department personnel are trained as Advanced EMT's and Paramedics with specialty training in Ice Rescue, Hazardous Materials and Technical Rescue skills.

There have been many people who have helped Syracuse Fire Department become what it is today. We would like to thank everyone who has supported our fire department in the past, the present and into the future as we continue to achieve our goals of providing the best customer service possible.



Personnel

Syracuse Fire Department is a combination of full-time and part-time/paid on-call Firefighters/AEMTs. Our staff consists of 37 employees; 9 full-time firefighters, 24 part-time firefighters, a fire chief, deputy fire chief, fire marshal and administrative assistant. Three shifts (A, B and C) are scheduled on a 48/96 type schedule (48 hours on shift, and 96 hours off) which allow for 24-hour station manning, 365 days a year. The station is manned daily with 5 firefighters (3 full-time and 2 part-time).

Call Volume By Year

2017

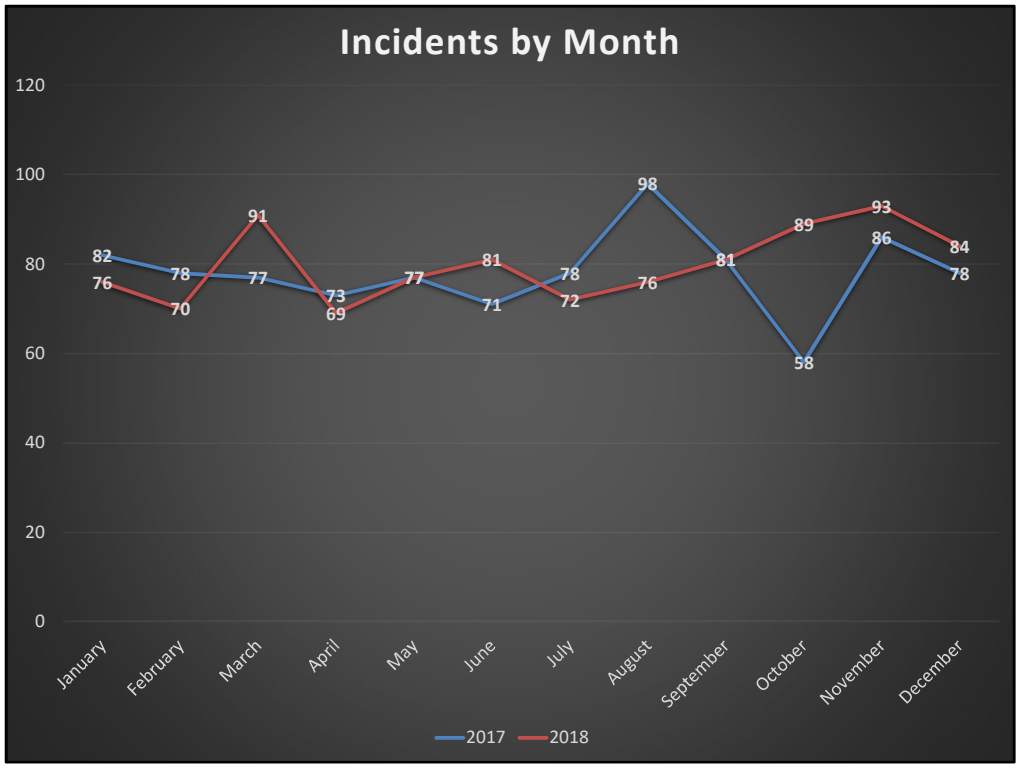
993

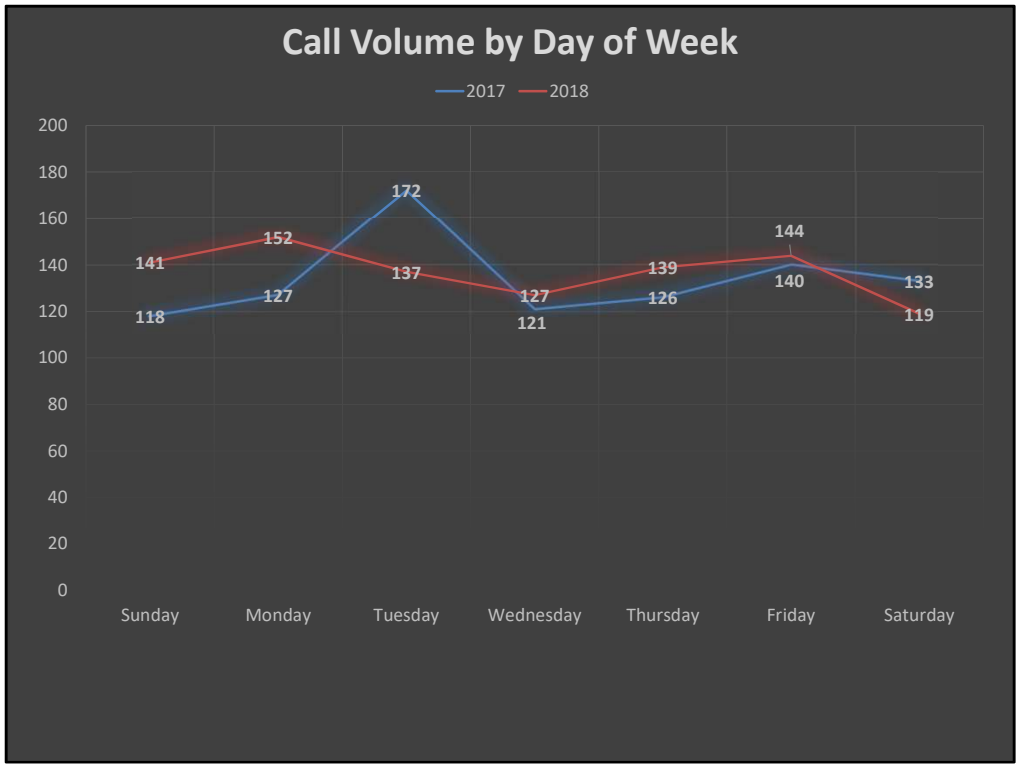
614 EMS - (62%)
379 Fire - (38%)

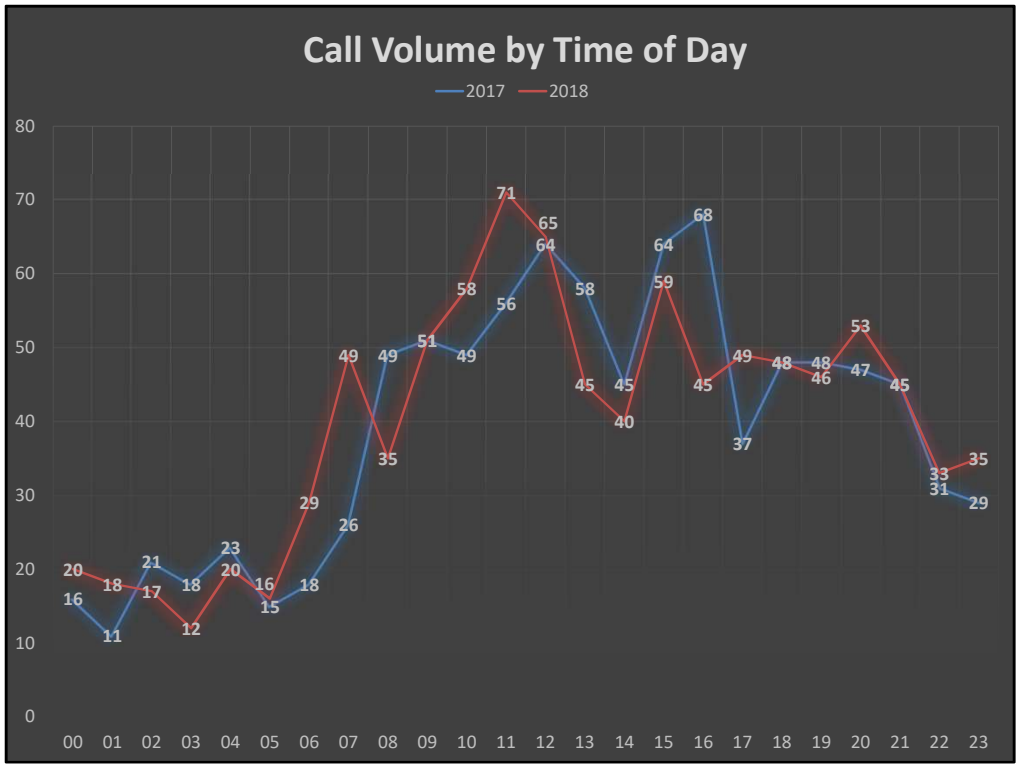
2018

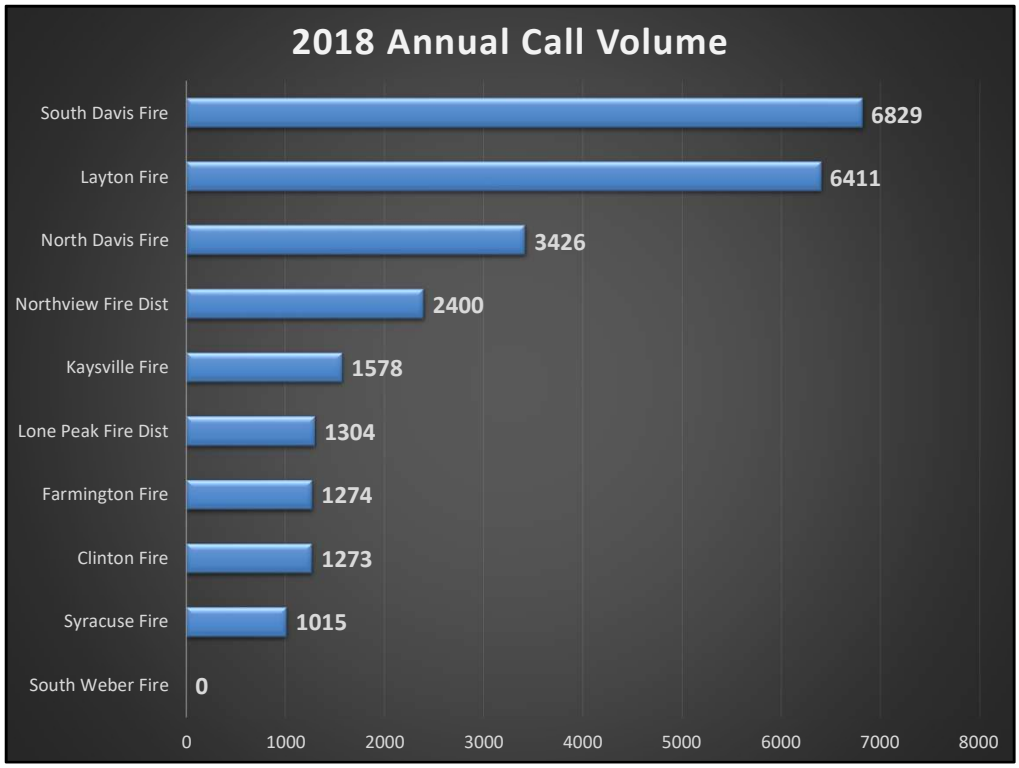
1015

679 EMS - (67%)
336 Fire - (33%)

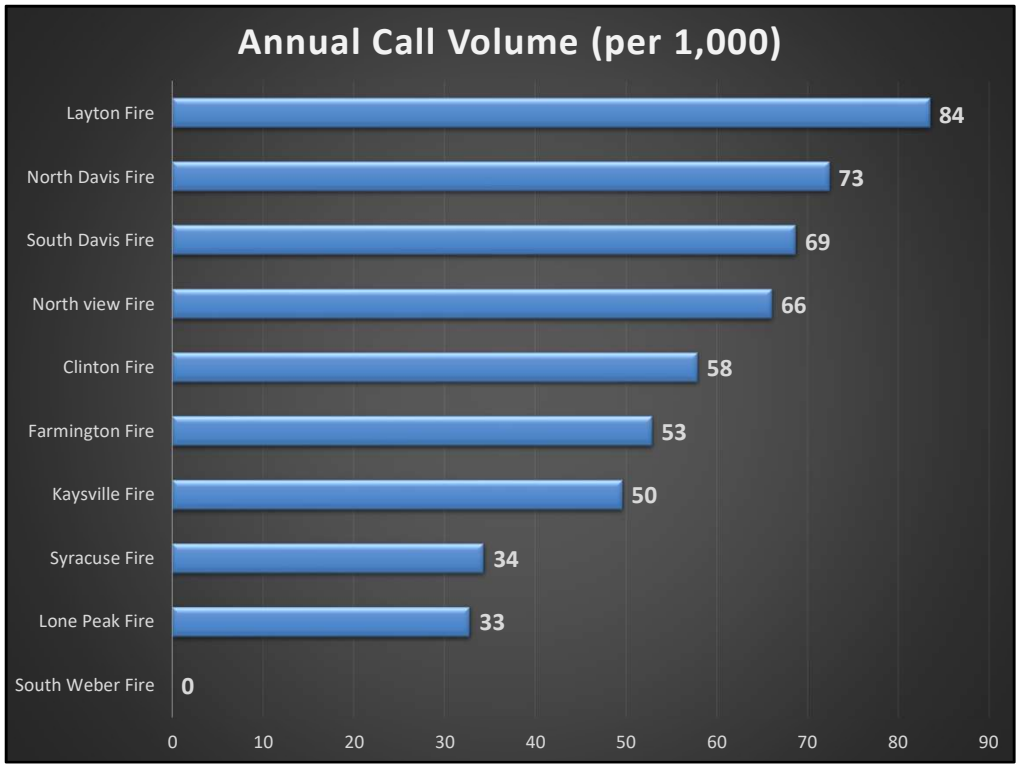

Incidents by Month
120
100
80
60
40
20
0
January
February
March
April
May
June
July
August
September
October
November
December
2017
2018
82
78
77
73
77
71
78
98
58
86
78
76
70
91
69
81
72
76
81
89
93
84


Call Volume by Day of Week
2017
2018
200
180
160
140
120
100
80
60
40
20
0
Sunday
Monday
Tuesday
Wednesday
Thursday
Friday
Saturday
118
127
172
121
126
140
133
141
152
137
127
139
144
119


Call Volume by Time of Day
2017
2018
80
70
60
50
40
30
20
10
0
00 01 02 03 04 05 06 07 08 09 10 11 12 13 14 15 16 17 18 19 20 21 22 23
16 11 21 18 23 15 18 26 49 51 49 56 64 58 45 64 68 37 48 48 47 45 33 31 29
20 18 17 12 20 16 29 49 35 58 71 65 45 40 59 45 49 46 53 35



	Population
South Davis Fire	99,283
Layton Fire	76,691
North Davis Fire	47,252 (Includes West Point, Clearfield and Sunset)
Lone Peak Fire Dist	39,662 (Includes Cedar Hills, Alpine and Highland)
Syracuse Fire	29,507
Clinton Fire	21,971
Kaysville Fire	37,991 (Includes Fruit Heights)
South Weber Fire	7,310
Northview Fire Dist	36,287 (Includes North Ogden, Harrisville, Pleasant View)
Farmington Fire	24,066



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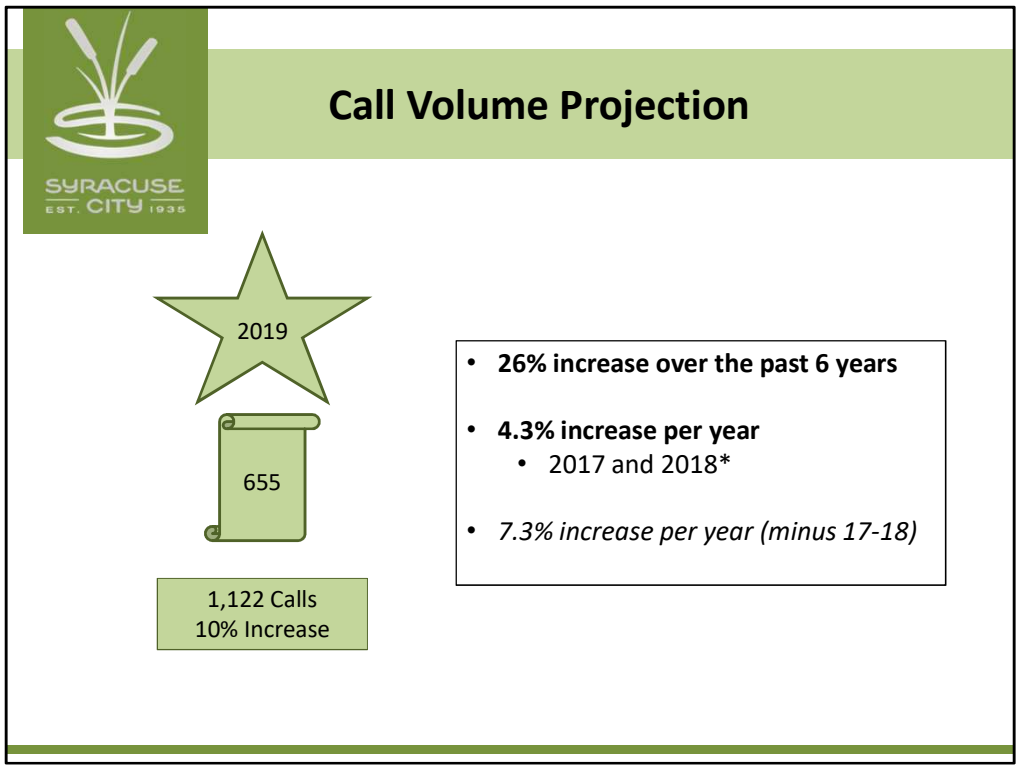


Call Volume By Year
2012 – 765
2013 – 805 (5%)
2014 – 873 (8%)
2015 – 931 (7%)
2016 – 1,017 (9%)
2017 – 993 (-2%)
2018 – 1,015 (2%)

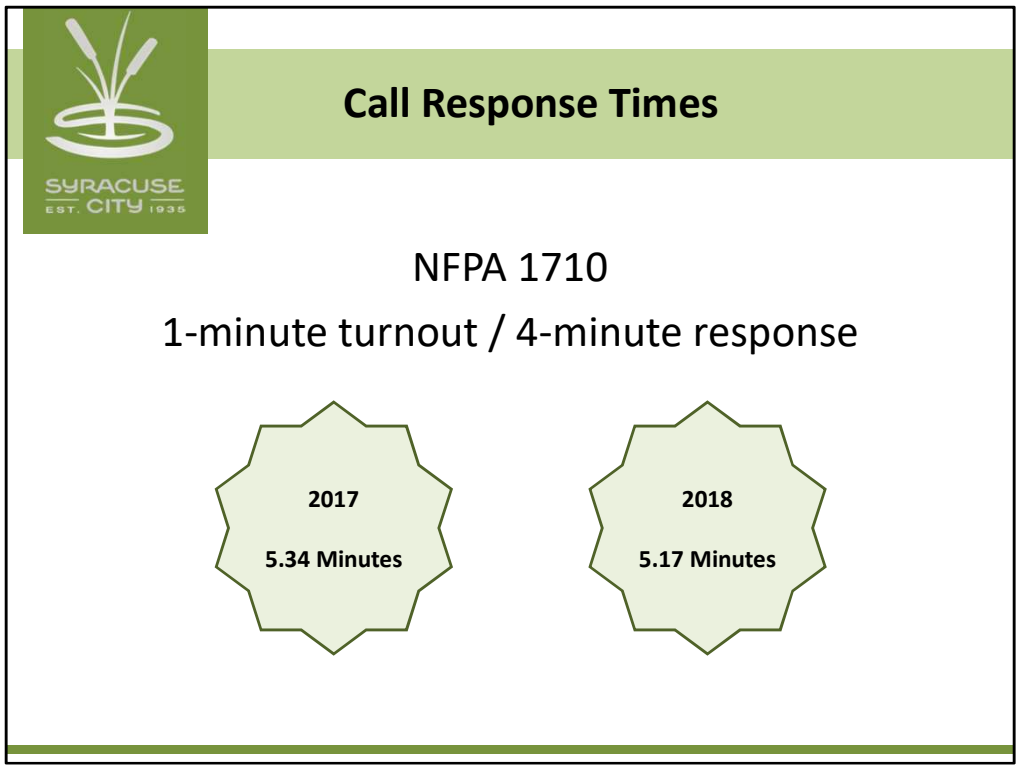
Projected Call Volume by Year (at 4.3% increase per year)
2019 – 1,059
2020 – 1,105
2021 – 1,153
2022 – 1,203
2023 – 1,255
2024 – 1,309

Mutual Aid

2017	2018
Mutual Aid Received = 38 Mutual Aid Given = 54 Overlapping Calls = 63 Covered by Syracuse = 35 Mutual Aid Transports = 28	Mutual Aid Received = 40 Mutual Aid Given = 52 Overlapping Calls = 68 Covered by Syracuse = **51** Mutual Aid Transports = **17**

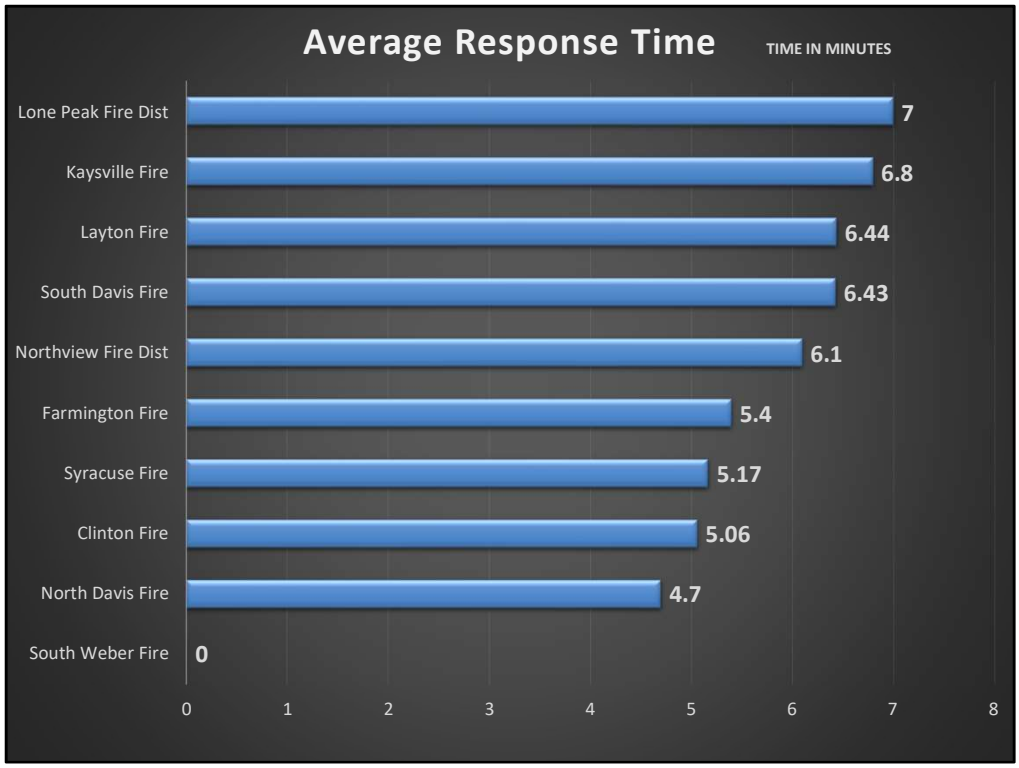
2018 shows an increase in overlapping calls covered by Syracuse Fire as well as a decrease in mutual aid transports.

These positive changes are directly related to the increase in daily staffing approved by the council for FY18.



Syracuse Fire is always working to improve their turnout and response times.

Increasing traffic and overlapping calls are the unpredictable challenges we face with response times throughout the city.

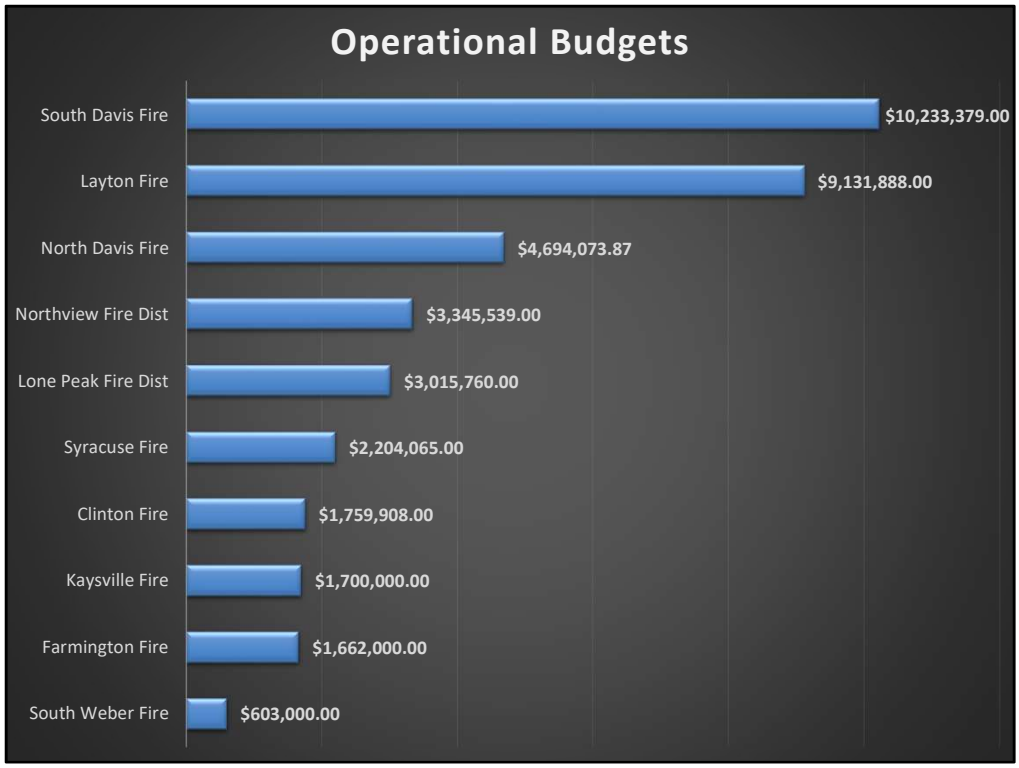


The National Fire Protection Agency (NFPA) Standard 1710 gives response standards for fire responses and emergency medical responses, to include response times to these incidents.

Per the standard, on emergency medical calls we have 5 minutes from the time the call is dispatched to the time we arrive on scene.

For single-resource (one fire engine or one ladder truck) fire calls we have 5 minutes and 20 seconds to arrive on scene from the time the call is dispatched.

Agencies must be compliant with these standards 90% of the time



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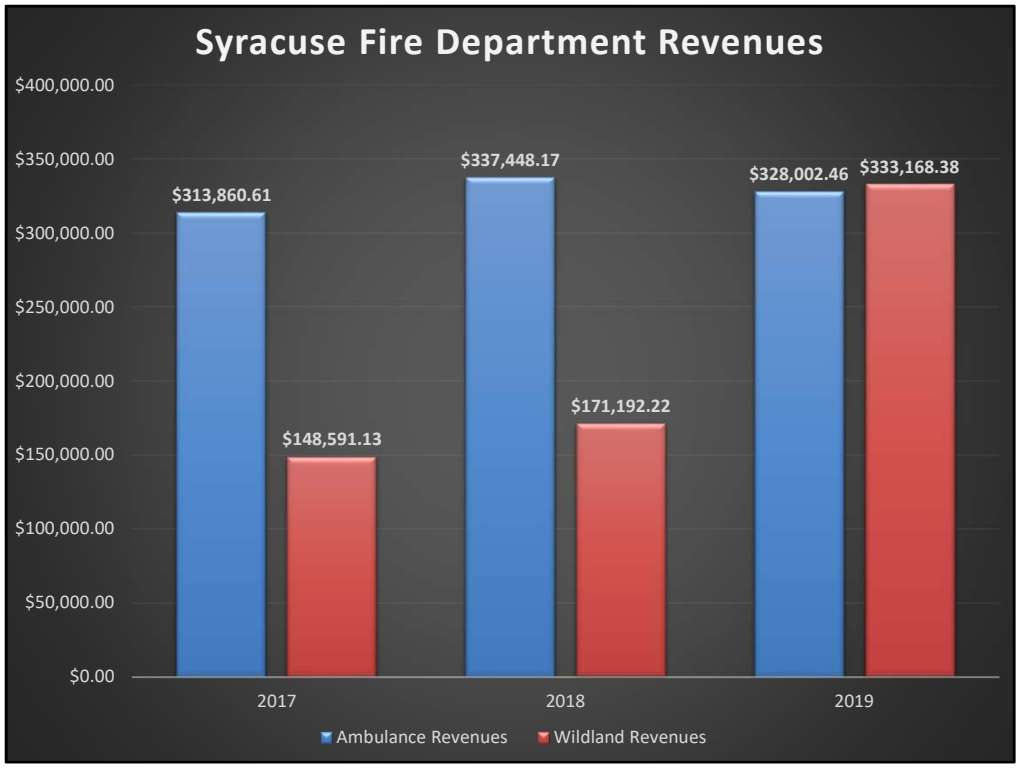


Fire Department Revenues

FY2017 = $462,451.74
FY2018 = $508,640.39
FY2019 = $661,170.84

The large increase in wildland revenue in 2019 was due to two factors:

- 5th person staffing allowed us to deploy more resources than previous years
- Fire season started earlier than normal, with more fires across the Great Basin area than in years past

AutoPulse Machine

This machine provides high-quality automated CPR to victims of sudden cardiac arrest. AutoPulse squeezes the patient's chest to improve blood flow to the heart and brain and has shown improved outcomes in numerous clinical trials. Using automatic CPR machines reduce responder fatigue and injury.

Auto Load System

The auto load system removes the "lifting" part of loading a patient into the ambulance. This device drastically reduces back injuries to responders.

Drone Technology

- **Firefighting** = provides aerial view during fireground operations and allows incident commanders to see the incident globally
- **Wildland Firefighting** = provides a quicker view of larger areas to identify spot fires and areas needing additional resources
- **Search and Rescue** = drones equipped with infrared cameras to find lost individuals in large areas
- **Disaster Response** = used to help determine need for immediate support and to examine areas of damage
- **Law Enforcement** = used for accident re-creation and aerial scene pictures

PulsePoint

Free app that notifies CPR trained community members when there is a cardiac arrest event in their vicinity. This increases the chance of the victim receiving by-stander CPR prior to EMS arrival thus increasing chances of survival. This app can also give locations of public AEDs.

Future Considerations

- Increasing Call Volume
- Increasing Response Times

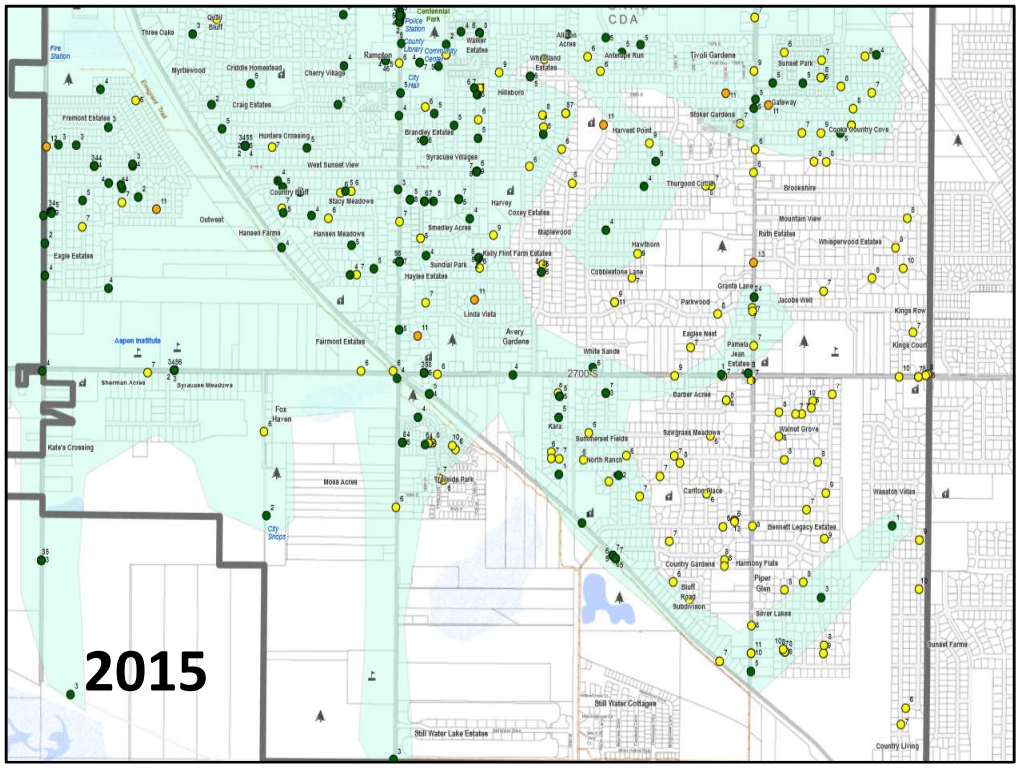
Call Response Study

Response times consistently greater than six minutes:

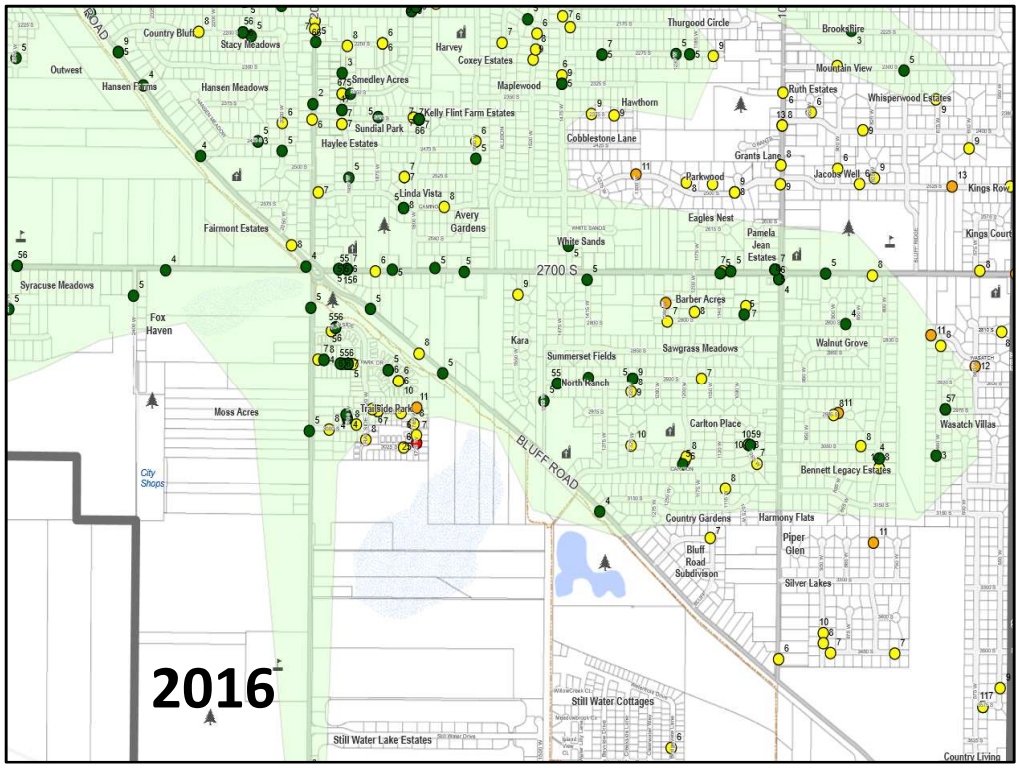
- Areas East of 1000 West
- South East portions of Syracuse
- North East portions of Syracuse

In 2017, working with the CED department, maps were created for 2015 and 2016 responses to determine areas needing improved service in relation to response times. It was determined that all areas East of 1000 West and areas East of Bluff Road and South of 2700 South, consistently had response times greater than 6 minutes and as high 10 – 13 minutes.

Maps for 2017 and 2018 are currently being created. It is expected that the results will be similar.



Full city map is in the packet



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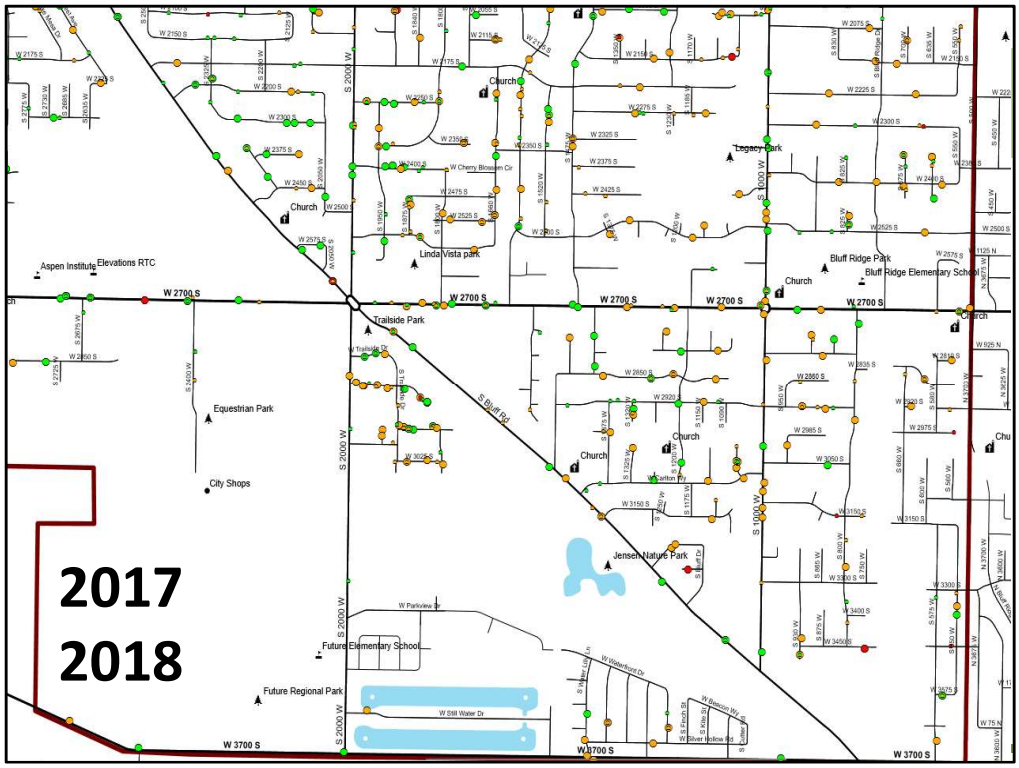

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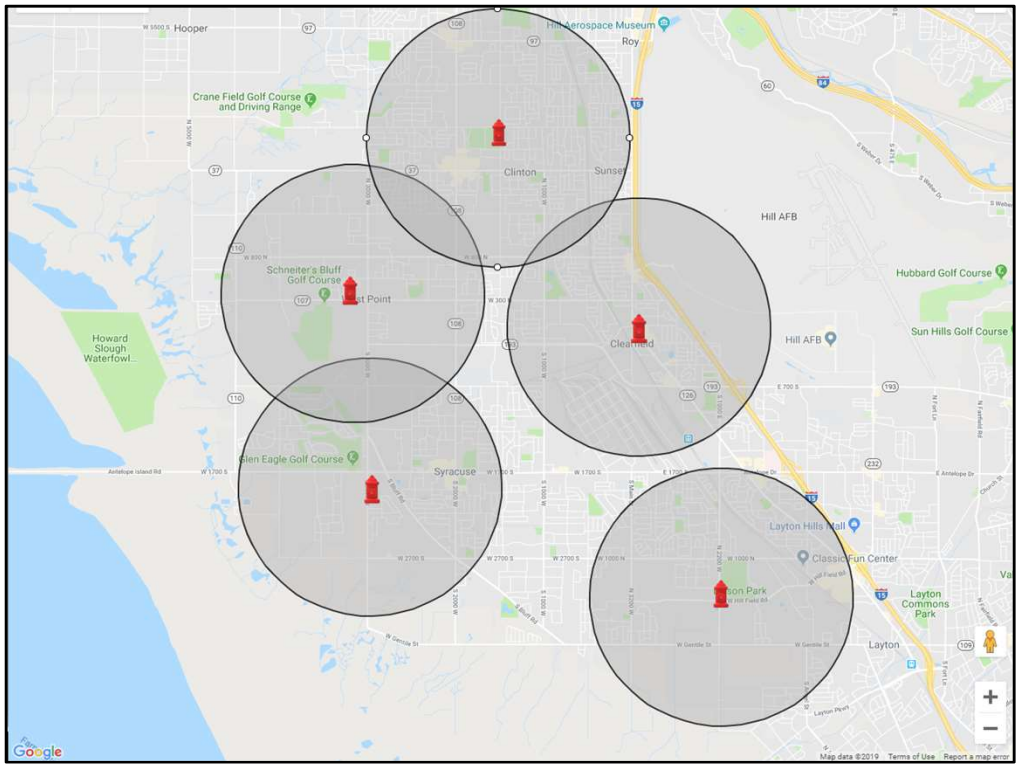
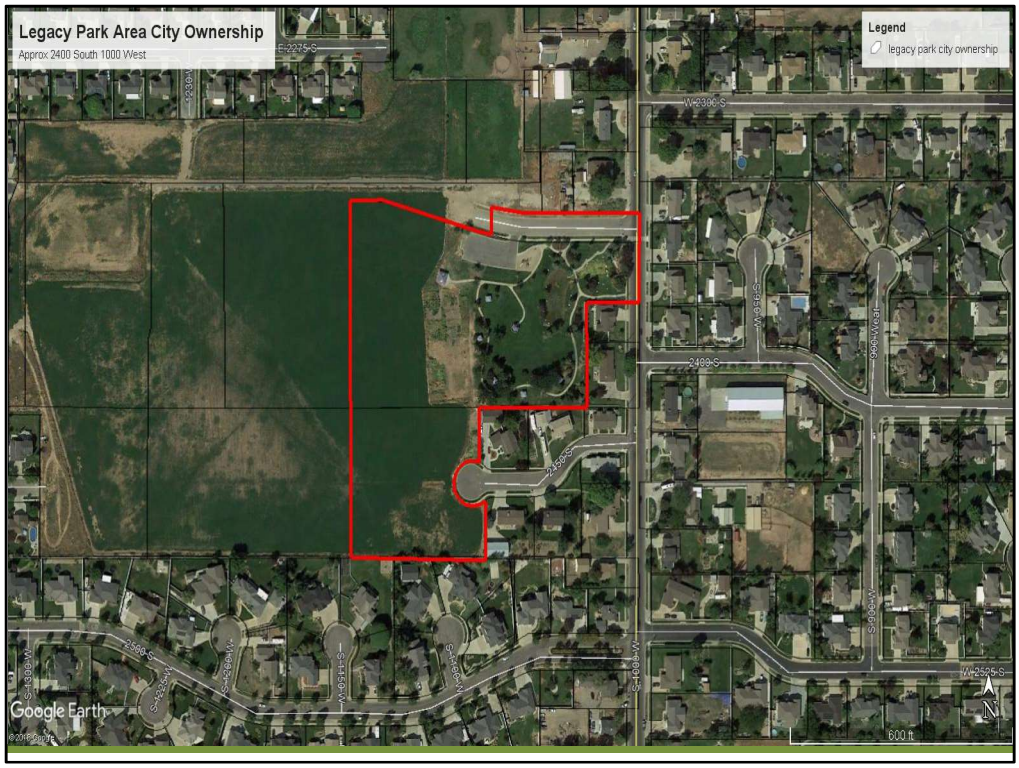
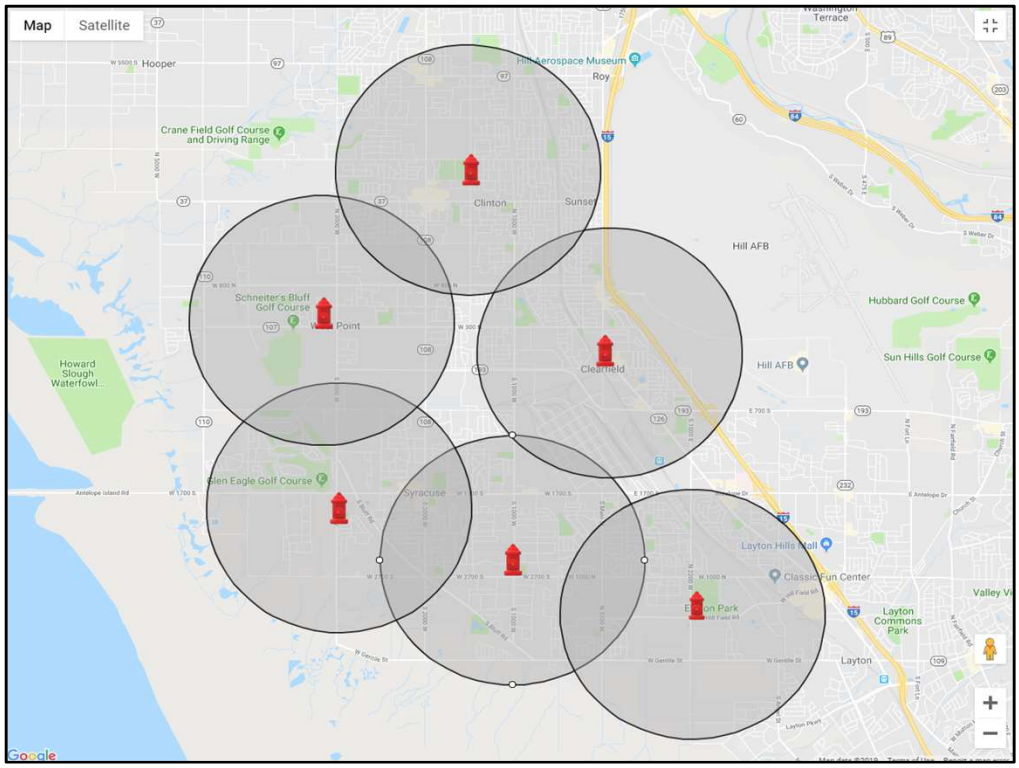


Clinton Station 21
North Davis Fire District Station 41 (West Point)
North Davis Fire District Station 42 (Clearfield)
Syracuse Station 31
Layton Station 51



City owned land next to Legacy Park. A portion of this area could be used as a location for a second fire station.

A station in this area would decrease call response and improve service in the areas East of 1000 West and to the South East portion of Syracuse.


Map
Satellite
Hooper
Crane Field Golf Course and Driving Range
Clinton
Sunset
Roy
Hill Aerospace Museum
Hill AFB
Schneiter's Bluff Golf Course
West Point
Clearfield
Howard Slough Waterfowl...
Hubbard Golf Course
Sun Hills Golf Course
Glen Eagle Golf Course
Syracuse
Layton Hills Mall
Classic Fun Center
Layton Commons Park
Layton
Google

Future Considerations

WEST DAVIS CORRIDOR

- Increase in response times to areas East of West Davis Corridor.
- Decrease in response times to North West area of Syracuse.
- Increase in emergency incident call volume.

Future Considerations

- Demands for wildland deployment
- Specialty training and certification
- Captain Bybee
- Engineer Holman
- Seasonal Firefighters

Deploying on a wildland incident requires a firefighter to be away from home for up to 16 days at a time. For us to send units on a wildland incident, it typically requires a minimum of 2 people, one of which must be a certified engine boss.

Currently, our only two certified engine bosses are Captain Bybee and Engineer Holman. More engine bosses and firefighters willing to deploy on wildland incidents will be needed in the near future to ensure the continuation of the wildland program.

Future Considerations

Priorities for Paramedic Services

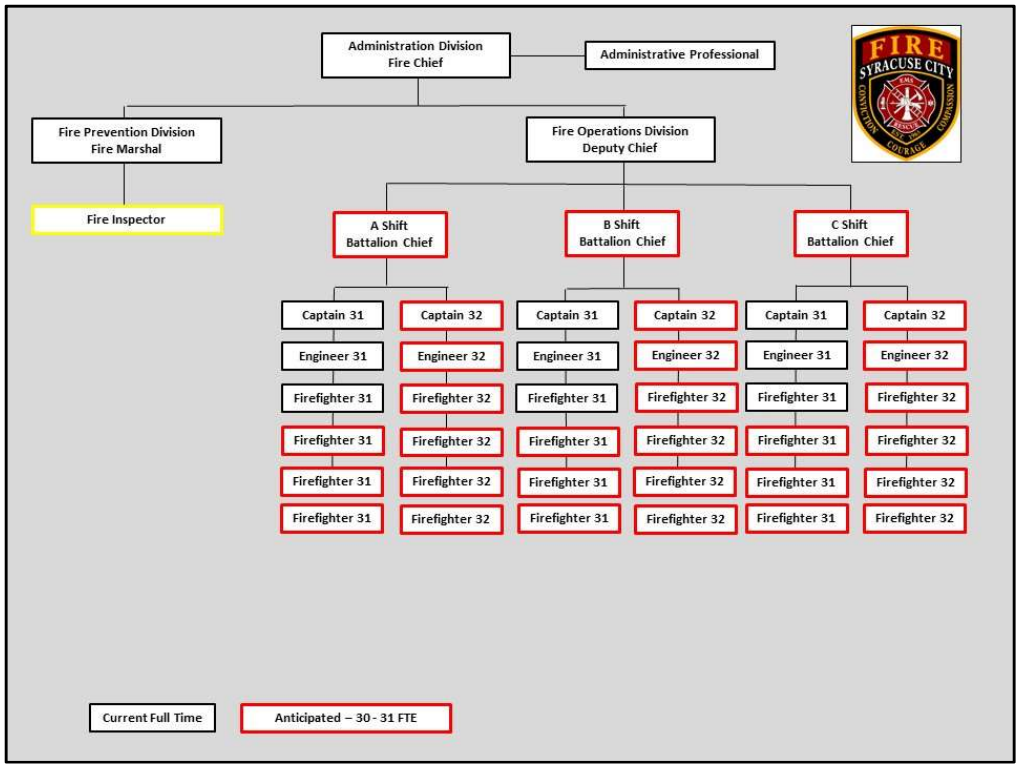
- Service must be equal to or better than what is currently provided.
- Syracuse should have the opportunity to choose who they contract paramedic services with.
- Mill Levy distribution must be fair.
- Dispatch service must be coordinated appropriately.

Sheriff Sparks and the County Commissioners along with City Officials have discussed the paramedic services in the County and whether it would be more efficient if the paramedic service was operated by the fire departments.

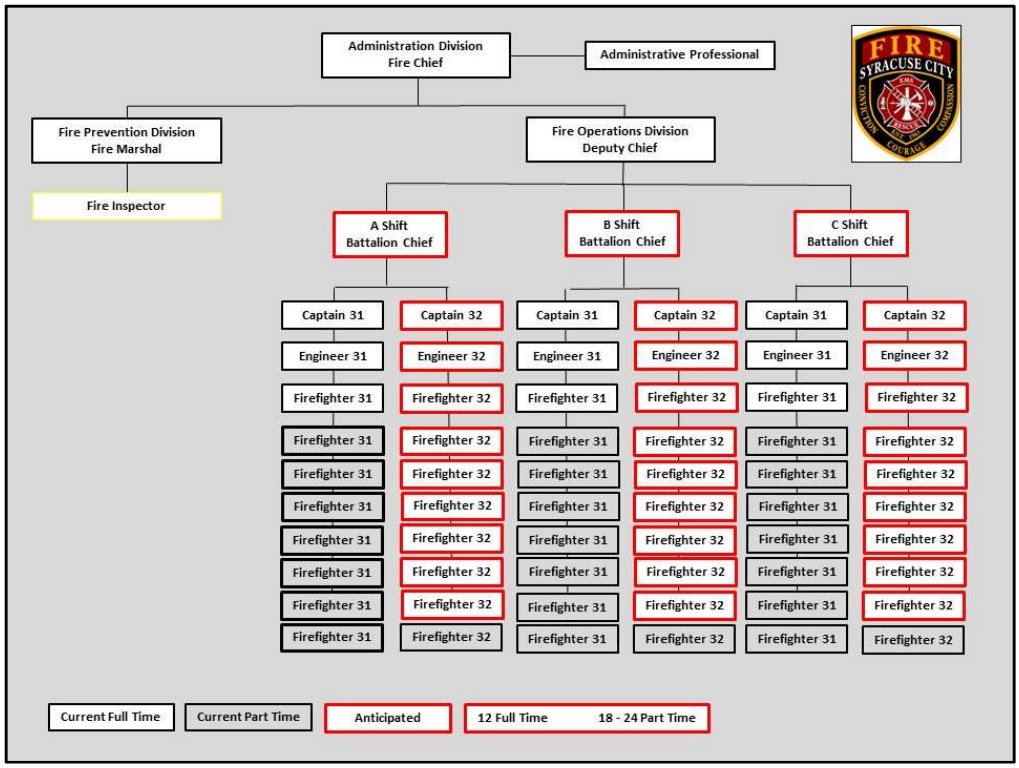
County Commissioners are looking into a study to determine the efficiency of moving paramedic services into the fire departments.

Future Considerations

- Job markets are making it more difficult to hire and maintain qualified part-time staff.
- Layton City and South Davis Metro Fire no longer use part-time staffing.
- Full-time staffing will be needed for possible paramedic service, increased call volumes and wildland program sustainability.



This organizational chart depicts what full-time staffing would look like with a second station. The areas in black show our current full-time staff. The areas in red show the needed staff to maintain service levels.



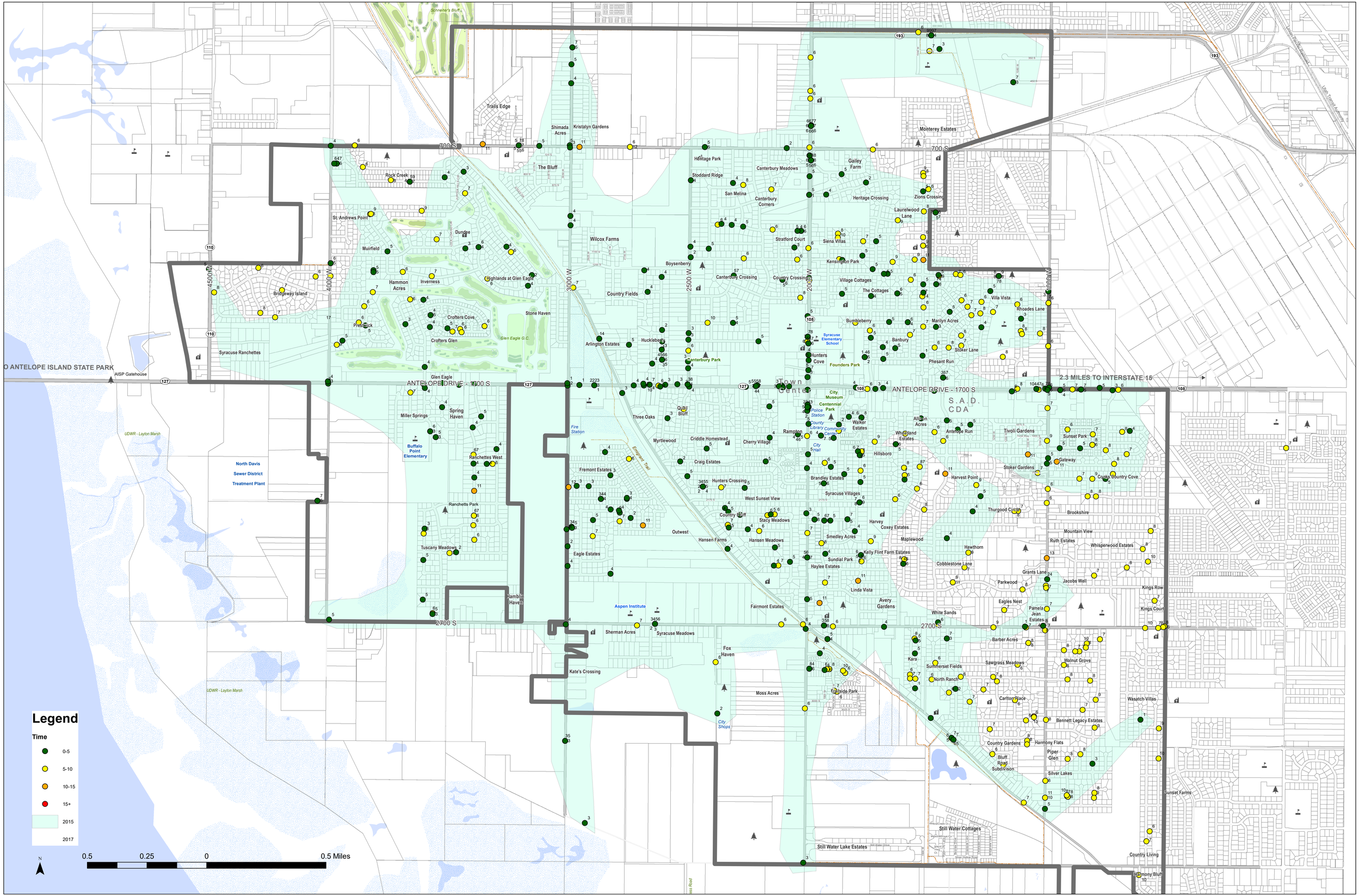
This organizational chart depicts what full and part-time staffing would look like with a second station. The areas in black/white show our current full-time staff. The areas in black/gray show our current part-time staff. The areas in red show the needed full and part-time staff to maintain service levels.

Multi-jurisdictional dispatching has proven to be problematic within the fire service in Davis County. These issues have occasionally caused a delay in responses to both medical and fire incidents within the Northern part of the county, making some sort of consolidation a priority.

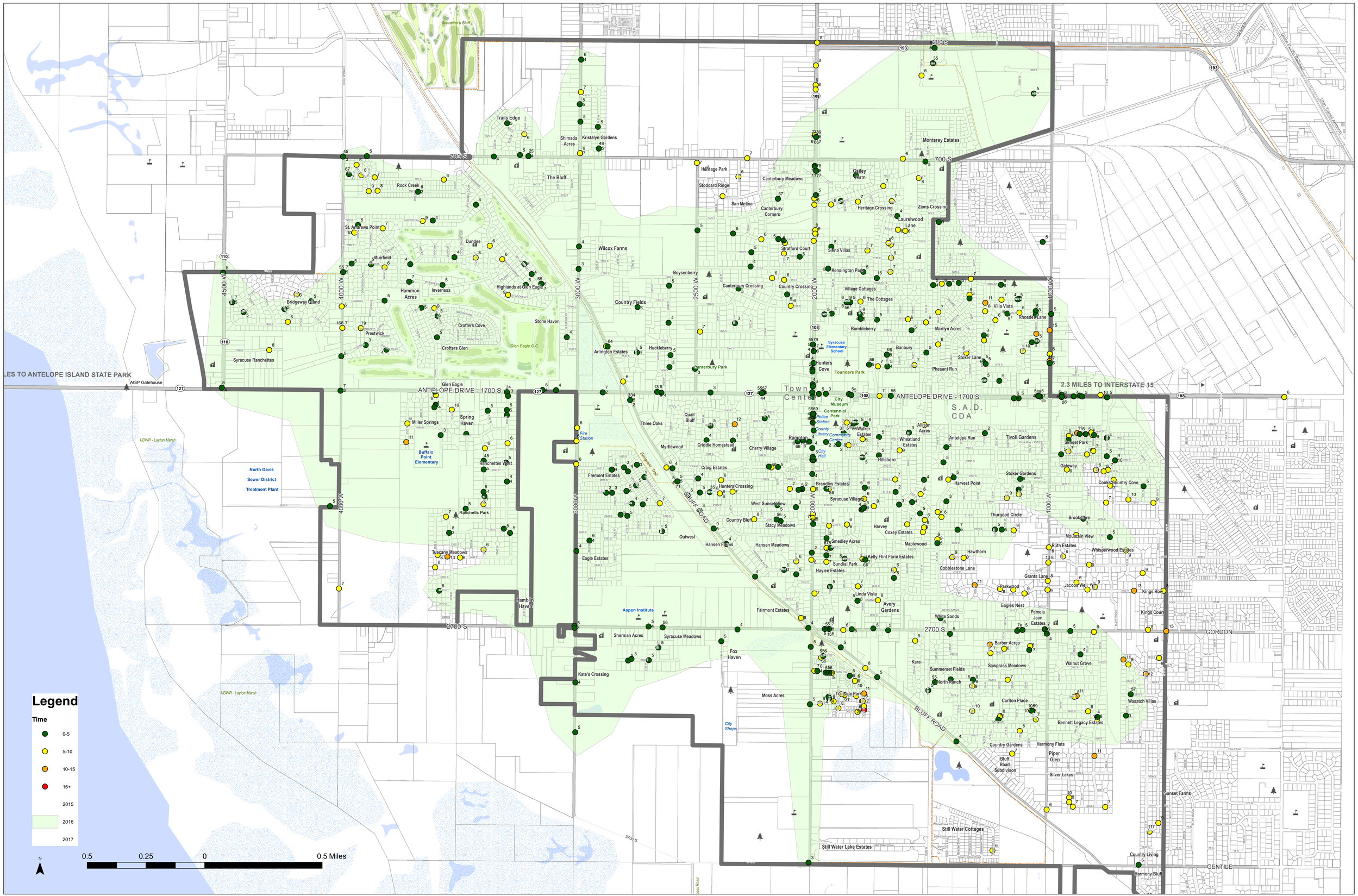
All of our neighboring communities (Layton, West Point and Clearfield) have separate dispatch centers which can cause communication issues when working on mutual aid incidents.

Syracuse currently contracts with Davis County Dispatch. The equipment used is roughly 40 years old with fire paging systems running on a two-tone analog platform.

Questions?
SYRACUSE
EST. CITY 1935
LAKEVIEW PLAZA
SYRACUSE FIRE
AirMed



Legend
Time
0-5
5-10
10-15
15+
2015
2017
0.5
0.25
0
0.5 Miles
N
ANTELOPE DRIVE - 1700 S
2.3 MILES TO INTERSTATE 15
O ANTELOPE ISLAND STATE PARK
AISP Gatehouse
700 S
2700 S
4500 W
4000 W
3000 W
2500 W
2000 W
1000 W
S.A.D.
CDA
Town Center
Trails Edge
Shimada Acres
Kristalyn Gardens
The Bluff
Rock Creek
St. Andrews Point
Dundee
Muirfield
Hammon Acres
Inverness
Highlands at Glen Eagle
Bridgeway Island
Prestwick
Crofters Cove
Crofters Glen
Stone Haven
Glen Eagle G.C.
Syracuse Ranchettes
Glen Eagle
Miller Springs
Spring Haven
Buffalo Point Elementary
North Davis Sewer District Treatment Plant
Ranchettes West
Ranchetts Park
Tuscany Meadows
Hamblin Haven
UDWR - Layton Marsh
Wilcox Farms
Boysenberry
Country Fields
Arlington Estates
Huckleberry
Canterbury Park
Heritage Park
Stoddard Ridge
San Melina
Canterbury Meadows
Canterbury Corners
Stratford Court
Canterbury Crossing
Country Crossing
Galley Farm
Heritage Crossing
Zions Crossing
Laurelwood Lane
Siena Villas
Kensington Park
Village Cottages
The Cottages
Monterey Estates
Villa Vista
Rhoades Lane
Marilyn Acres
Bumbleberry
Banbury
Stoker Lane
Phesant Run
Syracuse Elementary School
Hunters Cove
Founders Park
City Museum
Centennial Park
Police Station
County Library
Community Center
City Hall
Rampton
Walker Estates
Allison Acres
Antelope Run
Tivoli Gardens
Sunset Park
Gateway
Stoker Gardens
Cooks Country Cove
Harvest Point
Thurgood Circle
Brookshire
Mountain View
Ruth Estates
Whisperwood Estates
Hillsboro
Whealland Estates
Three Oaks
Quail Bluff
Myrtlewood
Criddle Homestead
Cherry Village
Craig Estates
Fremont Estates
Hunters Crossing
Brandley Estates
Syracuse Villages
West Sunset View
Country Bluff
Stacy Meadows
Outwest
Hansen Farms
Hansen Meadows
Harvey
Coxey Estates
Maplewood
Smedley Acres
Kelly Flint Farm Estates
Sundial Park
Haylee Estates
Hawthorn
Cobblestone Lane
Grants Lane
Parkwood
Jacobs Well
Kings Row
Kings Court
Eagles Nest
Pamela Jean Estates
White Sands
Linda Vista
Avery Gardens
Fairmont Estates
Eagle Estates
Aspen Institute
Sherman Acres
Syracuse Meadows
Fox Haven
Kate's Crossing
Moss Acres
Trailside Park
City Shops
Barber Acres
Kara
Summerset Fields
North Ranch
Sawgrass Meadows
Walnut Grove
Carlton Place
Wasatch Villas
Bennett Legacy Estates
Country Gardens
Harmony Flats
Piper Glen
Bluff Road Subdivison
Silver Lakes
Sunset Farms
Still Water Cottages
Still Water Lake Estates
Country Living
Harmony Bluff
Fire Station
Emigrant Trail


Schneiter's Bluff
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Kristalyn Gardens
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The Bluff
Rock Creek
St. Andrews Point
Dundee
Muirfield
Hammon Acres
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Brandley Estates
Syracuse Village
West Sunset View
Country Bluff
Stacy Meadows
Harvey Coxey Estates
Maplewood
Smedley Acres
Kelly Flint Farm Estates
Sundial Park
Haylee Estates
Linda Vista
Avery Gardens
Fairmont Estates
Fox Haven
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Bluff Road Subdivison
Piper Glen
Silver Lakes
Sunset Farms
Country Living
Harmony Bluff
GENTILE
BLUFF ROAD
2700 S
3700 S
4500 W
4000 W
3800 W
3000 W
2500 W
2200 W
1000 W
Legend
Time
0-5
5-10
10-15
15+
2015
2016
2017
0.5
0.25
0
0.5 Miles
N

Legend

2017 Response Times 950

- 0-5 mins (55%)
- 5-10 mins (43%)
- 10-15 mins (2%)

2018 Response Times (931 calls)

- 0-5 mins (53%)
- 5-10 mins (46%)
- 10-15 MINS (1%)

Syracuse Municipal Boundary

Fire Response Map 2017 - 2018

N

0 — 1 Miles