

WEST HAVEN CITY COUNCIL AGENDA

AMENDED

December 4, 2019 6:00 p.m.
City Council Chambers
4150 South 3900 West, West Haven, UT 84401

NOTICE IS HEREBY GIVEN THAT ON **December 4, 2019** THE COUNCIL OF WEST HAVEN CITY WILL HOLD THE FOLLOWING PUBLIC MEETINGS: **5:30 PM: COUNCIL WORKSHOP 6:00: REGULAR WEDNESDAY CITY COUNCIL MEETING.** COUNCILMEMBER MUSSELMAN WILL ATTEND THE MEETING ELECTRONICALLY.

1. MEETING CALLED TO ORDER: Mayor Bolos
2. OPENING CEREMONIES
 - A. PLEDGE OF ALLEGIANCE Councilmember Richards
 - B. PRAYER/MOMENT OF SILENCE Councilmember Carlson
3. PUBLIC PRESENTATION: Resident(s) attending this meeting will be allotted 2 minutes to express a concern or ask a Question about any issue that **IS NOT ON THE AGENDA** No action can or will be taken on any issue(s) presented.

AGENDA ACTION ITEMS

4. ACTION ON RESOLUTION 17-2019-HB163-PERSONAL USE OF PUBLIC PROPERTY
5. ACTION ON PLANNING COMMISSION MEETING RECOMMENDATION(S)
 - A. ACTION ON ORDINANCE 39-2019-ANIMAL ORDINANCE
 - B. ACTION ON ORDINANCE 41-2019-HINCKLEY DRIVE AND MIDLAND DRIVE
 - C. ACTION ON ORDINANCE 42-2019-AMEND MASTER DEVELOPMENT AGREEMENT-GREEN FARMS-APPROX. 4400 W. 3400 S.
6. ACTION ON RESOLUTION 15-2019-PERSONNEL POLICY-COMPENSATORY TIME AND VACATION TIME
7. BID AWARD-BOX CULVERT-4700 W.
8. ACTION ON CONSENT AGENDA

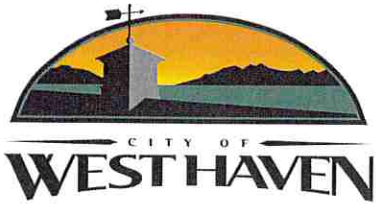
A. CITY COUNCIL MINUTES	MEETING HELD	November 20, 2019
B. SPECIAL CITY COUNCIL MINUTES	MEETING HELD	November 18, 2019
C. GARDNER ENGINEERING	\$39,303.37	Inv.#10190091-10190100
D. R.L. SHAW & CO.	\$12,820.77	Inv #WH0219
E. GRANITE	\$27,348.12	Inv #1710640
9. ADJOURNMENT

Emily Green
Emily Green, City Recorder

In compliance with the Americans with Disabilities Act, persons needing special accommodations, including auxiliary communicative aids and services, for this meeting should notify the city recorder at 731-4519 or by email: shandar@westhavencity.com 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 has been posted in the West Haven City Recorder's office; at the West Haven City Complex on the Notice Board and at westhavencity.com; emailed to the Standard-Examiner with a request that it be posted in their Wednesday night meeting section; mailed and emailed to the West Haven City Mayor and each West Haven City Council Member who has email capacity and to the city attorney



**WEST HAVEN CITY
PRE-COUNCIL WORKSHOP AGENDA
HELD PRIOR TO CITY COUNCIL MEETING
WEDNESDAY DECEMBER 4, 2019**

@

5:30 PM – In City Council Chambers

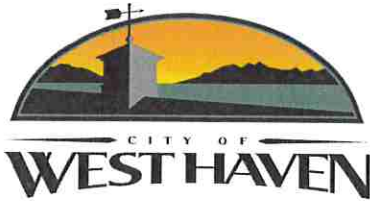
*NO ACTION CAN OR WILL BE TAKEN ON ANY CITY COUNCIL MEETING AGENDA ITEMS DISCUSSED DURING
PRE-COUNCIL WORKSHOP - DISCUSSION OF SUCH ITEMS IS FOR CLARIFICATION OF AGENDA ITEMS.*

MEETING TO ORDER:

MAYOR BOLOS

REPORTS AND DISCUSSION AS FOLLOWS:

1. Staff Report- Mayor Bolos
2. Planning Commission & City Council Agenda Items- Steve Anderson



WEST HAVEN CITY COUNCIL MEETING MINUTES

November 20, 2019 6:00 p.m.

City Council Chambers
4150 South 3900 West, West Haven, UT 84401

Present: Sharon A. Bolos Mayor
Stephanie Carlson Councilmember
Lacy Richards Councilmember
Rob Vanderwood Councilmember
Randy Hunter Councilmember
Dawnell Musselman Councilmember

Staff Present: Emily Green City Recorder
Steve Anderson City Planner

5:30 Council Workshop

Mayor Bolos brought the meeting to order.

Fred Philpot and Ryan Christensen gave a presentation with the data changes for a level of service C for the impact fee study.

1. MEETING BROUGHT TO ORDER:

The Council met at their regularly scheduled meeting held in the City Council Chambers. Mayor Bolos brought the Meeting to order at 6:00 pm. and welcomed those in attendance.

2. OPENING CEREMONIES

- A. Lead by Knight Stevens Troup 166
- B. Lead by Councilmember Vanderwood

3. PUBLIC PRESENTATION

George Lamar stated that he would like to clarify our zoning ordinances to allow a better transition between high density and low density and that he doesn't like 9,000 square foot lots.

4. PRESENTATION-PREVEDEL PARK-G. BROWN

Councilmember Richards made a motion to table. Councilmember Musselman seconded the motion. Councilmember Richards withdrew her motion.

Ryan Christensen presented the plan for Prevedel Park. He stated that the plan is to integrate existing campsites in conjunction with the addition of the open space the City acquired. He said that in the north east corner is in Marriott-Slaterville and we have been working with them to complete this.

Mayor Bolos stated that the portion in Marriott-Slaterville is a day use area that does not have vehicle accessibility. Marriott-Slaterville will contribute to it as well as offers from the Weber Fire District. The City would like to apply for a RAMP Grant to complete this park and the contributions from other agencies can help towards this grant. Also, after discussing this with the Recreation Director he suggested abandoning the Country Haven trail and using the \$300,000 that must be used this year towards the matching funds for the RAMP Grant and to do the arena lights in the park.

5. ACTION ON RESOLUTION 18-2019-HB163-PERSONAL USE OF PUBLIC PROPERTY

Councilmember Hunter stated that he would like more time to review this resolution.

Councilmember Richards stated that she would like to see a policy in place before passing this resolution.

Councilmember Richards made a motion to table with the addition of a policy. **Councilmember Musselman seconded** the motion. Councilmember Richards, aye; Councilmember Carlson, aye; Councilmember Vanderwood, aye; Councilmember Musselman, aye; Councilmember Hunter, aye; **Vote was unanimous.**

6. **ACTION ON RESOLUTION 18-2019-VIPS**

Councilmember Carlson made a motion to adopt resolution 18-2019. **Councilmember Hunter seconded** the motion. **Roll Call:** Councilmember Richards, aye; Councilmember Carlson, aye; Councilmember Vanderwood, aye; Councilmember Musselman, aye; Councilmember Hunter, aye; **Vote was unanimous.**

7. **AWARD CONTRACT-ECONOMIC DEVELOPMENT**

Councilmember Richards moved to award the contract to Zion Public Finance. **Councilmember Musselman seconded** the motion. Councilmember Carlson, aye; Councilmember Musselman, aye; Councilmember Hunter, aye; Councilmember Vanderwood, aye; Councilmember Richards, aye; **Vote was unanimous.**

8. **ACTION ON PLANNING COMMISSION MEETING RECOMMENDATION(S)**
A. ACTION ON ORDINANCE 38-2019-R-3 ZONE

Councilmember Hunter expressed concern about the 60-foot height requirement.

Councilmember Vanderwood stated he would like to see more detail in the R-3 zone. He feels there is an opportunity for businesses that fit in neighborhoods.

Councilmember Carlson stated that this is a residential zone and that if there are commercial requirements, she would like to see the change in the general plan map.

Councilmember Hunter stated that after looking at how close the Claradon apartments are to the property line, he believe they are an appropriate setback for all apartment complexes.

Steve Anderson measured and it is about 25 feet from the property line.

Councilmember Richards suggested changing section 4 site development standards on the bottom row first column under building type there is a note that says apartments are the only housing to be allowed over 35 feet. Also to cross out the minimum front setback, cross out the minimum side setback, cross out the minimum rear setback, under additional setback requirements there is a note that says no less than 25 feet off of the property line where a building is against a public road, and the maximum height now says that 60 feet only for the areas designated as 24 units per acre designated as the nine in the table, otherwise it is 35 feet for areas less than the designated 24 units per acre.

Councilmember Hunter suggested that in section 3 conditional uses item 7 taking out minimum ½ acre lot, maximum 32 rooms and just letting it say assisted living.

Councilmember Carlson made a motion to adopt ordinance 38-2019 with the changes as discussed. **Councilmember Richards seconded** the motion. **Roll Call:** Councilmember Carlson, aye; Councilmember Hunter, aye; Councilmember Richards, aye; Vanderwood, nay; Councilmember Musselman, aye; **Motion Carries 4:1.**

B. ACTION ON ORDINANCE 37-2019-AMEND THE GENERAL PLAN-GENERAL PLAN MAP APPENDIX "A"

Mayor Bolos suggested changing the C-2 on the road that connected 2100 S. to 1800 S. to R-4 because of the context of the new road on 2100 S. and to put C-2 on the northern portion of the property and R-4 on the southern portion of the property below the canal.

Councilmember Richards suggested Omitting the 2 at approx. 3800 S. Midland Drive, omitting the 1 on approx. 1800 S. 2425 W., changing all of the areas that say C-2 and are red to pink so that the color is correct, the area at approx. 3825 S. Midland Drive to change from C-1 to C-2, and at approx. 2200 S. 2050 W. splitting the property and putting C-1 on the eastern side.

Darin Deem suggested adding R-4 to the western side of the property at approx. 2200 S. 2050 W.

Councilmember Hunter suggested changing the property at 3500 W. 4000 S. to C-2.

Steve Anderson suggested adding to words R-4 on all of the purple portions on the map that could fit the lettering to reflect the color underneath.

Councilmember Richards made a motion to adopt ordinance 37-2019 with the changes noted. **Councilmember Carlson seconded** the motion. **Roll Call:** Councilmember Carlson, aye; Councilmember Hunter, nay; Councilmember Richards, aye; Councilmember Musselman, aye; Councilmember Vanderwood, aye; **Motion passes 4:1.**

C. ACTION ON ORDINANCE 39-2019-ANIMAL ORDINANCE

Councilmember Richards suggested changing on section F item C to say A permit shall not be issued, even under a conditional use permit, in zones where animal keeping is not allowed. In zones or on parcels where by lot size animal keeping is not allowed. She stated it might be a good idea to add on page 3 item A no structure except for chicken coup or rabbit hutch that is designated for animal housing and/or shelter shall be constructed closer than the minimum setback standards for the zone in which the structure is located. She also suggested adding in a chart to the ordinance to reflect the wording in section E item 1 Animal Keeping Limitations and adding juvenile animals in the chart. She suggested adding height requirements, breaking pheasants out as pheasant hen and pheasant rooster, changing bison to be worth 8 instead of 6, adding miniature horses and ponies to the chart with height requirements, and noting an asterisk or two based off lots less than an acre and lots less than a half-acre.

Darin Deem suggested changing section E to F and F to G to reflect the correct order.

Councilmember Vanderwood expressed concern about mini donkeys not being included.

Councilmember Carlson expressed concern about allowing large animals and not allowing smaller animals such as chickens or rabbits with it. She also expressed concern about unusual animals being kept as pets as well as service pets not being allowed.

Commission member Hunter made a motion to table. **Commission member Carlson seconded** the motion. Councilmember Carlson, aye; Councilmember Hunter, aye; Councilmember Richards, aye; Councilmember Vanderwood, aye; Councilmember Musselman, aye; **Vote was unanimous.**

D. PRELIMINARY SITE PLAN APPROVAL-LIVE WIRE ELECTRIC-2506 S. 2050 W.-JASON ANDERSON

Councilmember Hunter asked what the storage units will be used for.

Kelly Nielsen said it will be used for vehicles.

Councilmember Hunter stated that the landscaping is only 8.3% and that is less than required for our ordinance.

Steve Anderson stated that when this was originally built that landscaping was designed under the allowed amount.

Councilmember Vanderwood asked if they are going to add road base on the slope.

Mr. Nielsen confirmed they will.

Councilmember Richards moved to give preliminary site plan approval. **Councilmember Carlson seconded** the motion. Councilmember Carlson, aye; Councilmember Vanderwood, aye; Councilmember Hunter, aye; Councilmember Richards, aye; Councilmember Musselman, aye; **Vote was unanimous.**

E. FINAL SITE PLAN APPROVAL-WEST HAVEN BUSINESS PARK-APPROX. 1750 S. 1900 W.

Councilmember Richards asked if they are going to use a drip system with the zero scape and plantings throughout.

Brandon Smith confirmed they will and they will add some trees.

Councilmember Hunter asked what kind of businesses they will have and if they will have storage units in the back.

Mr. Smith said they anticipate something like cabinetry making, offices, or retail in that area and that those could change when 1900 W. matures more. He said the back storage area is just for each individual business and that each suite will have a roll up door.

Councilmember Vanderwood asked about lighting.

Mr. Smith said they will have lighting on the building.

Commission member Richards made a motion to give final site plan approval. **Commission member Vanderwood seconded** the motion. Councilmember Hunter, aye; Councilmember Carlson, aye; Councilmember Musselman, aye; Councilmember Vanderwood, aye; Councilmember Richards, aye; **Vote was unanimous.**

F. FINAL SITE PLAN-GRAND HAVEN ASSISTED LIVING-3400 S. 3500 W.-JUSTIN NIELSEN

Councilmember Richards asked if they are doing all of the access road, parking, and then all on the east half of the lot but not the 4-8 unit facilities.

Justin Nielsen confirmed that was the plan.

Councilmember Carlson suggested adding a handicap accessible commercial playground.

Councilmember Carlson moved to give final site plan approval. **Councilmember Hunter** seconded the motion. Councilmember Carlson, aye; Councilmember Hunter, aye; Councilmember Richards, aye; Councilmember Vanderwood, aye; Councilmember Musselman, aye; **Vote was unanimous.**

G. ACTION ON ORDINANCE 29-2019-3710 S. 2700 W.-CODY RHEES

Cody Rhees explained that they weren't sure where to go from this point on the concept plan because there didn't seem to be a consensus from council. He stated that they changed the commercial so that it was larger on 2700 W.

Councilmember Richards asked if it's a two car garage or a one car garage.

Mr. Rhees said that it will be a two car garage.

Councilmember Hunter stated that he would like to see them have commercial on Midland Drive and the density is 8.7 units per acre and it should be 5 units per acre and he doesn't see anything to allow for a bonus density.

Mr. Rhees said that in exchange for bonus density they are providing more parking.

Councilmember Vanderwood asked what percentage the commercial is.

Mr. Rhees said its about 30%.

Councilmember Carlson stated she would like to see more than just grass for the landscaping.

Mr. Rhees said that landscaping will have grass shrub, trees, etc.

Councilmember Hunter moved to deny. **Councilmember Carlson** seconded the motion. **Roll Call:** Councilmember Carlson, aye; Councilmember Hunter, aye; Councilmember Richards, nay; Councilmember Vanderwood, aye; Councilmember Musselman, nay; **Motion carries 3:2.**

H. ACTION ON ORDINANCE 33-2019-TEMPORARY SIGNS

Councilmember Carlson expressed concerns about signs not being placed closer than 6 feet to the edge of the pavement.

Councilmember Vanderwood stated that he would like more detail added to this ordinance.

Councilmember Richards moved to adopt ordinance 33-2019. **Councilmember Carlson** seconded the motion. **Roll Call:** Councilmember Carlson, aye; Councilmember Hunter, aye; Councilmember Richards, aye; Councilmember Vanderwood, nay; Councilmember Musselman, aye; **Motion carries 4:1.**

I. PRELIMINARY SUBDIVISION APPROVAL-SHUPE SUBDIVISION-3222 S. 3500 W.-CAPITAL REEF MANAGEMENT

Brad Frost explained that they are doing smaller lots for young families who would like a different option than a townhouse and single family homes. They planned on doing a tree farm in the open space instead of soccer field or donating the space to the city.

Steve Anderson stated that planning commission recommended continuing the trail through this development.

Councilmember Carlson asked what the side and back materials for the homes will be.

Mr. Frost said it will be brick, rock, stucco, and hardie board.

Councilmember stated he would like larger lots.

Councilmember Richards suggested adding senior products on the middle portion.

Councilmember Richards moved to give preliminary subdivision approval with varied lot sizes, concept plan 2, and the addition of property for the trail. **Commission member Musselman seconded** the motion. Councilmember Hunter, nay; Councilmember Vanderwood, aye; Councilmember Musselman, aye; Councilmember Richards, aye; Councilmember Carlson, aye; **Motion carries 4:1.**

9. **ACTION ON ORDINANCE 40-2019- EMERGENCY OPERATIONS PLAN**

Councilmember Richards made motion to adopt ordinance 40-2019. **Councilmember Carlson seconded** the motion. **Roll Call:** Councilmember Richards, aye; Councilmember Carlson, aye; Councilmember Vanderwood, aye; Councilmember Hunter, aye; Councilmember Musselman, aye; **Vote was unanimous.**

10. **ACTION ON RESOLUTION 15-2019-PERSONNEL POLICY-COMPENSATORY TIME AND VACATION TIME**

Councilmember Richards made motion to table. **Councilmember Musselman seconded** the motion. **Roll Call:** Councilmember Richards, aye; Councilmember Musselman, aye; Councilmember Vanderwood, aye; Councilmember Hunter, aye; Councilmember Carlson, aye; **Vote was unanimous.**

11. **RATIFY RESOLUTION 14-2019-MODERATE INCOME HOUSING**

Councilmember Richards made motion to ratify resolution 14-2019. **Councilmember Musselman seconded** the motion. **Roll Call:** Councilmember member Richards, aye; Councilmember Musselman, aye; Councilmember Vanderwood, aye; Councilmember Hunter, nay; Councilmember Carlson, aye; **Motion passes 4:1.**

12. **ACTION ON CONSENT AGENDA**

A. CITY COUNCIL MINUTES

MEETING HELD

November 6, 2019

B. AMERICAN PAVEMENT MARKING, LLC

\$25,839.04

Inv.#124916

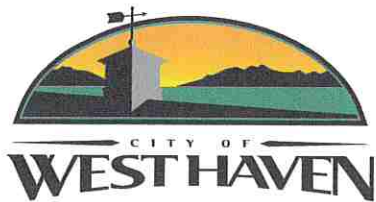
Councilmember Carlson moved to approve the Consent Agenda with a change on the minutes correcting the spelling of Laughter. **Councilmember Richards seconded** the motion. **Roll Call:** Councilmember Carlson, aye; Councilmember Musselman, aye; Councilmember Richards, aye; Councilmember Hunter, aye; Councilmember Vanderwood, aye; **Vote was unanimous.**

13. **ADJOURNMENT**

Councilmember Richards moved to adjourn at 10:23 P.M. **Councilmember Richards seconded** the motion. Councilmember Musselman, aye; Councilmember Carlson, aye; Councilmember Richards, aye; Councilmember Vanderwood, aye; Councilmember Hunter, aye; **Vote was unanimous.**

Emily Green
City Recorder

Date Approved: _____



WEST HAVEN CITY SPECIAL BOARD OF CANVASSERS MEETING MINUTES

November 18, 2019 3:00 P.M.

City Council Chambers

4150 South 3900 West, West Haven, UT 84401

Present: Randy Hunter Councilmember
Dawnell Musselman Councilmember
Rob Vanderwood Councilmember

Staff Present: Emily Green City Recorder

1. **MEETING BROUGHT TO ORDER:** Councilmember Musselman

2. **ACTION ON RESOLUTION 16-2019**

Councilmember Musselman read the official results of the Municipal General Election. There were 5,319 cards cast.

Council:

Call, Carrie	1,311
Morse, Nina	1,271
Dixon, Kim	1,220
Richards, Lacy	821
Carlson, Stephanie	696

Councilmember Musselman moved to adopt resolution 16-2019. **Councilmember Hunter seconded** the motion. **Roll Call:** Councilmember Musselman, aye; Councilmember Hunter, aye; Councilmember Vanderwood, aye; **Vote was unanimous.**

3. **ADJOURNMENT**

Councilmember Hunter moved to adjourn at 6:04 P.M. **Councilmember Musselman seconded** the motion. Councilmember Musselman, aye; Councilmember Hunter, aye; Councilmember Vanderwood, aye; **Vote was unanimous.**

Emily Green
City Recorder

Date Approved: _____

DRAFT

RESOLUTION NO. 17-2019

**RESOLUTION OF THE GOVERNING BODY OF WEST HAVEN CITY,
SETTING FORTH A POLICY FOR LIMITED PERSONAL USE OF PUBLIC
PROPERTY BY CITY EMPLOYEES; AND PROVIDING FOR AN
EFFECTIVE DATE.**

Section 1 - Recitals

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

WHEREAS, in conformance with Utah Code ("UC"), the governing body of the city may exercise all administrative powers by resolution; and,

WHEREAS, the City Council finds UC §76-8-402 prohibits certain use of public property; and,

WHEREAS, the City Council recognizes the benefits to the community when designated employees are able to use City property for de minimus personal use besides the primary use of fulfilling his or her duties as a City employee; and,

WHEREAS, the City Council finds, in order to enable employees to continue to use their issued equipment to best serve the public, it is in the public interest that employees be authorized to use or possess any City property issued to them for and in any incidental or personal use, so long as the property is used in an otherwise lawful manner; and,

WHEREAS, the City Council finds that a policy that presumes that any public property issued to an employee is properly in that employee's possession and that the employee's use or possession of the property is to fulfill their duties as a public servant; and,

WHEREAS, the City Council finds that a policy should be adopted that also presumes that incidental or personal use or possession of public property by the employee is authorized by this policy; and,

WHEREAS, the City Council finds that a policy should be enacted to minimize criminal exposure under, and to otherwise provide for the lawful use of City property by employees under, Utah Code Ann. § 76-8-402; and,

WHEREAS, the City Council finds that the public convenience and necessity, public safety, health and welfare is at issue and requires administrative action by the City as noted above;

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

Section 2 - Personal Use of West Haven City Property Policy

The West Haven City (City) recognizes the benefits to the community when designated employees can use City property for de minimus personal use in addition to the primary use of fulfilling his or her duties as a City employee. To enable employees to continue to use their issued equipment to best serves the public, employees are authorized to use or possess any City property issued to them for any incidental or personal use, so long as the property is used in an otherwise lawful manner. This policy presumes that any public property issued to an employee is properly in that employee's possession and that the employee's use or possession of the property is to fulfill their duties as a public servant. This policy also presumes that incidental or personal use or possession of public property by the employee is authorized by this policy. This policy is enacted to minimize criminal exposure, and to otherwise provide, for the lawful use of City property by employees under Utah Code Ann. § 76-8-402.

The foregoing Recitals are fully incorporated herein

BE IT FURTHER RESOLVED this Resolution will become effective immediately upon its passage.

Section 3 - Repealer of Conflicting Enactments

All orders and resolutions regarding the changes enacted and adopted which have been adopted by the City, or parts, which conflict with this Resolution, are, for such conflict, repealed, except this repeal will not be construed to revive any act, order or resolution, or part, heretofore repealed.

Section 4 - Prior Resolutions

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

Section 5 - Savings Clause

If any provision of this Resolution be held or deemed or be invalid, inoperative or unenforceable such reason will render no other provision or provisions invalid, inoperative or unenforceable to any extent whatever, this Resolution being deemed the separate independent and severable act of the City Council of West Haven City.

Section 6 - Date Of Effect:

This Resolution will be effective on the 20th day of November, 2019, and after publication or posting as required by law.

**PASSED AND ADOPTED BY THE CITY COUNCIL OF WEST HAVEN CITY,
STATE OF UTAH**, on this the 20th day of November, 2019.

WEST HAVEN CITY

Sharon Bolos
Mayor

ATTEST:

Emily Green
City Recorder

WEST HAVEN CITY'S POLICY REGARDING PERSONAL USE OF PUBLIC PROPERTY

I. Purpose:

To comply with H.B. 163, *Offenses Against the Administration of Government Amendments*, Signed into law by Governor Herbert with an effective date of July 1, 2019.

To comply with Utah Code 76-8-402, *Misusing Public Money*.

To regulate the use of City-owned, leased, held, operated or managed equipment, vehicles, office supplies, devices, tools, facilities and other City-owned personal and real property (herein "City Property").

II. Background/Effective Date:

The Utah Legislature adopted, and the Governor signed into law, H.B. 163, with an effective date of July 1, 2019. H.B. 163 deals with the misuse of public funds and, more specifically, public property, inasmuch as public property was not previously included in the criminal statute to the same extent as public funds. Since the misuse of public property can result in criminal charges, including felony charges, the City desires to adopt this policy to clarify what may constitute a misuse of City Property and to authorize the personal use of City Property under certain circumstances.

III. General

Personal Use:

- **Devices:** Communication and other devices, such as mobile phones, landline phones, and computers, that are owned by the City may be used by an employee for occasional, incidental personal activities such as calling home, making other personal calls during a break, accepting occasional incoming personal calls, etc., provided that such personal usage is not excessive. Similarly, City owned computers and smart phones may be used for personal text messaging, e-mails and other personal uses, provided that such use is limited, as much as reasonably possible, to break periods or periods when the employee is not "on the clock" and is not excessive.
- **Physical Facilities:** Personal activities by public servants at City-owned, leased, managed and/or maintained facilities, such as meeting family members or friends for short periods of time, are allowed, provided they do not become excessive or disruptive.
- **Office Supplies/Shop Supplies/etc.:** Office supplies, shop supplies and other City-owned supplies and items of personal property are intended for uses that directly

benefit the City. Incidental personal use of the same by public servants is allowed, such as the use of City-owned office supplies including pens, pencils and paper, provided that such incidental personal use is not excessive.

- **Miscellaneous:** Any City Property that does not fall under any of the above classifications may nevertheless be utilized by a public servant for incidental personal uses.

IV. Subsequent Modifications/Higher Law:

- **Policy Not Exhaustive:** The governing body of the City reserves the right to add to, delete from, or change this Policy at any time. The Policy stated above is not necessarily inclusive because, among other reasons, unanticipated circumstances may arise and other rules or regulations of the City may apply. The City may vary from the Policy, subject to the application of applicable state and federal laws, if the circumstances so justify.
- **Higher Law to Control:** In the event of any conflict between the Policy and any applicable federal or state law, rule or regulation, the law, rule or regulation, including amendments and modifications thereto, shall control to the extent of such inconsistency.

V. Definitions:

- **“Public Servant”** means an elected official of the City; an appointed official of the City; an employee, consultant, or independent contractor of the City; or a person (including an individual, an entity, or an organization) hired or paid by the City to perform a government function. *See* Utah Code Ann. § 76-1-601(14). A person becomes a “public servant” upon the person’s election, appointment, contracting or other selection, regardless of whether the person has begun to officially occupy the position of a public servant.
- **“Public Property”** and **“City Property”** are interchangeable and mean and include any real or personal property that is owned, leased, held, operated or managed by the City, including Public Property that has been transferred by the City to an independent contractor for the purpose of providing a program or service for or on behalf of the City. In the event and to the extent the Public Property is consumed or rendered effectively valueless to the City as a program or service is provided to the City by an independent contractor or as the Public Property is utilized by City employees, the property shall cease to be Public Property and may be disposed of as the independent contractor or City management deems fit, unless otherwise directed by the City. *See* Utah Code Ann. § 76-8-101(5).
- **“Authorized Personal Use”** means any personal use that is authorized pursuant to this Policy. As provided in Utah Code Ann. § 76-8-402(1), a public servant may use City Property for a personal matter and personal use of City Property is allowed when: (a) (i) the public servant is authorized to use or possess the Public Property to fulfill the public

servant's duties owed to the City; (ii) the primary purpose of the public servant using or possessing the Public Property is to fulfill the public servant's duties to the City; (iii) the personal use is in accordance with this Policy; and (iv) the public servant uses and possesses the City Property in a lawful manner in accordance with this Policy; or (b) the personal use of City Property is incidental, such as when: (i) the value provided to the City by the public servant's use or possession of the Public Property for a public purpose substantially outweighs the personal benefit received by the public servant's personal incidental use; and (ii) the incidental use is not prohibited by an applicable state or federal law. Any lawful personal use of City Property by a public servant that is not prohibited by applicable state or federal law is specifically authorized and allowed by this Policy. The City recognizes that third parties may benefit indirectly or directly from a public servant's personal use, or official use, of the City's Public Property, which benefit is specifically condoned and authorized by this Policy so long as and to the extent that the benefit does not otherwise violate an applicable law, rule or ordinance, including but not limited to state statutory law and rules and regulations of the City.

DRAFT

ORDINANCE NO. 39-2019

**AN ORDINANCE OF WEST HAVEN CITY, UTAH, REVISING
AND AMENDING THE CITY CODE; MAKING CERTAIN
CHANGES TO SECTIONS OF THE ZONING CODE TO
REGULATE ANIMAL KEEPING ON RESIDENTIAL LOTS AS AN
ACCESSORY USE; MAKING NECESSARY LANGUAGE
CHANGES TO THE CITY CODE TO EFFECT THOSE
CHANGES; AND ESTABLISHING AN EFFECTIVE DATE FOR
THOSE CHANGES.**

Section 1. Recitals:

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

WHEREAS, in conformance with UCA § 10-3-707, the governing body of the city may revise, codify and compile from time to time and to publish in book, pamphlet or loose leaf form all ordinances of the municipality of a general and permanent character and to make such changes, alterations, modifications, additions, and substitutions as it may deem best; and,

WHEREAS, in conformance with Title 10, Section 9a – the Municipal Land Use, Development and Management Act, the governing body of the city may pass ordinances defining zoning and what are acceptable uses within each zone and within the city; and,

WHEREAS, West Haven City has adopted and promulgated city ordinances and rules regarding zoning and acceptable uses within those zones in the City; and,

WHEREAS, the City Council finds that certain changes to the West Haven City Zoning Code as regards to allowing for and protecting the right to keep animals in accordance with the purposes of various residential zones in those zones in which it is an appropriate land use, should be made; and,

WHEREAS, the City Council finds that the public convenience and necessity, public safety, health and welfare is at issue in this matter and requires action by the City as noted above;

NOW THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF WEST HAVEN CITY, UTAH that West Haven City Zoning Code be, and the same is, changed and amended to read as follows:

The following definitions are hereby added in alphabetical order to the already existing definitions in Section 2.08 of the Zoning Code:

“Animal” means any and all types of livestock including all those animals for family food production, dogs and cats, and all other subhuman creatures, both domestic and wild, male and female, singular and plural.

“Animal keeping” means the keeping of and caring for animals.

“Animals for family food production” means any domesticated animal commonly kept for utility or food production rather than pleasure and includes, but is not limited to: cattle, sheep, goats, mules, burros, horses, chickens, geese, ducks, turkeys, llamas, swine, or similar animal.

“Corral” means a fenced enclosure used for the close confinement of large animals with hay or grain feeding in contrast to pasture feeding. (This is the current definition in the West Haven Zoning Code)

“Exotic pet” means a rare or unusual non-protected animal species that is classified by the U.S. Department of Agriculture and under state law as approved for keeping as a pet, unless otherwise restricted by this title. Permitted exotic pets only include those species commercially available at typical retail pet shops in the area and may include, but not limited to: non-venomous snakes, non-poisonous small reptiles, non-poisonous amphibians, tortoises, ferrets, exotic birds, sugar gliders, degus, hedgehogs, domesticated silver fox, and non-poisonous insects. Exotic pets do not include any type of pigs including potbelly pigs or miniature pigs.

“Owner” means any person who is either the legal owner, keeper, possessor, or the actual custodian of animal. Ownership is established by a person registering as owner on a license or other legal document or being a person claiming ownership and taking or having possession of an animal.

“Pasture” means fenced area enclosure for animals in which the grass product available on the site is the primary source of feed and in which livestock are kept in a loosely controlled environment as opposed to being kept in a pen, corral, or stable.

“Pen” means an enclosed area typically having less than five hundred (500) square feet and intended for occupancy by one to two (2) animals.

“Pet” means a domesticated animal kept for pleasure rather than utility, including but not limited to; birds, cats, dogs, tropical-type fish, rabbits, hamsters, mice, and similar animals.

“Service animal” means an animal that is legitimately certified, trained, or being trained to assist physically challenged persons such as hearing-

impaired guide dogs, mobility-limited assisting animals, or seeing-eye dogs.

“Stable” means a detached accessory building for the keeping of animals belonging to or used by the property owner or lessee and not for rent or for the stabling of the same for profit.

“Therapy Pet” A therapeutic pet subject to a reasonable accommodation under federal or state law relating to persons with a disability as part of mental or physical health care under the direction of a legitimate mental or physical health care provider or as otherwise accommodated by, or being trained for use in, a care facility, hospital, hospice or like facility.

“Wild animal” means any animal which is not commonly domesticated, listed as protected by federal or state law, or which may be perceived as wild or predatory in nature, or any animal which, because of its size, growth propensity, vicious nature or other characteristics, would constitute an unreasonable danger to human life, or property if not kept, maintained, or confined in safe and secure manner. Such animals include, but are not limited to:

- (1) Alligators, crocodiles, caiman.
- (2) Bears (Ursidae).
- (3) Cat family (Felidae). Except commonly accepted domesticated cats, includes cheetah, cougar, leopard, lion, lynx, panther, mountain lion, tiger, wild cat, and similar animals.
- (4) Dog family (Canidae). Except all domesticated dogs, includes wolf, part wolf, fox, part fox, coyote, part coyote, dingo, and similar animals.
- (5) Porcupine (Erethizontidae).
- (6) Primate (Non-human). Includes all subhuman primates.
- (7) Raccoon (Procyonidae). All raccoons, including eastern raccoon, desert raccoon ring-tailed cat, and similar animals.
- (8) Skunks.
- (9) Venomous fish and piranha.
- (10) Venomous snakes and lizards.
- (11) Weasels (Mustelidae). All including weasels, martens, wolverines, badgers, otters ermine, mink, mongoose, and similar animals. This category does not include ferrets commercially available at typical retail pet shops in the area.

BE IT FURTHER ORDAINED by the West Haven City Council that the following shall be added to the West Haven Zoning Code as a Section titled, “Animal Keeping”:

- A. No structure, except for a rabbit hutch or chicken coop, that is designated for animal housing and/or shelter shall be constructed closer than the minimum setback standards for accessory buildings for the zone in which the structure is located. The

structure shall be built no closer than seventy-five (75) feet to any existing dwelling on an adjacent lot. Any pre-existing conforming structure shall not be deemed non-conforming if a dwelling is built by a third party closer than allowed in this ordinance.

B. No corral or pen shall be located and built closer than twenty-five (25) feet to any street right-of-way line and seventy-five (75) feet to any existing dwelling on an adjacent lot. Any pre-existing conforming structure shall not be deemed non-conforming if a dwelling is built by a third party closer than allowed in this ordinance.

1. A pasture does not have to meet these set-back requirements, but is required to be constructed and maintained to prevent any damage to adjacent properties and/or fencing.
2. A chicken coop or rabbit hutch must be ten (10) feet from a side lot line and ten (10) feet from a rear lot line. There shall be no chicken coops or rabbit hutches in a front yard.

C. Corral, pen and/or fencing shall be constructed and maintained so as to prevent damage to adjacent properties and/or fencing.

D. Animals for Animal keeping are categorized as follows:

1. Animal Category A
 - a. Donkeys; Standard Pigs; Yak; Horses; Cattle; Ostrich; Elk; Bison, Deer
 - b. Ostrich; Elk; Bison; and Deer – all must be kept on lots of one acre or larger only.
 - c. Each animal in this category shall equal six (6) animal units per animal, except for Bison which shall equal eight (8) animal units per animal.
2. Animal Category B
 - a. Goats; Sheep (all sizes); Llama; Alpaca; Emu; Roosters, Crowing Hens; Miniature Cattle; Miniature Horses; Ponies less than 38 inches in height; Miniature Pigs.
 - b. Roosters, Crowing Hens - all must be kept on lots of one acre or larger only.
 - c. Each animal in this category shall equal three (3) animal units per animal.
3. Animal Category C
 - a. Turkeys; Geese; Ducks; Miniature Goats
 - b. Each animal in this category shall equal two (2) animal units per animal.
4. Animal Category D
 - a. Pheasant
 - b. Each animal in this category shall equal one (1) animal units per animal.
5. Animal Category E
 - a. Pigeons; Rabbits; Hens
 - b. Each animal in this category shall equal one-half (.5) animal units per animal.

6. Wild Animals – Not permitted in any zone in any number.
7. Animals not permitted in any zone in any number: Peafowl, guinea fowl.
- 8. (WILL ADD IN TABLE AS AN ADDITION AFTER FIX ANY WORDING ISSUES WITH EACH CATEGORY – NEED THE LANGUAGE ALONG WITH THE TABLE)**

E. Animal keeping as an accessory use shall be allowed on residential lots in all zones, subject to the following requirements and restrictions:

1. Animal Keeping Limitations

a. A-2 Zone

- (1) Twenty-four (24) animal units per acre is allowed.
- (2) No Animals from Animal Category A are allowed on any lot under one-half acre.

b. A-1 Zone (including Open Space Residential overlay areas)

- (1) Twenty-four (24) animal units per acre is allowed.
- (2) No Animals from the Animal Category A are allowed on any lot under one-half acre.

c. All Residential Zones (R-1, R-2, R-2.5, R-3, R-4)

- (1) Twenty-four (24) animal units per acre is allowed.
- (2) No Animals from the Animal Category A or B are allowed on any lot under one acre.

d. Mixed Use

- (1) Twenty-four (24) animal units per acres is allowed.
- (2) No Animals from the Animal Category A or B are allowed on any lot under one acre.

e. (WILL ADD IN TABLE AS AN ADDITION AFTER FIX ANY WORDING ISSUES WITH EACH CATEGORY – NEED THE LANGUAGE ALONG WITH THE TABLE)

F. Special Educational Youth Animal Project Permit

This section allows for the alteration of the number of animals allowed on a property when designated for a Special Educational Youth Animal Project.

1. Special Educational Youth Animal Project Permit Process

- a. The property owner must submit a Temporary Limited Use Application for a Special Educational Youth Animal Project to the Code Enforcement Officer.
- b. Application shall include a plot plan of where animals will be kept on the property in relation to neighboring homes and property owners; the number and type of animals requested; the length of time requested for

- the animals to be on the property; and specific plans to mitigate smell, noise, confinement, and pollution.
- c. A permit shall not be issued, even under a conditional use permit, in zones or on parcels where lot size for animal keeping is not allowed.
 - d. A permit allows a temporary increase to the cap on animal units in a particular zone.
 - e. Application must be approved and signed by the Code Enforcement Officer or his/her designee and signed by the Planning Commission Chairman.
 - f. Conditions
 - (1) Permit shall not be granted for more than a nine (9) month period in one calendar year and must be obtained prior to starting the project.
 - (2) Permit can only be granted for an approved youth organization, i.e. 4H, FFA, or Scouting with the purpose of the project stated on the application.
 - (3) The Code Enforcement Officer shall set conditions based on those outlined in the applicant's permit application to mitigate smell, noise, confinement, and pollution.
 - g. Written and signed complaints received by the Code Enforcement Officer will be evaluated within fifteen (15) days. After receiving a complaint, the Code Enforcement Officer will investigate. If the Code Enforcement Officer finds merit in the complaint, the Code Enforcement Officer may impose conditions on the permit holder to mitigate the issues which are the subject of a valid complaint. A severe complaint or repeated complaints could result in a revocation of the permit at the discretion of the Planning Commission.
 - h. All animals covered by the permit must be removed from the property when the permit expires.

G. Additional requirements

1. All animals located on a lot or parcel of land shall be contained by the owner of the animal upon said lot or parcel.
2. Juvenile animals (under the age at which they are saleable by industry standards) do not count for total animal units. Examples (not all inclusive but as way of illustration): Lambs and kids, with their mothers, up to twelve (12) weeks of age will not count. One litter of pigs, with their mother, up to eight (8) weeks of age will not count. Chicks, with their mother, up to twelve (12) weeks of age will not count.
3. Juvenile animals of a type not otherwise allowed on a lot shall not be allowed and shall not be granted a conditional use permit.
4. If a written and signed complaint is received by the City regarding issues with an animal (which is not a pet as defined in this ordinance), the Code Enforcement Officer will, within forty-five (45) days, determine if the complaint is significant or not. If the Code Enforcement Officer deems the

complaint to be significant, the Code Enforcement Officer will then direct the animal owner to apply to the Planning Commission for a conditional use permit for conditions that may be required for said animals.

5. Pets, including exotic pets, are allowed in each of the zones as currently allowed, unless otherwise restricted by this ordinance.
6. Service animals and therapy pets are allowed in any zone where state and federal law would allow them.
7. For purposes of this ordinance, an acre is defined as 40,000 square feet, three-quarters (.75) of an acre is defined as 30,000 square feet, and a half acre is defined as 20,000 square feet. A quarter acre is defined as 10,000 square feet.
8. For purposes of this ordinance, a lot or parcel of property's square footage is defined as that square footage listed for one lot or parcel under one tax identification number. A property owner cannot combine different lots with different tax id numbers to be able to achieve the square footage necessary for animal keeping. A property owner may apply to the Code Enforcement Officer for an exemption regarding this if they can show that the different lots with different tax id numbers would allow animal keeping in an area that conforms with the nature of the subdivision or neighboring uses.
9. If a property owner wishes to conduct animal keeping in excess of allotted units per acre on a lot where it is otherwise allowed, the owner shall apply for an exemption from the Code Enforcement Officer. The Code Enforcement Officer shall determine whether the applicant meets the basis outlined in the City Code to issue an exemption.
10. City ordinances regarding animal keeping always apply. However, HOA's, CCR's, and any covenants that run with a property can be more restrictive.

Section 2. Repealer of Conflicting Enactments:

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

Section 3. Prior Ordinances and Resolutions:

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

Section 4 - Savings Clause:

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

Section 5. Date of Effect

This Ordinance shall be effective on the ____ day of _____, 2019, and after publication or posting as required by law.

DATED this ____ day of _____, 2019.

WEST HAVEN, a municipal corporation

by: _____
Mayor

Attested and recorded

Recorder

Green Farm Modification Application No. 2 November 30, 2019

Purpose:

In preparation of the permit of the FEMA improvements on Parcel F it was determined that the proposed FEMA and development areas would impact wetlands in some areas that are under the jurisdiction of the US Army Corps of Engineers. In order to avoid/minimize wetland impact; changes in the location of the FEMA improvements as well as future development areas in Parcel F need to be accommodated within the Green Farm MDA.

Therefore, the following amendments are proposed for the Green Farm Master Development Agreement dated May 2, 2017 to the West Haven Planning Commission and City Council:

1. Parcel F consisting of 57 acres shall be designated as a Flex Development Parcel. Twenty-Two acres shall be designated for use in the FEMA project (Open Space), if approved and permitted. The remaining Thirty-Five acres will be designated for development purposes; including additional open space to be added to the property available for the regional storm water facilities.
2. At such time as the parcel plan for Parcel F is approved by the West Haven City Council; which will take into consideration any possible wetlands associated with the development portion of Parcel F for the development of 88 residential units. All open space acres within the 35 acres designated for development shall also be dedicated to the City as the additional open space. The objective is to deliver to the City as many open space acres as possible after the 88 development units have been completed.
3. Paragraph 10.1 shall be amended to read as follows:

"10.1 General Requirement of Payment of Fees.

Master Developer and/or a Sub-Developer shall pay to the City all fees (including, but not limited to plan review fees, impact fees, inspection fees and building permit fees) in amounts specified in the City Ordinances *as of May 2, 2017. The Master Developer and/or Sub-Developer shall not be liable for increases in said City fees after said date.*"

4. Paragraph 10.2 shall be amended to read as follows:

Master Developer and City shall enter into a Reimbursement Agreement on terms agreed to by the parties for reimbursing Master Developer for a portion of the extra ordinary costs associated with construction regional storm water facilities, recreational facilities and trails and other facilities that will service the general public.

At such time as the City is granted a permit and funding from FEMA to construct regional storm water facilities and the project is permitted by the US Army Corps of

Engineers, the funding from said grant shall be used to completed regional storm water facilities and landscaping restoration; including purchase of some of the land area to be used for said facilities.

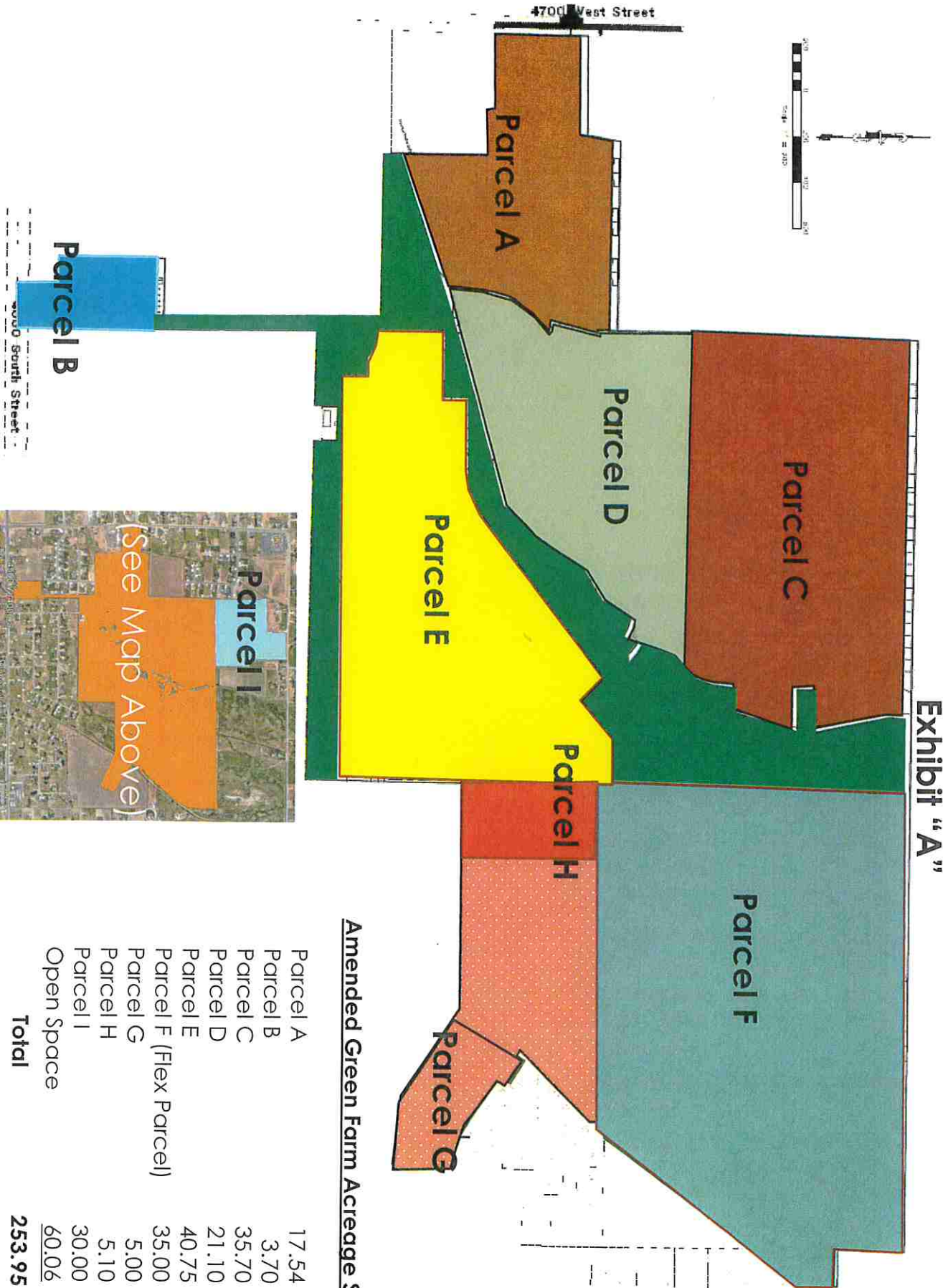
As port of the commitment from the City to reimburse Developer for extra ordinary costs associated with the Green Farm public facilities outside of the Developer Funded Open Space Improvements outlined in the Green Form Modification Application No. 1 doted June 25, 2019 and adopted by the West Hoven CityCouncil on the _____ day of _____ 2019; park impact fees, and storm water impact fees paid to the City from the Developer will deposited by City into a segregated account designated for reimbursing Developer for the construction of public improvements within the boundaries of the Green Farm Master Planned Community for the benefit of the residents of West Haven City.

Said improvements shall include the City's obligation to fund 25% of the FEMA project improvements, if permitted by June 30, 2021; the alternative will be that the parties agree to a scope of work for regional storm water facilities which do not include funding from FEMA. Said facilities will be paid from the City Storm Water fees and the Green Farm segregated account for improvements funded by the Developer outside of the Developer Obligated improvements.

Developer shall deliver to the City a quarterly schedule showing what specific improvements have been made which qualify for reimbursement from the City Green Farm segregated account. Developer Funded Improvements listed in the GF Modification Application No. 1 shall not qualify for reimbursement from the GF segregated account.

5. The Green Farm MDA will be expanded to include approximately 30 acres of the Favero property which is contiguous to Parcel C and shall become Parcel (I). Base density for Parcel (I) shall be 2 Units per acre as shown in Exhibit "C." Parcel (I) shall be entitled to have additional 2 additional residential units per acre developed if transferred from other Parcels within the Green Farm project. Said transfer will not grant any additional overall project density. All developed lots along the westerly boundary of Parcel (I) must contain a minimum of 14,500 square feet.
6. The total vested density units under the Green Farm MDA shall be 616 with the annexation of the Favero Property and the approval of this modification application.
7. The Master Transportation Plan (Exhibit "D") shall be amended to terminate 4550 West at its current location. A cul-de-sac or hammer head will be installed at Developer's cost by June 1, 2020.
8. The attached Exhibits A through D shall replace the tables and figures in Exhibit "B"¹¹ of the Green Farm Master Development Agreement dated May 2, 2017.
9. The maximum building height shown in Exhibit "B" shall be 40 feet.

Exhibit "A"



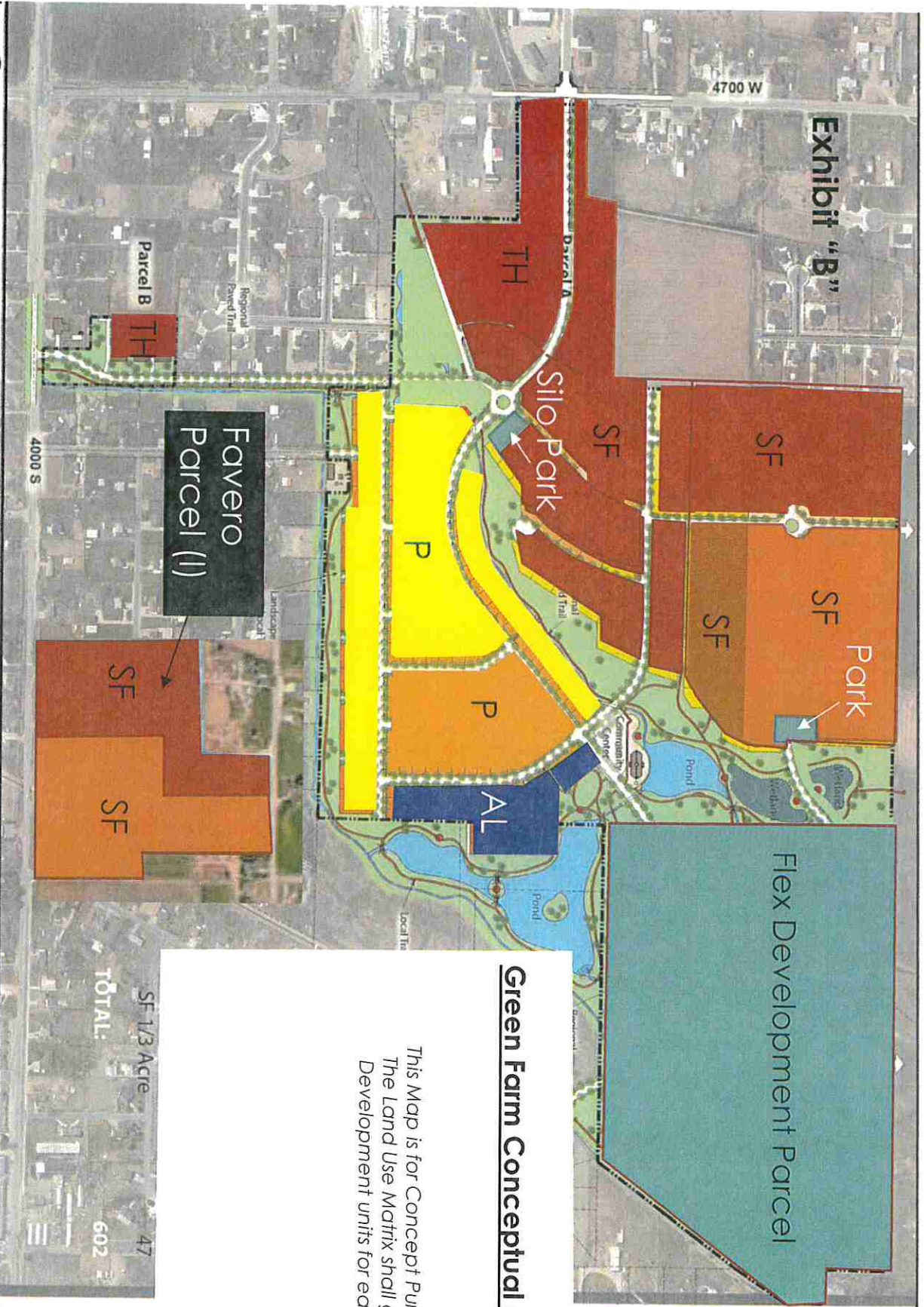
Amended Green Farm Acreage Summary

Parcel A	17.54
Parcel B	3.70
Parcel C	35.70
Parcel D	21.10
Parcel E	40.75
Parcel F (Flex Parcel)	35.00
Parcel G	5.00
Parcel H	5.10
Parcel I	30.00
Open Space	60.06
Total	253.95

The Green Farm

West Haven, Weber County, Utah

Exhibit "B"



Green Farm Conceptual Land Use M

This Map is for Concept Purposes Only.
The Land Use Matrix shall govern the
Development units for each Parcel.

SF 1/3 Acre
TOTAL: 47
602

The Green Farm
ist Haven, Weber County, Utah

EXHIBIT "C"

Table 1(Amendment 2)

The Green Farm

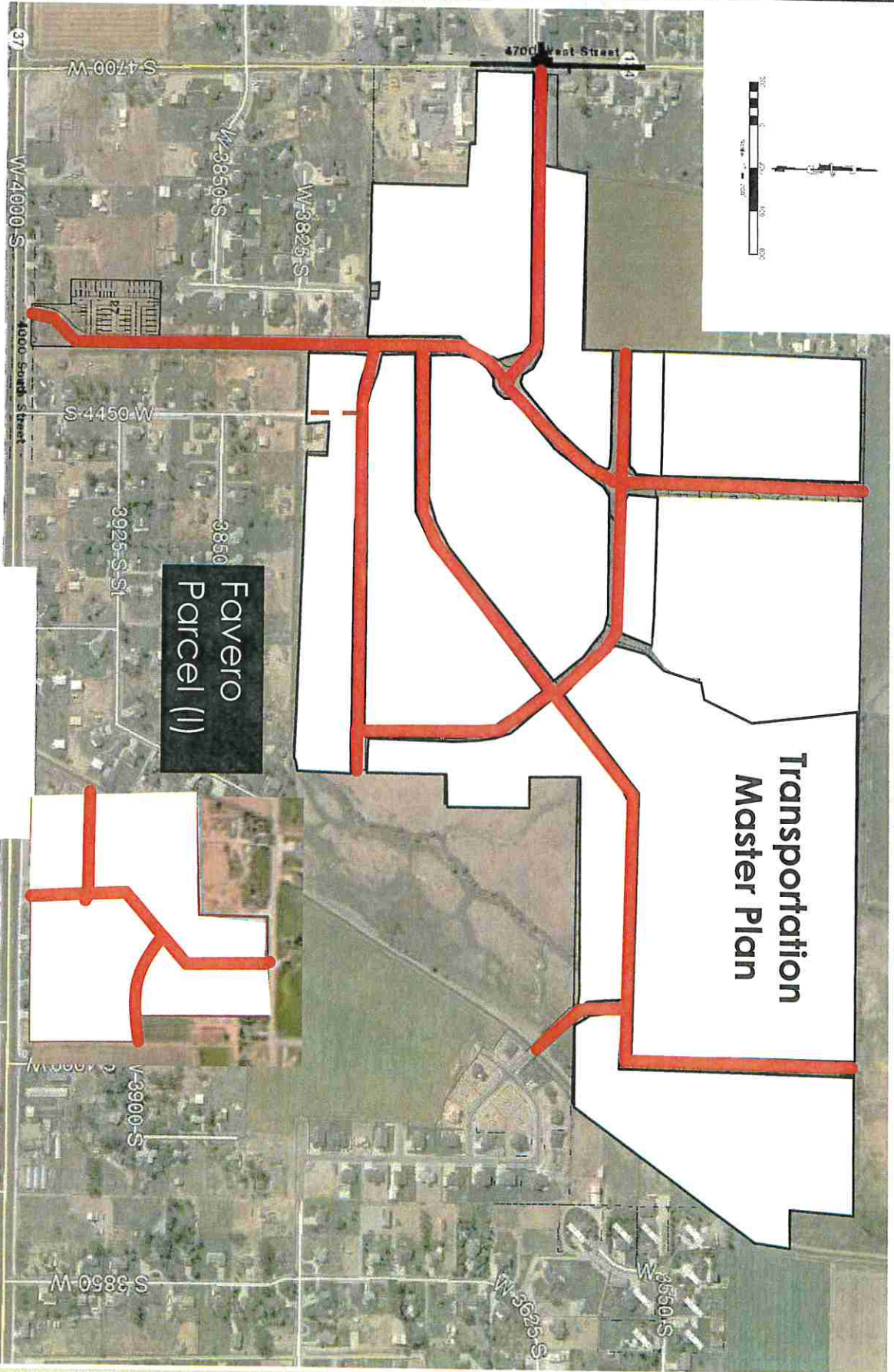
Land Use Matrix (Modification No. 2)

Parcel Number	Acres	% Total Acres	Base Density	Max Density
A	17.40	7%	97	129
B	3.70	1%	35	47
C	35.70	14%	108	118
D	21.10	8%	50	67
E	40.75	16%	152	202
F	35.60	14%	88	117
G	4.65	2%	10	13
H	5.05	2%	10	10
I	30.00	12%	66	120
OS	60.00	24%		
Total	253.95	100.00%	616	
Overall Project Per Acre Density				2.55

* Master Development Agreement shall allow for a maximum of 616 units. The table above defines the base and maximum density for each Parcel.

Exhibit "D"

Transportation Master Plan



The Green Farm

West Haven, Weber County, Utah

Map by J. Anderson, Inc. - 2010. All Rights Reserved.



ZONING MAP AMENDMENT APPLICATION

West Haven City Planning Commission

4150 S 3900 W

West Haven, UT

801-731-4519

Owners Name: UDOT, Miller, Browns Phone: _____ Fax: _____

Address: _____ City: _____ State _____ Zip _____

Agents Name: _____ Phone: _____ Fax: _____

Address: _____ City: _____ State: _____ Zip: _____

Property Address: Hinckley & Midland Dr. Parcel # 08-022-0073, 0076
08-007-0028
08-022-0080 & 0088

Existing Zone A-1 Proposed Zone G2/R3 No. of Acres/Sq. Ft. 23± Acres

What Use is requested? A rezoning for Commercial & Residential

OFFICE USE

Scheduled for Planning Commission Agenda 11.26.19

Request for Recommendation sent to the following agencies:

Fire District -Date _____ Water District; Name _____ Date _____
Questar Gas -Date _____ UDOT - Date _____
Rocky Mtn. Power -Date _____ Century Link - Date _____

PLANNING COMMISSION ACTION:

APPROVED _____ DATE _____ DENIED _____ DATE _____

CITY COUNCIL:

APPROVED _____ DATE _____ DENIED _____ DATE _____

Fee: 305.00 Date Paid: _____

Comments:

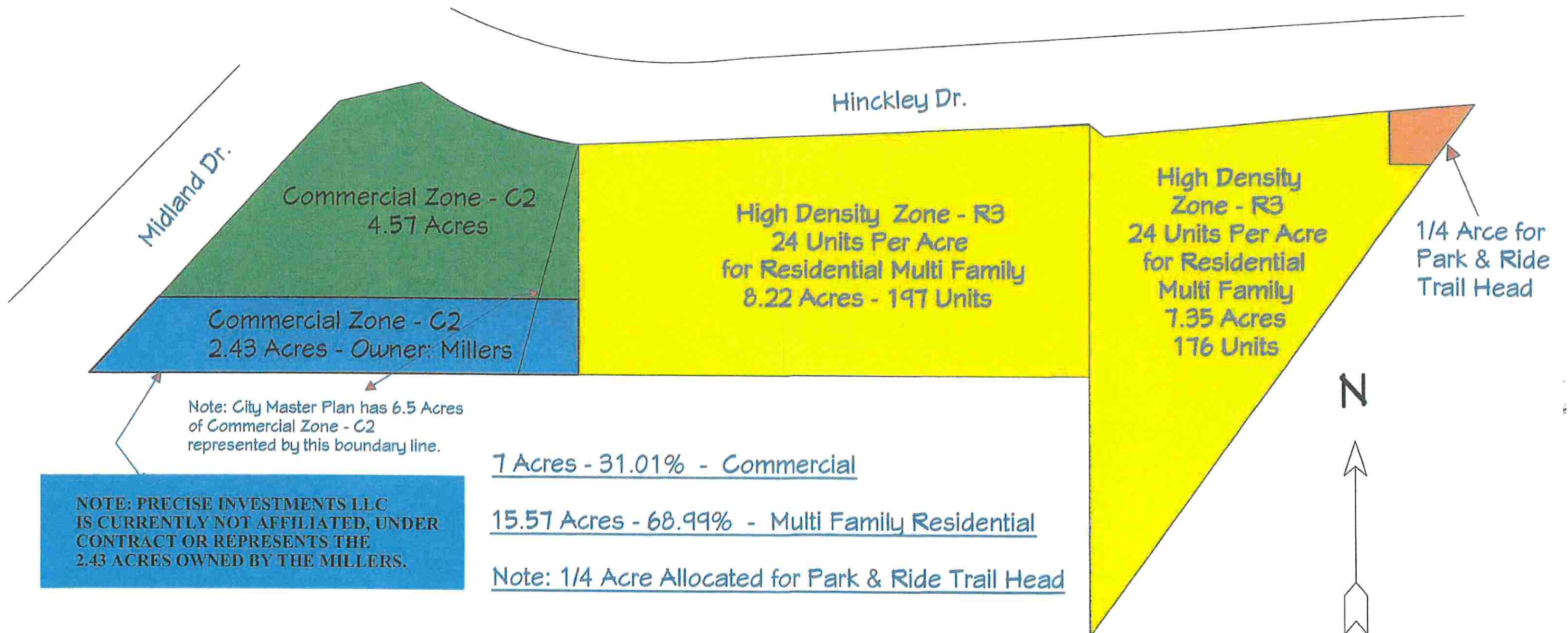
Precise Investments, LLC
John K. Ryan
(801) 509-0616
Precise515@mac.com

Date: 11-25-2019

West Haven City

Total Acres: 22.57

Preliminary Concept of Property Allocation



DRAFT

RESOLUTION NO. 15-2019

**A RESOLUTION OF WEST HAVEN CITY AMENDING AND RE-ADOPTING
EMPLOYEE PERSONNEL POLICIES, AND PROVIDING FOR AN
EFFECTIVE DATE**

SECTION 1 - RECITALS

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

WHEREAS, the City Council finds that in conformance with Utah Code ("UC") §10-3-717, the City Council as the governing body of the City may exercise all administrative powers by resolution; and,

WHEREAS, the City Council finds there is a need to amend and readopt the City's employee personnel policy manual to more appropriately manage compensatory time and accrued vacation hours carry over; and,

WHEREAS, the City Council finds that making these changes is in the best interest of the employees and citizens of West Haven City and a necessary condition to furthering the development and retention of valuable and qualified staff while at the same time serving the health, safety, and welfare of city residents; and,

WHEREAS, the Mayor of West Haven is the chief executive and administrative officer and representative of the City;

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF WEST HAVEN UTAH THAT:

The City's Employee Personnel Policy Manual, As Amended, Presently Constituted, And Attached Hereto As Attachment "A", Is Reaffirmed And Readopted.

The foregoing recitals are incorporated herein.

BE IT FURTHER RESOLVED this Resolution will become effective immediately upon its passage.

SECTION 2 - REPEALER OF CONFLICTING ENACTMENTS:

All orders and resolutions regarding the changes enacted and adopted which have heretofore been adopted by the City, or parts thereof, which conflict with any provisions of this Resolution, are, for such conflict, repealed, except this repeal will not be construed to revive any act, order or resolution, or part thereof, heretofore repealed.

SECTION 3 - PRIOR RESOLUTIONS:

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

SECTION 4 - SAVINGS CLAUSE:

If any provision of this Resolution be held or deemed to be or be invalid, inoperative or unenforceable for any reason, such reason will render no other provision or provisions invalid, inoperative or unenforceable to any extent whatever, this Resolution being deemed to be the separate independent and severable act of the City Council of West Haven City.

SECTION 5 - DATE OF EFFECT:

This Resolution will be effective on the 20th day of November, 2019, and after publication or posting as required by law.

PASSED AND ADOPTED BY THE CITY COUNCIL OF WEST HAVEN CITY, STATE OF UTAH, on this 20th day of November, 2019.

WEST HAVEN CITY

Sharon Bolos
Mayor

ATTEST:

Emily Green
City Recorder

[For proposed changes, see page 30, 31, 32, & 40 of the Attachment]

ATTACHMENT “A”

RESOLUTION NO. 15-2019

A Resolution Of West Haven City Amending And Re-Adopting Employee Personnel Policies,
And Providing For An Effective Date

20 Nov 19

Employee Handbook

West Haven City

Adopted by the West Haven City Council

October, 2003

Employee's Acknowledgement

I, _____, an employee of West Haven City, Utah, acknowledge that I have received a copy of the **Employee Handbook** for West Haven City, or that a copy has been made available to me, and that I have been given the opportunity to read the handbook and to ask such questions as I have deemed prudent.

I understand and acknowledge that the mere fact that I have been given this handbook, or that certain policies, programs, and benefits are listed therein, does not change my status as an at-will employee, does not create a contract of employment, nor does it change in any manner the City's right or ability, as my employer, to make whatever changes the City may, from time to time and at its own discretion, deem appropriate to the policies, programs, or benefits contained in the Handbook.

I understand that a copy of this signed acknowledgement will be placed in my personnel file.

Dated this ____ day of _____, 20____

Employee

Witness / Supervisor

Welcome to Employment with West Haven City¹

Welcome new employee!

On behalf of your colleagues, we welcome you to West Haven City and wish you every success here.

We believe that each employee contributes directly to the City's growth and success, and we hope you will take pride in being a member of our team. We respect and value our employees. The employees are collaborative and mutually supportive in providing the best service possible to the residents of West Haven City.

These policies were developed to describe the City's expectations for our employees and to describe and set forth the City's policies and programs. Employees should familiarize themselves with the contents of these policies as soon as possible. The policies will answer many questions about employment with the City.

These policies are not the only source of information about employment with West Haven City. Department directors have internal rules with which they operate their departments and direct and control their work requirements. These other rules also have an important effect on your work, and will be relied upon to the degree they are consistent with City policy and Ordinance.

We hope that your experience here will be challenging, enjoyable, and rewarding. Again, welcome!

¹ As Revised and Adopted Oct 03

Overview of Employment with West Haven City

Professional Goals and Standards

West Haven City was incorporated in 1991. Its history and traditions, and those of the founding residents, serve as the foundation of strength, integrity and professionalism for all our employees. It is from this background and setting that we strive to provide continued excellence in public service to our patrons and the community.

The City has a strong desire to recognize people as individuals who have individual needs and desires. This recognition is best observed when we treat each other and the public with respect and interact with one another in a spirit of good faith and cooperation.

The City believes that employees function in a more efficient and effective manner when they have clearly defined guidelines within which to work, and appropriate objectives and standards to achieve in the performance of their duties.

Employees represent the City both on and off duty through their behaviors and interactions with the public. As stated elsewhere in these policies, there are certain standards regarding off-duty conduct which employees are expected to uphold.

It is the intent of the City to encourage employees' involvement in community and civic affairs. We encourage you to be an active, successful part of our community. Moreover, the City expects all employees to meet its standards of professional work and service in a manner, which reflects integrity, honesty, and openness.

Employees are not to perform volunteer work for the City in such a manner that would deprive them of otherwise legitimate compensation. The City desires to reward and compensate all employees based on the City's pay plan and in accordance with federal and State laws governing the proper and timely payment of compensation and overtime earned within their employment.

The City encourages employees to make inquiry, raise concerns and voice their needs and opinions in an open, direct and respectful manner with appropriate supervisors. In this manner, we will be able to work together for the common good of the City to meet the high standards of professional excellence and competence, which will have real impact on our progress now and in the future.

Introductory Statement

These policies are designed to acquaint you with the City and provide you with information about working conditions and some of the policies affecting your employment. You should read, understand, and comply with all provisions of these policies. It is a condition of employment that all employees adhere to the City's policies. It is important that you familiarize yourself with these policies. One of our objectives is to provide a work environment that is conducive to both personal and professional growth. We encourage you to discuss any portion of these policies with your supervisor. Supervisors can arrange a time with you to review the material.

No written set of policies can anticipate every circumstance or question about policy concerns as normal city operations are conducted day-to-day. As the City continues to change, the need may arise and **the City expressly reserves the right to revise, supplement, or rescind any policy or portion of these policies in its sole and absolute discretion.**

Nature of Employment

Employment with the City is voluntarily entered into, and the employee is free to resign at will at any time. Similarly, the City may terminate the employment relationship at will at any time, subject to applicable laws and adopted policies and procedures. The City can also terminate the employment relationship under certain conditions related to cause or financial necessity.

Employees are encouraged to ask questions, raise issues and voice concerns about any condition of employment without fear of reprisal.

These provisions supersede all existing policies and practices and may not be amended or added to without official action by the Mayor, as the City's Chief Executive, or the City Council as the City's legislative and governing body.

Employee Relations

The City believes that the work conditions, wages, and benefits it offers to its employees are competitive. If employees have concerns about work conditions or compensation, they are strongly encouraged to voice these concerns openly and directly to their supervisors in a spirit of respect and cooperation.

Our experience, as well as that as many other units of local government, has shown that when employees deal openly, respectfully and directly with supervisors, in a spirit of good faith, the work environment, communication, and attitudes will be positive. We believe that the City amply demonstrates its commitment to employees by responding promptly and fairly to employee concerns.

In order to comply with federal and state laws governing the proper and timely payment of compensation and overtime earned within their employment, the **City prohibits employees from volunteering their work and service which stem from their normal job functions.**

It is the intent of the City that employees' participation in off-duty City-related activities, organizations and programs occur in a manner which is safe and protective of their own and others' health and the best interests of our community. The City reserves the right to withhold its support and encouragement of any activity, group or event whenever the safety or health of its employees or the public may be placed at unnecessary risk.

Chapter 1

Compliance with Federal and State Laws

Equal Employment Opportunity

In order to provide equal employment and advancement opportunities to all individuals, employment decisions at the City will be based on merit, qualifications, and abilities. The City does not discriminate in employment opportunities or practice on the basis of race, color, religion, gender, national origin, age, disability, or any other characteristic protected by law. The City is developing an **Affirmative Action Plan** that will be used to assure that the City appropriately recruits, hires trains, and promotes individuals in protected classes where those classes are under represented in the City's work force.

The City will make **reasonable accommodation** for qualified individuals with known disabilities, unless doing so would result in an undue hardship on the City. This policy governs all aspects of employment including recruitment, selection, job assignment, compensation, discipline, termination, and access to benefits and training.

The City adheres to applicable federal and state law regarding **veterans' preference** criteria when making decisions with respect to initial, new hiring. It is City policy that veterans' preference does not apply to promotional opportunities. Applicants for initial employment with the City shall be required to provide reasonable documentation and records as proof of any claimed veteran's preference. For example, such documentation may include, but may not be limited to, a Form DD-214, or equivalent discharge or other official record from the armed services of the United States.

The City develops job descriptions, duty rosters and other guidelines for each employee's job. These will be used in determining whether or not an employee meets the qualifications and standards of performance on which decisions of initial employment or continued employment are based. Jobs site evaluations and other evaluative and analytical processes and procedures may be used in addition to other written documents pertaining to job duties in order to assist employees, supervisors and appropriate professionals in better determining job duties and work demands, as well as employee performance.

Employees with questions or concerns about any type of discrimination in the workplace are encouraged to bring these issues to the attention of their immediate supervisor or Mayor. Employees can raise concerns and make reports without fear of reprisal. Anyone found to be engaging in any type of unlawful discrimination will be subject to disciplinary action, up to and including, termination of employment.

Hiring of Relatives

The employment of relatives in the same organization or in the same area of an organization may cause serious conflicts and problems with favoritism and employee morale. In addition to claims of partiality in treatment at work, personal conflicts from outside the work environment can be carried into day-to-day working relationships. In order to address these potential problems, the following policies are adopted.

Hiring of Relatives

With respect to the employment of relatives, state law prohibits the hiring of relatives under certain circumstances (Chapter 3 of Title 52, Utah Code Annotated). The City has adopted as policy and subscribes to the intent of existing state law that prohibits employment of relatives within certain guidelines and subject to certain qualifications.

“**Relative**” for purposes of this policy means a father, mother, husband, wife, son, daughter, sister, brother, uncle, aunt, niece, nephew, first cousin, mother-in-law, father-in-law, grandparent, grandchild, half-brother, half-sister, brother-in-law, or sister-in-law.

Applicants for employment shall be required to disclose any familial relationships with other employees of the City, and it will be grounds for immediate discharge if applicants willfully withhold or give false information. Any officer or supervisor who knowingly violates this Section shall be subject to immediate termination.

Employees with questions about the provisions of state law or wanting copies of the City policy may contact their department director or the Mayor.

Personal Conflicts

As with other management rights to set work standards and rules, in cases where a conflict or the potential for conflict in the work force arises, even if there is no supervisory relationship involved, the parties may be separated by reassignment or terminated from employment. A conflict may exist when a department director determines that a relationship between two employees interferes with the ability to effectively direct work assignments within the department, or interferes with the performance of work or assignments of employees.

Conflicts of Interest

The officers and employees of the City (as well as persons serving on City boards, committees, commissions, or agencies) are subject to the Utah Municipal Officers’ and Employees’ Ethics Act (10-3-1301).

The law has **prohibitions regarding the use of the employee’s position for personal benefit** by prohibiting:

1. The improper use of private, controlled, or protected information;
2. The securing of special privileges or exemptions;
3. The use or attempted use of the employee's official position to secure special privileges for the employee or others;
4. The acceptance or solicitation of gifts or loans if the gift or loan tends to influence the employee in the discharge of his or her duties. (Exemptions for certain gifts are referred to in the Acceptance of Gifts policy.)

Beyond these prohibitions the **law imposes certain disclosure and filing requirements** for relationships of the employee which involve:

1. The receipt of compensation for assisting in a transaction involving the City;
2. Having an interest in a business entity regulated by the City;
3. Having an interest in a business entity doing business with the City;
4. Having a personal interest or investment, which creates a conflict between the employee's personal interests and his or her public duties.

(Note: The above interests can include interests held by spouses or minor children, or may arise through ownership or the holding of certain positions in the applicable entity.)

Employees should also be aware that a prohibition against conflict of interest activities exists under the City's contracting and purchasing ordinances. No purchase order or contract of the City may be approved in which a City employee is financially interested, including interests of spouses and children. Under certain circumstances the Mayor, with the concurrence of the City Council, may waive this prohibition and allow the City to proceed with a purchase or contract; however, the employee's obligations not to participate in the process, as described above, are still applicable.

Conduct found in violation of these provisions may subject the employee to termination and/or criminal charges. Employees desiring more information about state law or the City ordinances, or who have questions about conflicts of interest, may request further information from the Mayor or the City Attorney's Office.

All elected officials, board members, and employees will be required to fill out a financial disclosure statement annually.

Acceptance of Gifts

The Utah Municipal **Officers and Employees Ethics Act** (10-3-1301) prohibits the acceptance of most gifts by employees. Under these provisions, no employee shall knowingly receive, accept, take, seek or solicit, directly or indirectly, any gift or loan for himself/herself or for another person, if the gift or loan tends to influence the employee in the discharge of his or her official duties.

There are exceptions under these laws, including:

1. An occasional nonpecuniary gift having a value of less than fifty dollars (\$50.00);
2. An award publicly presented;
3. Any bona fide loan made in the ordinary course of business; or
4. Political campaign contributions actually used in a political campaign.

Violation of these laws and/or ordinances may subject an employee to termination and/or criminal charges. Employees desiring more information about these provisions may contact the Mayor or the City Attorney's Office.

Immigration Law Compliance

The City is committed to employing only United States citizens and aliens who are authorized to work in the United States, but does not unlawfully discriminate on the basis of citizenship or national origin. In compliance with the Immigration Reform and Control Act of 1986, each new employee, as a condition of employment, must complete the **Employment Eligibility Verification Form I-9** and present documentation establishing identity and employment eligibility. Failure to present proper or adequate documentation required within three (3) working days from the date of hire will result in termination of employment. Former employees who are rehired must also complete I-9 form.

Unemployment Insurance

In accordance with state law, the City provides an unemployment insurance program. Employees who are separated from employment with the City may be eligible for unemployment insurance benefits. The intent of the unemployment insurance program is to assist employees who are temporarily out of work through no fault of their own.

Established as part of a nationwide effort, the unemployment insurance system has as its main purpose the economic stabilization of businesses and communities in times of unexpected or high unemployment. Generally, employees who voluntarily quit without good cause, or who are discharged for misconduct under certain "for cause" reasons, do not qualify for unemployment. The sole authority in determining a worker's eligibility for unemployment benefits rests with the state unemployment insurance agency. Claims may be filed and benefits determined and coordinated through the local Job Service Office at 480 27th Street.

Workers Compensation

In accordance with Utah State law, the City provides workers compensation insurance. Subject to applicable legal requirements, this program generally covers injury or illness sustained on the job that requires medical treatment.

Workers compensation benefits may include payments for medical treatment, temporary total disability income, and permanent partial disability benefits. More information about workers compensation and its benefits can be obtained through the West Haven City Recorder and the State of Utah.

Employees who sustain work-related injuries or illnesses should inform their supervisor immediately. Upon notification that an accident or injury has occurred on the job, the supervisor completes the **Employer's First Report of Injury or Illness** and forwards it with any additional information to the Mayor. The Mayor will forward copies of all information to the City's worker's compensation insurance carrier and the City's general liability insurance carrier.

Employees injured on the job who need medical treatment and services, are required to follow the City's established procedures. These procedures have been designed to conform to existing state and federal requirements and are posted at City work sites. Proper procedures must be followed before payments for medical treatment will be made.

Under applicable state law, an injured employee is required to give notice of an accident or injury immediately upon first knowledge of such, and not later than 180 calendar days after such occurrence. If an appropriate supervisor completes an Employer's First Report Of Injury form, written notice from the employee is not necessary. However, claims not meeting statutory notification requirements can be denied under workers compensation laws. Workers compensation laws provide reductions in compensation for failure to properly report an accident, or for failure to meet safe work requirements under applicable law and regulation.

West Haven City policies allow employees to use available vacation or sick leave to supplement workers compensation disability amounts up to the employee's total net (after taxes) pay. See Workers Compensation policy in the Leave Section of the Personnel Policies. West Haven City employees who take time off work as a result of an injury sustained at other (non-West Haven City) employment are not eligible to use any accrued sick leave while receiving workers compensation disability benefits based on other employment.

The City reserves the right to act in accordance with its own safety and risk management policies to determine appropriate action with respect to the work force, procedures, internal controls, and even disciplinary action, in order to enforce its own safety and risk management policies.

As provided by applicable state law, the **City retains the right to pursue any and all available legal actions against any third party** to recover workers compensation costs paid on behalf of an injured employee.

Neither the City nor the workers compensation carrier will be liable for the payment of workers compensation for injuries that occur during an employee's voluntary

participation in any off-duty recreational, social, or athletic activity sponsored by the City.

Cobra

The federal Consolidated Omnibus Budget Reconciliation Act (COBRA) gives employees and their qualified beneficiaries the opportunity to continue health insurance coverage under the City's health plan when a "**qualifying event**" would normally result in the loss of eligibility. Some common qualifying events are resignation, termination of employment, retirement or death of an employee; a reduction in an employee's hours or a leave of absence; an employee's divorce or legal separation; a dependent child no longer meeting eligibility requirements; and termination of **Family or Medical Leave**.

Subject to the terms and conditions of the group policy and applicable legal standards for extensions of insurance coverage under the law, employees, their spouses, dependents, and divorced or separated spouses may continue the group insurance plan benefits for periods of time beyond the last date of work of the employee for the City. The terms, limitations, conditions and length of extensions of coverage are specific in each individual case. Employees, dependents, spouses and ex-spouses are encouraged to make inquiry of the Mayor. Under COBRA the employee or beneficiary pays the full cost of coverage at the City's group rates plus a 2% administration fee.

The City provides each eligible employee with a **written notice** describing rights granted under COBRA when the employee becomes eligible for coverage under the City's health insurance plan. The notice contains important information about the employee's rights and obligations.

Retirees, who meet the conditions for retirement as determined and defined by the Utah State Retirement Board or another City-sponsored retirement plan, may elect to continue their health insurance coverage upon retirement. Retirees will be required to pay the full premium for this insurance group coverage, plus a 2% administration fee, under COBRA, for a period of up to eighteen (18) months.

Continuation of health insurance coverage must be coordinated with the City under the terms and conditions established by and through the Plan Provider. Employees interested in more information about the continued health insurance coverage under this policy should contact the City Finance Director.

Chapter 2

Employment Policies

Hiring

It is the policy of the City to fill vacancies with qualified individuals, who are able to perform job functions properly, appropriately and adequately. This policy extends to all aspects and phases of the employment life cycle from job announcement, recruitment, hiring, performance evaluation, discipline and separation. While the City will sometimes recruit and hire from within existing employment ranks, the **City reserves the right to accept applications from non-City employees.**

The City will generally use, but is not restricted to the use of, the following procedures when taking action to fill a job vacancy in a merit or classified position.

1. Former employees with reinstatement rights will be considered pursuant to the Reinstatement Rights policy.
2. Vacant positions will be posted for a minimum of five (5) calendar days in the City Administrative offices and may be advertised in appropriate newspapers, professional journals and publications simultaneously. Announcements will also be distributed to the various city departments for posting at appropriate work sites, and may be distributed to interested candidates. Applications will then be accepted from current employees, as well as non-employees, when applicable, in the Administrative Office until 5:00 p.m. on the closing date contained in the vacancy announcement.
3. Testing procedures applicable to job position qualifications, which assess a candidate's knowledge, skill and ability to successfully complete an essential job function, may be conducted by the department director, or under his or her direction and guidance.
4. An eligibility list will be compiled and the top two to five (2-5) eligible candidates will be certified to the department director for possible selection. The department director may select any person on the certified eligible list for an appointment. In the event the department director has fewer than five persons from which to make a selection and no additional names can be certified, he/she may choose from the certified names available, elect to postpone filling the vacancy, or fill the position by a temporary appointment.
5. Division managers of the City may make recommendation to a department director concerning the hiring or transfer of a job candidate. Subject to the terms and conditions of this hiring procedure and guideline, the department

director will have final authority in the hiring process, subject to approval by the Mayor. Only those applicants properly certified by the department director will be considered for appointment.

6. Anyone who believes these procedures were not followed, or who wishes to make an inquiry or raise a concern or issue about the proper and appropriate application of these procedures, may contact the Office of the Mayor and file a written inquiry or protest. Any inquiry or protest by an applicant shall be filed within five (5) working days from the date a hiring decision has been made, or it will not be considered.
7. After a period of not more than fourteen (14) calendar days from the date of receipt of a written inquiry or protest, the Mayor shall make a written reply to the petitioner, and a copy of that reply will be filed with the department director.
8. The City reserves the right to investigate any hiring procedure or process, evaluate and analyze data and information received, and otherwise modify, amend or set aside any hiring decision which violates any policy or the best interests of the City. Such investigations shall be performed as directed by the Mayor.
9. Prior to placement in any position and commencement of work activity for any **newly hired employee, a drug and alcohol test shall be performed** and completed to determine and verify fitness for duty. See Alcohol and Drug Section.

Employment Categories

The employees of the City are classified into various employee categories that relate to employment status, hiring procedures, grievance procedures, compensation, benefit eligibility and applicability of certain federal and state laws. These classifications do not guarantee employment for any specified period of time. Subject to current (and projected) City personnel policies, the **right to terminate the employment relationship at will at any time is retained by both the employee and the City**. Such categories or classifications are subject to change depending upon the requirements of State or federal law or the requirements of City ordinance.

Each employee is designated as either nonexempt or exempt from federal and state wage and hour laws. **Nonexempt employees** are entitled to overtime pay under the specific provisions of federal and state laws. **Exempt employees** are excluded from specific provisions of federal and state wage and hour laws. The Mayor may change an employee's exempt or nonexempt classification only upon written notification.

The City also places employees in one of three (3) other job categories, which reflect certain job conditions and/or protections the employee has, or does not have. These three categories are:

Classified Service: This category contemplates that at some point the City MAY decide to provide its own public safety departments, i.e., Police and Fire. In the event such transpires, “classified service” positions would include those employees of the police and fire departments, except department directors, and their chief deputies or assistant chiefs, as required by State law. The classified service can be comprised of full-time, qualified part-time, part-time casual/seasonal, introductory or temporary employees.

Merit Service: The merit service includes the employees of the City who are not members of the classified service and are not members of the nonmerit service. The merit service is comprised of either full-time or qualified part-time employees.

Nonmerit Service: Members of the nonmerit service are comprised of:

- A. The Mayor and members of the City Council
- B. The (City Manager or City Administrator – should one be appointed), department directors (including the Fire and Police Chiefs, and Assistant or Deputy Chiefs within the Police and Fire department. as noted above), the Finance Director (if one is appointed separately from the City Treasurer), the City Engineer, City Attorney, City Recorder, and City Treasurer.
- C. Casual or seasonal employees who are not part of the classified service.
- D. Part-time employees who are not part of the classified services.
- E. Introductory employees who are not part of the classified service.
- F. Temporary employees who are not part of the classified service.

In addition to the categories of classified, merit and nonmerit service, employees are also placed in one of the following categories.

Elected Officials: The Mayor and members of the City Council are elected officials.

Full-time employees: Full-time employees are those employees regularly scheduled to work the City’s full-time schedule and who are not categorized as qualified part-time, part-time, casual/seasonal, introductory or temporary employees. Full-time positions are identified and approved under the City budget, as adopted by the West Haven City Council.

Qualified part-time employees: Qualified part-time employees are those who are regularly scheduled to work at least 20 hours, but less than 35 hours, per week, and who are not categorized as casual/seasonal, introductory, or temporary. An employee will be presumed to be “regularly scheduled” as a qualified part-time employee if the employee has worked less than 35 hours but more than 20 hours per week during at least ten (10) weeks within any quarter.

Part-time employees: Part-time employees are those who are regularly scheduled to work less than 20 hours per week.

Part-time Fire Fighter (When and if Created): Part-time firefighters are those employees of the fire department who have established a limited/part-time employment relationship with the City. This relationship is established by the fire fighters attending a specified number of weekly training sessions and responding to a specified percentage of general callback alarms. Part-time fire fighters may, if they choose, work a limited number of 12-hour part-time shifts as may be necessary to meet required staffing levels, as defined by the Chief. Based On the 212 hour, 28-day work period established for full-time fire suppression personnel, a part-time firefighter may work a maximum of 156 hours in a 28-day work period.

At least monthly, the Chief will advise the part-time fire fighters of the availability of part-time shifts. Part-time fire fighters have the option of filling theses hours on a voluntary basis. Part-time fire fighters are not required to fill any part-time shifts to maintain the status of part-time fire fighters.

Casual or seasonal employees: Casual or seasonal employees are those who have established an employment relationship with the City, but who are assigned to work on an intermittent and/or unpredictable basis. Employees in this category may work for indefinite periods of time; however, such employment will not exceed ten (10) months in any calendar year.

Introductory employees: Introductory employees are those whose performance is being evaluated to determine whether further employment in a specific position with the City is appropriate. Employees who satisfactorily complete the introductory period will enter another applicable employment category.

Temporary employees: Temporary employees are those who are hired temporarily to supplement the work force or to assist in the completion of a specific project, and whose employment is of limited duration. Temporary employment assignments will not exceed six (6) months. An additional six- (6) month extension may be granted with the specific approval of the Mayor. (Any decision to approve such extension will take into consideration the requirement for overtime pay and state retirement benefits that may accrue by reason of such extension.) Unless an extension is granted, no person may be appointed as a temporary employees, if it would result in more than six (6) months of service in that position within any calendar year.

Employment as a temporary employee beyond the above periods, or beyond any initially stated period, does not in any way imply a change in employment status. Temporary employees retain that status unless and until notified of a change. Temporary employees may be scheduled to work differing hours each week. Schedules for temporary employees may vary and can even be up to 40 hours or more hours each week.

Employment Applications

The City relies upon the accuracy of information contained in the employment application, as well as the accuracy of other data presented throughout the hiring process and employment.

Any misrepresentations, falsifications, or material omissions in any of this information are a violation of West Haven City's policies. A violation of City policy may result in the City's exclusion of the individual from further consideration for employment or, if the person has been hired, termination of employment.

Introductory Period

The introductory period is intended to give new employees the opportunity to demonstrate their ability to achieve a satisfactory level of performance and to determine whether the new position meets their expectations. The City uses this period to evaluate employee capabilities, work habits, and overall performance. **Either the employee or the City may end the employment relationship at will at any time during or after the introductory period, with or without cause or advance notice.**

Except for nonmerit employees, who are "at will employees", all new and rehired employees work on an introductory basis for the first 180 calendar days after their date of hire. Employees who are promoted or transferred within the City must complete a secondary introductory period of the same length with each reassignment to a new position. Any continuous absence in excess of 10 working days will automatically extend an introductory period by the length of the absence.

In cases of promotions or transfers within the City an employee who, in the sole judgment of the department director, is not successful in the new position can be removed from that position at any time during the secondary introductory period. If this occurs, the employee will be allowed to return to his or her former job or to a comparable job for which the employee is qualified, depending on the availability of such positions and the City's needs. If a similar position is not immediately available, the employee will be placed on a reinstatement list.

Upon satisfactory completion of the initial introductory period, employees enter the designated employment category.

Benefits eligibility and employment status is not affected during the secondary introductory period that results from a promotion or a transfer within the City. **It is important to note that even successful completion of the introductory period does not and will not change the continuing "at-will" nature of an employee's employment with the City.**

Performance Evaluations

The formal evaluation form is available from the Administrative Office. The employee, his/her immediate supervisor, and the department director shall sign the evaluation form. The completed, signed evaluation form must accompany a completed Personnel Action form, when it is returned to the Administrative Office in order to put into effect any recommended increase in compensation.

Supervisors and employees are strongly encouraged to discuss job performance and goals on an informal, day-to-day basis. Formal performance evaluations are conducted at the end of an employee's initial introductory period in any new position. This introductory period allows the supervisor and the employee to discuss job responsibilities, standards, and performance requirements of the position.

Performance evaluations for Merit employees are scheduled approximately every 12 months, coinciding generally with the anniversary of the employee's original date of hire in their present position. While emergencies or compelling circumstance may affect the completion of a performance evaluation, it is the policy of the City that the supervisors complete evaluations within two weeks prior to the employee's anniversary date each year.

Department directors may, upon their own initiative, conduct other formal, written, or informal performance evaluations with their employees outside the requirements of an initial, or annual evaluation process. It is the policy of the City to encourage department directors to communicate with their employees on an ongoing to recognize achievement and accomplishment and to acknowledge excellent performance in writing where warranted and appropriate. Additional formal performance evaluations may be conducted to provide both supervisors and employees the opportunity to discuss job tasks, identify and correct weaknesses, encourage and recognize strengths, and discuss positive purposeful approaches for meeting goals.

As discussed elsewhere in these policies, performance evaluations are linked to wage reviews and adjustments. While formal evaluations are conducted annually, it is the policy of the City that **wage adjustments, when made, are based on the employee's actual work performance, and NOT based on the mere passage of time** (i.e., one year). Employees, whose work performance is unsatisfactory, or whose behaviors and interactions with respect to job performance standards are unacceptable, are not entitled to a wage adjustment. In such cases, the employee will be denied a wage adjustment.

Promotions

Promotions will be made by individual department directors subject to budget authorization from the governing body (Mayor & Council). Promoted employees will begin a **new introductory period** for the new position related to work performance only. The promotion will have no effect on the employee's benefit status. If a promoted employee is not successful in the new position within the introductory period, he/she may

be placed back in the position held immediately prior to the promotion, or to another position, subject to availability and the employee's qualifications.

Promoted employees begin receiving any commensurate pay increase established for the position commencing with the effective date of the promotion, and within the applicable range and placement within the range based upon longevity and other considerations.

It is the policy of the City to prohibit from consideration or application for any promotion any employee who is the subject of any current disciplinary action. Department directors will consider the severity of any prior disciplinary actions and of any ongoing disciplinary review in determining whether to consider promoting any City employee.

It is the **policy of West Haven City to attempt to promote from within the ranks by filling vacancies with qualified city employees, *unless*** it is determined by the department director to be in the best interests of the City to hire from outside the organization. Specific procedures exist within City policy to fill vacancies in the classified and merit service. See Hiring Authority and Placement policy.

If a promotion decision and placement is set aside during the introductory period for any reason, the involved employee will be allowed to return to his/her former job without any prejudice to the employee, at the same compensation and benefit level associated with the former job, or to another position, subject to availability and the employee's qualifications. In cases of error on the part of the City, the City shall make all reasonable effort and accommodation to place the employee back in their previous job or similar position, so long as an undue hardship to the City is not created.

If the employee in the full-time merit or full-time classified service cannot be returned to his/her former or similar position, they shall be placed on the Reinstatement list and shall be subject to all reinstatement rights and privileges. See Reinstatement Rights.

An employee wishing to file a complaint or request a review of a decision involving the promotion of another employee is required to file a complaint or request for review directly with his/her department director and provide a copy to the City Recorder within five (5) days of the effective date of the promotion, or he/she shall forfeit any and all rights of grievance, appeal or review under this or any other policy provision of the City.

Transfers

Transferred employees, who have moved from one department to another, retain the benefits commensurate with both their seniority and their work status in the new position. These employees will begin a new introductory period for the new position as it relates to work performance only. If a transferred employee is not successful in the position, he/she may be placed back in the previous position held immediately prior to the transfer or to another position, subject to availability, and the employee's qualifications. Pay for a transferred employee will be determined by the range established for the position, and based upon the employees longevity and other considerations at time of transfer.

Transfers will occur with the recommendation(s) of the department director(s) involved and the approval of the Mayor.

It is the policy of the City to prohibit from consideration any application for a transfer by an employee who is the subject of any current disciplinary action. Department directors will consider the severity of any prior disciplinary actions and of any ongoing disciplinary review in determining whether to consider transferring any City employee.

If transfer decision and placement is set aside due to an error on the part of the City, the involved employee will be allowed to return to his/her former job without any prejudice to the employee, or his/ her compensation or benefits, so long as the former position, or one similar to it, is available. In cases of **error on the part of the City**, the City will make all reasonable effort and accommodation to place the employee back in their previous job or similar position so long as an undue hardship to the City is not created. An undue hardship exists when, in the judgment of management, significant difficulty or expense would be incurred by the City, which would interfere with the operations and/or ability to provide for the safety/services/protection owed to the public.

If an employee in the full-time merit or classified service cannot be returned to his/her former or similar position, he/she will be placed on the reinstatement list and shall be subject to all reinstatement rights and privileges as discussed elsewhere in these policies. See Reinstatement Rights.

An employee wishing to file a complaint or request a review of a decision involving the transfer of an employee must file such a complaint or request directly to his/her department director and provide a copy to the City Recorder within five (5) days of the effective date of the transfer. Failure to file within five (5) days will result in forfeiture of any and all rights of grievance, appeal or review under this or any other policy provision of the City.

Lay-off & Reduction-In-Force Procedures

In this policy the City has established specific procedures by which layoffs, or reductions-in-force, will occur. It is the intent of the City that these procedures serve as guidelines that will be followed whenever a department, division or Citywide reduction in the employment work force may occur.

The **City retains the right to modify these guidelines and procedures**, as well as to establish others, in order to direct and control the work force for the purpose of providing the best possible service to the public.

Policy Scope

1. **Only full-time merit and full-time classified** employees are eligible for protection under this lay-off policy. Employees who are under disciplinary suspension or probation are not protected under this policy.
2. For purposes of interpreting and enforcing this policy, time in service shall be determined as beginning with the employee's appointment to a full-time position, and includes only such actual service time in the employee's present job family (e.g., clerical, maintenance worker). Service time includes all service time, including periods of approved leave.
3. A job family is defined as a group of jobs located in different departments requiring similar skills. The most common example of a job family is the clerical job family. A person having the requisite skills to perform a clerical job in one department would be expected to be able to learn and perform a clerical job in another department.

Procedures for Lay-Off

1. Job performance, punctuality, reliability, licenses, certifications, disciplinary status and history, and other job related criteria will be considered by the department director as factors in determining specific layoff of individuals. If everything else is considered equal between individuals, the person (s) with the least time in service in a job category within a job family will be the first laid off.
2. Affected employees in the higher classifications within a job family will displace employees in a lower classification in the same job family. Where applicable, there will be a corresponding adjustment in pay rate. **There will be no redlining, freezing or holding harmless employees' salaries from the impact on compensation resulting from a change to a position with a lower grade.**
3. Laid off employees will receive written notice from the department director 30 days before the effective date of the layoff, and will be provided a predetermination hearing prior to any lay off. See Grievance Procedures, Civil Service Rules and Regulations, Predetermination Hearings, and other applicable policies.

Reinstatement Rights

Subject to position availability, and the terms and conditions of this policy, the City allows certain former, eligible employees to return to their same class, position or rank

within two (2) years from the date of last separation and with credit for former service with the City. The Mayor must approve reinstatement rights.

Eligible former employees are those who were, at the time of separation, full-time merit and full-time classified employees.

Employees who are reinstated to their former jobs and departments will receive full credit for prior employment with the City for the purpose of determining their compensation within a range, grade and class, and for the purpose of determining their rate of accrual of vacation and sick leave benefits. Employees reinstated to their former jobs will have their appointment service date amended to be the same date as that of their former job to assure credit for prior employment. Employees who have been involuntarily separated due to the City's layoff policy and subsequently apply and are rehired by the City within two (2) years of the layoff, will qualify for reinstatement rights upon rehire, provided that they shall have no preference in the hiring decision. Employees who are rehired by the City in a department, a field of work, or a position, that is different from their former employment with the City will not be entitled to any consideration or benefits under this Reinstatement policy.

Access to Personnel Files

The City maintains a personnel file on each employee. The personnel file includes such information as the employee's job application, resume, records of training, disciplinary actions, documentation of performance appraisals, compensation increases, and other employment records.

Examples of the types of records that may be routinely placed and found in an employee's personnel file also include:

1. Record of successful completion of necessary physical exams.
2. Training and education records
3. Attendance and absence record
4. Job-required test scores and exam summaries
5. Photocopies of academic degrees, awards, certificates, etc.

Personnel files are the property of the City, and access to the information contained therein is restricted. Generally, only supervisors and management personnel of the City who have a legitimate reason to review information in a file are allowed to do so. As with other City records and controls, access to personnel files and information is affected by **guidelines established by the Government Records Access and Management Act** under Chapter 2, Title 63, or other applicable provision of law.

Employees who wish to review their own file should contact the department head. With reasonable advance notice, employees **may review their own personnel files** in the

City's offices and in the presence of an individual appointed by the City to maintain the files.

To the extent permitted by law, copies of an employee's personnel file may be provided to the employee upon proper approval by the Mayor and advance notice. Employees requesting such copies will be required to initial those documents to be copied and otherwise sign any appropriate records acknowledging receipt of such copies.

Medical information and ongoing investigative files and information are not kept as part of any personnel file. A personnel file will reflect the existence of a medical or investigative file or record.

Required confidential records shall be maintained under the direction and supervision of the department director and the Mayor.

Chapter 3

Compensation

Compensation Philosophy

It is the philosophy of West Haven City to provide employees with a total compensation package that is both fair and competitive in our market. We recognize the value of all our employees and will strive to offer a work environment that promotes collaboration and professional growth.

Classification Plan

The City's classification plan is designed to establish written, operating guidelines and a framework within which employees may better see and understand the following:

- Similar work results in pay and benefit structures of similar value;
- Minimum qualification standards are set for each employment position;
- Standards of work performance are required and set for each employment position;
- Lines of promotion are established by the City;
- Additional education, skills development or training may be needed in the employee's job or for another job; and
- Tools exist for analyzing work distribution, areas of responsibility and other important relationships in the work force and between employment positions.

In an effort to help set forth this written framework for employees, the City establishes a **classification plan** which includes the grading of all positions according to similarity of authority, duties, responsibilities and assignment of each position to a compensation range. The classification plan makes comparisons and analyzes differences and similarities between jobs based upon each job's current level of authority, duties and responsibilities as well as the qualifications necessary for appointment to that position.

Job duties; level of responsibility/authority; required knowledge, skills and abilities; complexity of work; and working conditions determine the pay range to which job positions are assigned. Pay ranges are established by setting certain minimum and maximum amounts of compensation, which will be paid to those employees in the same class. Certain aspects of an employee's work in a particular job, while important to the employee and their own performance, are excluded from consideration when determining the classification of a position. **Some excluded factors include**, but are not limited to, an individual employee's job longevity, personal performance record and qualifications, and the employee's past or future duties/responsibilities. Classification is an evaluation of the

monetary value of the position--not of the performance or longevity of employees in the position.

When the duties and job assignments of a position have changed significantly, the department director may request a reclassification. This request will be in writing to the Mayor accompanied by a proposed, revised job description. The department head shall make recommendations for reclassification. The Mayor evaluates and determines whether the position has changed sufficiently to warrant a reclassification. The Mayor must approve reclassification involving a pay range change.

Compensation Plan

The City has a compensation plan, which is used to determine the compensation for each employee's position. Placement within the range is based on performance and longevity in the position.

The compensation plan provides information about each employee's compensation based on an annual gross amount. Additionally, the compensation is broken down on a monthly, biweekly, (which is commensurate with the City's pay periods), and equivalent hourly rate.

Specific compensation information on individual employees is a matter of public record. Employees who have questions about their present pay range for their position should contact the City Recorder. Supervisors may also review the compensation plan information regarding their staff at any time.

Pay Ranges

Ranges within job classification establish a minimum and a maximum base compensation for each position, except for other legitimate, authorized payments incidental to the performance of work duties, such as overtime, on-call and call-back time, reimbursements for approved educational assistance, and business expenses, etc.

Compensation Upon Initial Appointment

Except for certain qualified reinstatement rights for eligible employees (See Reinstatement Rights policy), appointment to any position in any range will usually be made at entry level of that range. Prior service or education credit may be authorized in writing by the Mayor, which could serve as a basis for paying a base compensation at some higher level than the entry level within the range. Market conditions may also necessitate paying above entry level for some circumstances. Under special circumstances, and with the concurrence of the Mayor, particularly qualified candidates may be hired at a compensation level above the entry level of the range. Under no circumstances, however, will new hires be compensated above the mid-point of the range without consultation with the Mayor and City Council.

Compensation Increases

Advancement within the compensation range will be awarded to an employee after completion of at least one year of meritorious service by the employee, based on their own anniversary date, and subject to the completion of a formal performance evaluation form evidencing such meritorious service. For the purpose of determining any possible compensation advancement, and with the exception of the Federal Veteran Re-employment Rights Act or other legally mandated exception or provision of law, the employee's anniversary date shall be the date of the employee's first appointment to the current position of employment by the City and adjusted for any service interruption of thirty (30) consecutive calendar days or more.

Pay adjustments resulting from an approved increase will be effective on the pay period closest to the employee's anniversary date. Policy provides for modifications to anniversary dates on promotions, transfers, or other qualifying events. Employees whose anniversary date has been modified shall retain the modified anniversary date for future transfers, promotions or pay increases.

NOTWITHSTANDING the foregoing, the City expressly reserves the right to make across the board awards of pay increases, after the eligible employee's anniversary date and AFTER the beginning of the City's fiscal year.

Compensation upon Promotion

Upon promotion to a higher job classification within a job family, an employee shall be placed within the new pay range to a position that results in not more than a 10% salary increase. Exceptions may be made only with the express permission of the Mayor.

Compensation upon Demotion

An employee who is demoted to a job classification within a lower compensation range will be subject to a salary reduction of not less than 5% or more than 10%.

Compensation upon Transfer

An employee who is the subject of a job transfer from one position to another will be compensated at the same level of compensation the employee was receiving immediately prior to the transfer.

Compensation upon Upward Reclassification

An employee, who is the subject of a job reclassification which moves his/her job class at least one classification higher in the Compensation Plan will be compensated at not less than 5% nor more than 10% higher than the previous position, except that the salary increase must bring compensation at least to the entry level salary of the new grade. The

resulting change in the employee's compensation shall not affect an employee's scheduled anniversary date insofar as any performance evaluation and possible wage adjustments.

Compensation upon Downward Reclassification

An employee, who is the subject of a job reclassification which moves his/her position at least one classification lower in the Compensation Plan, will be subject to a salary reduction of not less than 5% or more than 10%, **EXCEPT** with the express permission of the Mayor. The resulting change in the employee's compensation will not alter an employee's scheduled anniversary date insofar as any performance evaluation and possible wage adjustments shall be concerned.

Cost of Living Adjustment

Upon recommendation by the Mayor and budgetary approval of the City Council, employees may be granted a Cost of Living Adjustment (COLA). The decision to approve or deny this adjustment is made on an annual basis and is determined by certain factors including, but not limited to, the current Consumer Price Index, wage adjustments made by other area employers, salary, surveys and available revenue.

Career Ladder & Classification Advancement

In conformity with the City's policy to hire, train and promote employees based on qualifications and merit, the City has established a **Career Ladder** for some departments and certain positions within those departments. Additionally, the established Classification Plan of the City reflects certain advancement opportunities that may exist with respect to positions within City employment and departments.

Career Ladder – Supervisory Authority

The **Career Ladder** reflects the increasing levels of supervision within departments, as well as the increasing levels of experience, training and knowledge that are required to advance to certain positions within City departments. Not all positions fit within a career ladder, and not all jobs in the City's Career Ladder reflect increasing supervisory authority. Some jobs advance within a Career Ladder based solely on the increasing level, or degree, of experience, training and knowledge.

There are three levels of increasing supervisory authority within departments that may be used within Career Ladders. These are:

- **Direct Supervision:** This is the first level of supervisory authority over two or more employees.
- **General Supervision:** This is the next level of supervision, usually filled by a division supervisor or manager.

- **Administrative Supervision:** This is the higher level of supervision expressed through the authority of the Mayor, the City Manager or City Administrator (when authorized and appointed), or the department director.

A traditional form of a Career Ladder in the City grants to an employee compensation increases within the compensation plan whenever the employee acquires specific training, experience, skills and certification that are recognized by the City for the position the employee holds. This type of Career Ladder allows the employee more direct control with respect to the compensation he/she receives in the position, as compared to the more competitive process within a Career Path.

A **Career Path** is a form of a Career Ladder by which an employee's compensation increases within the compensation plan whenever the employee is successful in acquiring a position of advancement within the employee's area of service and expertise through open competition with others who apply for the same position. A vacancy must exist for the position in order for the employee to be eligible to apply. The employee is required to qualify for promotional consideration based on experience, training, knowledge and demonstrated skills. If the employee qualifies for the position, then he/she competes with other qualified applicants for the position, based on interviews and other selection criteria.

Employees are encouraged to contact their department director or the Mayor for more information about their own, or other jobs, and any applicable Career Ladder information.

Classification Plan Advancement

The Classification Plan of the City includes job descriptions for each position within a department of the City. The Classification Plan reflects the increasing complexity, demands and value of positions within the City. In turn, the Classification Plan serves as a basis for establishing the Pay Plan of the City, as each pay range is related to the nature of the work performed in each position.

Within the Classification Plan, class levels or differing pay ranges are established for certain positions reflecting the levels of training, knowledge and experience required for certain maintenance, clerical, managerial, technical, professional and administrative positions within the City.

The relationship between related jobs and their attending pay ranges helps establish training requirements to advance within jobs and work areas. Similar relationships between jobs, or job "classes", help establish job "families". Job families generally reflect those job descriptions and attending pay ranges that can be grouped according to job functions. Examples of job families include:

- **Clerical Jobs.** These jobs exist within several departments and can be classed together to show the relationship between an entry level, a journey level

(greater knowledge), and an advanced journey level (greater knowledge, experience and training) for a clerical job in any department of the City.

- Supervisory Jobs. These jobs exist within most departments, and can be classed together to show the relationship between an entry level (supervisor), manager (more supervision and responsibility), and director (responsibility over entire departments) jobs in any department of the City.

The City uses specific job families and job classes to help identify common levels of difficulty, responsibility, and knowledge in jobs that will compare similarly with each other, in order to help establish pay rates and pay ranges for positions. Employees are encouraged to find out more about their own job class or job family by inquiring of their department director.

Acting Positions – Qualifications

Subject to the terms and conditions of this policy, it is the intent of the City to provide a framework and guideline within which eligible employees may be appointed to acting positions. This policy applies only to merit service and classified employees who are being appointed to acting positions. When the acting position is within the classified service, the appointment shall follow the rules and procedures set out herein or as otherwise established by the Governing Body in filling acting positions.

The decision to place an employee in an acting position of another person or position will be made by the department director, except where the acting position is subject to appointment by the Mayor or the City Manager or Administrator. An employee is appointed temporarily (due to a vacancy or the temporary absence of an incumbent) to an acting position of higher compensation and authority, only when he/she assumes all the functions and authority of the higher position. The Mayor shall approve appointments in writing.

Subject to the terms and conditions of this policy, an employee performing work and service within the scope and role of an acting position, as provided herein, shall enjoy the benefit of additional compensation for such work and service. When the employee has performed at least thirty (30) consecutive days of service, or one full work shift for an acting position in the classified service, the employee shall be compensated a 5% higher than their current position in the pay range. Any service in an acting position of less than thirty (30) consecutive days, or, in the classified service any number of hours less than one full work shift will not be provided any additional compensation.

It is the policy of the City to prohibit any employee from serving in any acting role, position or capacity who is the subject of any current disciplinary action. Department directors will consider the severity of any open disciplinary investigation, review or action, or prior disciplinary preceding any consideration for the acting position.

The maximum length of time any employee will be allowed to perform work and service in an acting position or capacity is twelve (12) consecutive months. Should the position still be open at the end of twelve (12) consecutive months, the department director, the Mayor or the City Manager or Administrator, as applicable, will act to either fill the position or eliminate the position.

Overtime

Both the Fair Labor Standards Act and Utah State Law as determined to be applicable to the City of West Haven shall regulate overtime of employees.

Where not in conflict with the foregoing the following requirements and policies shall govern the use of overtime within the City:

When operating requirements or other needs cannot be met during regular working hours, employees may be scheduled to work overtime hours. When possible, advance notification of these mandatory assignments will be provided. **All overtime work must receive prior authorization the supervisor (when so authorized) or the Mayor.** Overtime assignments will be distributed as equitably as practical to all employees qualified to perform the required work. **Failure to work scheduled overtime or overtime worked without prior authorization from the supervisor may result in disciplinary action, up to and including possible termination of employment.**

Overtime compensation is paid to all nonexempt employees in accordance with federal and state wage and hour restrictions. The Fair Labor Standards Act (FLSA) sets forth certain conditions and procedures under which overtime is to be determined. However, certain positions as defined by FLSA may not require the payment of overtime, even if the employees in these positions work over 40 hours in a week. The Mayor must approve classification under FLSA.

All work and service activity performed for the City under the direction and with the approval of supervisory staff shall be considered compensable hours of work for the purposes of determining hours of work and overtime calculations, as determined and controlled by applicable policy of the City. Overtime will be paid at a rate of time and one-half the equivalent hourly, base wage rate.

Overtime pay is based on actual hours worked. Paid time off, such as sick leave, vacation leave, holidays, or any other leave of absence, even if non-compensated, will not be considered hours worked for purposes of performing overtime calculations. **Additional compensation, such as call-back duty pay or holiday pay that does not reflect actual hours worked, or additional compensation for special duty that already reflects overtime compensation shall not be used to calculate additional overtime pay.**

Notwithstanding the above, the following time may be used in the calculation of hours worked for purposes of overtime:

1. Employees subject to call-back and call-out requirements in their job, shall be allowed to include reasonable travel time directly associated with travel to perform emergency or additional duties in the computation of hours worked.
2. City policy ~~does not~~ provides for compensatory time on a limited and prior-approval basis. ~~However, u~~Under unusual or emergency circumstances – but only with the specific approval of the Mayor – such “comp time” may be granted. When an employee uses compensatory time during the workweek, those hours will **not** count as actual hours worked for calculating overtime pay.

Employees in the Public Works Department (“Shift Work Employees”) called out for emergencies, or those required to work on recognized holidays, will receive overtime pay for all hours worked over a ten hour period in any 24 hour period beginning at 12:01 AM and ending at 12:00 p.m. (See also, the “Holiday” section of this manual.) No employee shall be paid for less than two hours time for any call out. All time beyond two hours on call outs will be paid based on the actual number of hours worked. (Modified Oct 03)

Other non-exempt employees are paid overtime based on those hours over 40 actually worked in a 7-day work period. (See also Work Schedules—Work Periods policy.)

Compensatory Time

Subject to the terms, conditions and limitations of this policy, and as noted above, the **CITY DOES NOT PROVIDES AND UTILIZES COMPENSATORY TIME OFF** in lieu of actual pay for merit and classified employees only in special, previously approved cases. ~~However, u~~Under unusual or emergency circumstances – but only with the specific approval of the Mayor – such “comp time” may be granted. Under any circumstances where compensatory time is or has been awarded, the City places restrictions on both the accrual of compensatory time (sometimes referred to as, “comp time”), as well as payment for such. All eligible employees must sign a form annually designating their preference for compensatory time or overtime payment. The City, at its discretion, retains the right to pay overtime. ~~Again, as noted, it is current City policy NOT to award compensatory time but rather to pay overtime as set out elsewhere herein.~~

NOTWITHSTANDING THE FOREGOING, no compensatory time is allowed except in compliance with this policy. Compensatory time, as allowed by this policy, is another management tool available to departments to help direct and control the work force. Compensatory time off cannot be granted in advance of it being earned.

Compensatory Time Defined

Compensatory time is defined as the accrued time credits to an employee which the employee may take off work (excluding vacation leave, sick leave, and holiday leave), subject to City policy, at the employee’s normal, regular base pay rate.

Eligible Employees

Compensatory time off is only allowed for the following City employees:

- Full-time classified
- Full-time merit

Department directors as authorized from time to time by the Mayor and Council may set a cap on compensatory time for eligible employees.

Maximum Accrued Compensatory Time.

Within the constraints set out above, an employee may accrue a maximum of 40 hours of compensatory time. Once 40 hours have been accrued, any hours worked beyond 40 hours in any pay period, will be paid to the employee at time and one half of that employee's normal hourly pay rate. No employee may carry more than 40 hours of compensatory time at one time. Once the 40 hour limit is reached, the employee must use that time or be paid at time and one half for any additional work in any pay period.

Time Off Plans

As allowed under the Fair Labor Standards Act (FLSA), West Haven City's policy allows the supervisor of a non-exempt employee to schedule the employee to work a varying number of hours during a pay period. This generally means the employee works more hours during one portion of a pay period, and less hours during another portion of the same pay period. Time Off Plans are designed to control or limit the accumulation, accrual or payment of earned compensatory time or overtime pay by employees. Employees benefit with reduced work periods while still earning their full-time compensation.

Department directors can implement Time Off Plans for one or more of their respective employees as a tool to better manage the time, staff, money, and other resources available to their department. The implementation of Time Off Plans requires the specific written approval of the Mayor BEFORE such plans can be put into effect.

On Call-Pay

(Amended Oct 03)

Employees of the City in the Public Works or other Departments are not required to serve in an "on-call" status or to be available for a call back to work. Employees that may be subject to "Call-Back Duty" are expected to comply with the City's Fitness for Duty policy during any assigned on-call period.

When and if an employee in the Public Works Department performs actual work and service as a result of being called back to work, they will be paid any additional overtime for hours worked, with a minimum of two hours pay.

Call-Back Duty Pay

Employees shall receive a one-hour minimum amount of paid work time for any callback to duty during an otherwise scheduled off-duty workday. If such callback time places the employee in an overtime situation, then overtime is payable. (See also Compensatory Time Off policy, Work Schedules and Compensation Plan Policies.)

Other Compensation Considerations

Employees who are eligible for overtime compensation may be required to perform additional work and service outside their regular job duties that relate to the functions of their primary job duties and the needs of the department.

Additional work and service outside regular job duties may be approved and assigned through established authority and performed while at work and/or during scheduled work times. Such additional work or service shall be compensated as part of the employee's regular pay or compensation and is subject to applicable overtime based on the employee's regular, base pay rate. While not all inclusive, examples of additional duties and services are training or instruction (on a formal or informal basis); assisting another employee in completion of his/her own duties; or, temporary work performed outside the normal duties and functions within an employee's job description.

West Haven City Travel Policies

Policies for Elected and Non – Elected Personnel

1. Mode of travel selected will be that which is least costly to the City. If an employee elects to take a more expensive mode of travel, the employee will be reimbursed only for the amount of the least expensive mode. The employee will be expected to pay the difference.
2. Mileage reimbursement will be provided for the use of privately owned vehicles for City purposes. The reimbursement rate will be what is currently allowed under IRS regulations.
3. If the employee lives within 10 miles of West Haven City, the following round trip mileage will be reimbursed to these specific cities.

City	Mileage
St. George	676
Moab	546
Cedar City	570
Salt Lake	70

Park City	132
Provo	160
Logan	92
Spanish Fork	184

4. If the employee lives 10 miles closer to the destination City, the mileage included on the State highway map will be used or the employee will be required to track actual mileage.
5. Employees will be allowed 20 miles additional reimbursed miles per day (or prorated portion thereof for a part day) if they are not staying at the site of the conference.
6. If a City-owned vehicle is taken to a conference, the employee will be reimbursed for actual gasoline expense, and will not receive mileage.
7. Except for direct travel to or from that location, City owned vehicles would not be driven more than 15 miles from the conference site.
8. City owned vehicles will not be driven across State lines except under the following circumstances:
 - A. The conference site is in a different state; and
 - B. Driving a City-owned vehicle is the least expensive mode of transportation; and,
 - C. The department director and the Mayor specifically approve driving a City-owned vehicle.
9. When airline travel is required, employees will ensure that reservations are made at least 30 days in advance of the anticipated departure date in order to ensure the least expensive airfare.
10. Employees will not be required to stay in the destination City an extra weekend day in order to obtain a cheaper airfare. Employees may choose to stay over an extra weekend day if it is more cost effective to pay the employee for eight hours of work than the higher airfare. The Mayor will determine cost effectiveness.
11. Per diem will be at the IRS published rate for small cities unless specified by action of the City Council
12. Per Diem will be providing on a pro rated basis for partial travel days to and from conferences and training.

Description	Affect on Per Diem
Traveler is able to depart after 10:00 am but before 2:00 PM	Per Diem Reduced by \$7.00
Travel is able to depart after 2:00 PM	Per Diem Reduced by \$14.00
Travel is able to return by 10:00 AM	\$7.00 Per Diem Provided
Traveler is able to return between 10:00 AM and 2:00 PM	\$14.00 Per Diem Provided
Traveler Cannot Return until after 2:00 PM	\$28.00 Per Diem Provided

13. If meals are provided as part of the conference registration, per diem will be affected as follows:

Meal Provided at Conference	Affect on Per Diem (Amended Oct 03)
Breakfast	Per Diem Reduced by 25%
Lunch	Per Diem Reduced by 25%
Dinner	Per Diem Reduced by 50%

14. Per Diem will be provided only for the days of the conference and the necessary travel time. Employees electing to arrive earlier or later at the destination than is required for City purposes will not receive per diem for the extra time.
15. The City will pay single occupancy hotel rates. The employee will pay additional charges incurred because of the accompaniment of a spouse unless those costs have been approved in advance by the Mayor or Council. (Modified Oct 03)
16. Employees arriving at a conference earlier or leaving later than is required for City purposes will pay any additional hotel costs incurred.
17. The City will pay for one additional hotel night if an employee cannot depart from the conference at its conclusion and arrive home by 8:00 PM.
18. Employees will pay all additional costs associated with the accompaniment of a spouse on a City business trip.
19. No more than three City employees (excluding elected officials) may attend any one conference that is further than 75 miles from West Haven. Department directors wanting to send more than three employees to a conference should make a request to the City Council in a public meeting.

Required training (e.g., P.O.S.T. and fire fighters school, Road School, Water or Sewer Treatment operations) is specifically excluded from this provision.

20. When several employees attend a conference, they are encouraged to car pool.
21. Department directors must provide authorization for all travel and training within their department.
22. The Mayor must provide authorization for all travel and training of department directors and administrative staff.
23. All elected officials are authorized to attend any in-State conference sponsored by the National League of Cities and Towns and the Utah League of Cities and Towns. All other over night travel by elected officials must be approved by a majority vote of the Council in a public Council meeting.
24. No more than three elected officials will be eligible to receive travel-related expenses for attendance of any single conference outside the State. If more than three elected officials want to attend a specific conference, a vote will be taken by the City Council in an open meeting with each Council Member having three votes applied cumulatively. The three Council Members receiving the most votes will represent the City at the conference.
25. If any elected official agrees to attend a conference for which costs are incurred in advance, and then does not attend the conference, the elected official will reimburse the City for all costs incurred. Exceptions are (a) serious illness of the individual; or, (b) serious illness or death in immediate family; or, (c) costs are refunded; or, (d) another elected official attends the conference in his/her place. If none of these criteria are met, the Mayor is to place the issue on a City Council agenda for discussion and a decision.
26. Elected officials will not be reimbursed for any travel expenses resulting from travel occurring after an election in which the official either was defeated or did not run for reelection.
27. Elected officials will provide a verbal briefing in Council meeting of any conferences attended.
28. Neither lodging nor per diem will be provided for training or conferences located within 15 miles of West Haven.
29. Employees who are not exempt from the Fair Labor Standards Act will be compensated for actual travel time. Employees will be compensated for travel and conference/training time only.

30. Any additional costs (registration, meals, transportation, etc.) incurred as a result of accompaniment of a spouse will be borne by the employee.

31. Any of the foregoing may be changed, i.e., decreased or increased, by action of the Mayor and City Council (Added Oct 03)

Paydays

Employees are paid every other Thursday (biweekly). Generally, equivalent monthly/annual compensation is based on biweekly paydays.

Except in the case of a compelling circumstance as determined by the City, it is the policy of the City not to provide any employee's check to anyone other than the employee. With proper, advance notice and written record, an employee may give written permission for someone else to pick up his/her paycheck. Employees wishing to find out about this procedure should check directly with the City Treasurer.

Except for those employees not scheduled to work on a payday or who have an authorized leave slip for a payday, checks will not be issued before Noon on payday Thursdays.

Pay Advances

The City's policy is that the City **does not** provide pay advances on unearned wages to employees.

Notwithstanding the foregoing, West Haven City may make a salary advance to an employee with specific approval of the Mayor and at least one City Council Member. Such pay advances shall be based on a demonstrated urgent need for such advance.

Pay Deductions and Garnishments

The law requires that the City make certain deductions from every employee's compensation. Among these are applicable federal, and state income taxes. The City also must deduct Social Security taxes on employee's earnings up to a specified limit that is called the Social Security "wage base". The City matches the amount of Social Security taxes paid by the employee.

Voluntary pay deductions, such as health insurance, life insurance and other benefits, are made at the written direction of the employee. Voluntary deductions of this type can have restrictions placed on the effective date and/or amount of the deduction. Such restrictions are determined and controlled by the terms and conditions of the applicable plans, benefits/policies for which the deductions are made.

Garnishments are court-ordered pay deductions that are taken by the City and forwarded to another party who is authorized to receive them.

If you have questions concerning why deductions were made from your paycheck or how deductions were calculated, contact your supervisor or the City Treasurer.

Administrative Pay Corrections

The City takes all reasonable steps to ensure that employees receive the correct amount of pay each paycheck and that employees are paid promptly on the scheduled payday.

In the unlikely event that there is an error in the amount of pay, the employee shall promptly bring the discrepancy to the attention of the City Treasurer so that corrections can be made as quickly as possible. **To the extent the law allows, the City reserves the right, upon discovery, to correct errors in pay and benefits by offsets in payroll or through civil action(s).**

Chapter 4

Leave

Vacation – Purposes, Procedures, Conditions

(Amended May 07)

The City provides vacation benefits to eligible employees in order to provide opportunities for rest, relaxation and personal pursuits. The eligibility and rates of vacation accrual are described in the Vacation Benefits policy.

The length of eligible service to determine the vacation rate of accrual is calculated on the basis of a 12-month period that begins on the date of hire for the eligible classification for the first year, then the leave will accrue for a “stub” period such that the employee’s leave will then be calculated for a twelve month period that coincides with the City’s fiscal year. Any unpaid leave of absence will not count toward the 12-month period except for a Military Leave of absence. Military Leave has no effect on this calculation. (See individual leave of absence policies) (Amended Oct 03)

To take vacation, employees must **request approval at least two weeks in advance** from the supervisor who is authorized to receive and review requests. Exceptions to this advance notice requirement can only be granted by the department director or his/her designee, or the Mayor. Requests will be reviewed and either denied or approved based on a number of factors, including business needs and staffing requirements.

Employees exempt from the Fair Labor Standards Act who are off work for less than one-half (1/2) of a full work day, will not have their vacation leave reduced. Otherwise, they are subject to the same conditions and limitations applicable to the qualified and proper use of vacation leave.

Vacation time off is paid at the employee’s base pay rate at the time of vacation. Base rate of pay does not include overtime or any special forms of compensation such as incentives, commissions, and bonuses. Paid vacation time shall be accounted for in minimum increments of 15 minutes.

Based on a 40-hour workweek base for computation purposes, vacation will accrue at the following rates:**

YEARS IN SERVICE	HOURS PER MONTH	=	DAYS PER YEAR
0 – 1 Year (Must complete 6 mos service before using)	3.34 per month	=	4 days (40 hours)

1 – 5 Years	6.7 per month	=	8 days (80 hours)
5- 10 Years	8.34 per month	=	10 days (100 hours)
10-15 Years	10.0 per month	=	12 days (120 hours)
15-20 Tears	11.67 per month	=	14 days (140 hours)
20+ Years	13.33 per month	=	16 days (160 hours)

**** Note:** Vacation time will accrue from the hire date of an employee's permanent or full time service with the City. Employees serving in a temporary full-time or temporary part-time position do not earn or accrue vacation time. Only permanent employees shall be entitled to earn or accrue vacation time. Permanent part-time workers will earn and accrue vacation leave on a pro-rata basis based on actual time/hours worked based on the rates in the table, above. (Added Oct 03)

Employees may accumulate up to ~~120~~150 hours (~~12~~15 days) of vacation accrual, which can be carried forward to a new calendar year.

Employees are encouraged to take their vacation leave annually.

Employees should not schedule more than eight (8) working days off at any one time with out the prior approval of the Mayor, which approval shall not be unreasonably withheld, based on the then extant needs of the City.

Vacations shall be scheduled with the Mayor in advance during the first month of each fiscal year. This shall be done on a "first-come" basis. In the event of a conflict, the more senior employee shall have priority. All leave must have prior approval before being taken. **Employees DO NOT have the privilege of "self-scheduling" their leave without prior approval.** (Modified Oct 03)

~~Upon leaving service as a City employee~~Terminating employees who resign in good standing with two weeks' notice or are released as a result of reduction in force, the employee is are entitled to payment, at their current rate of compensation, for all unused vacation leave ~~which has been accrued up to the 120 hour maximum.~~

As a condition of utilizing Family & Medical Leave Act leave, Employees must use available sick and vacation leave for the care and support of themselves or another under conditions described in the Family & Medical Leave policy. Employees, supervisors and department directors are required to notify the Mayor whenever paid vacation leave is used for a serious health condition, or a condition covered under the Family & Medical Leave policy.

Sick Leave – Purposes, Procedures, Conditions

The City provides paid sick leave benefits to eligible employees in order to provide time off away from work to care for the medical needs of the employee and/or their dependents. The method and rate of sick leave accrual are described in the Benefits handbook. Employees are encouraged to accrue sick leave in amounts sufficient to provide them financial security and regular income during periods of extended sickness or injury, such as may be the case during surgery and post-surgical recovery periods.

Paid sick leave shall be accounted for in minimum increments of one-half (1/2) hour. Exempt employees, who are off work for less than one-half (1/2) of a full workday, shall not have their sick leave deducted for sick time taken. Otherwise, exempt employees are subject to the same conditions and limitations applicable to the qualified and proper use of sick leave for illness, injury or bereavement.

Subject to procedures established by the Mayor, City Council, or department directors, employees who are unable to report to work due to illness or injury should notify the immediate supervisor or other designated individual. The direct supervisor should also be contacted on each additional day of absence.

Except in case of emergency or unexpected illness, employees should request time off at least two weeks in advance of the beginning date of an extended period of sick leave. Verification may be requested for sick leave absences and may be required as a condition to receiving sick leave benefits. If an employee is absent for more than 40 consecutive hours due to illness or injury, a physician's statement will be required verifying the disability and its beginning and expected ending date. An employee may also be required to provide a physician's statement identifying whether he/she can return to work, and what, if any, work restrictions or limitations exist. (See Family & Medical Leave and Fitness for Duty policies)

Employees returning from sick leave of less than 40 consecutive hours **may be required to provide a physician's statement upon their return to work.**

Additionally, where an **unusual pattern of sick leave** use is present, or a question arises as to the legitimate use of accrued sick leave, department directors have the right to investigate use of sick leave, make inquiry of the employee as to his/her ability to perform essential functions of the job, and otherwise request medical information be provided to the supervisor.

Employees, supervisors and department directors are **required to notify the Mayor** whenever paid sick leave is used for a medical disability or serious health condition of the employee. A serious health condition means an illness, injury, impairment, or a physical or mental condition that involves an **absence of five (5) days or longer** under the care of a health care provider, inpatient care in a hospital, hospice, or residential medical care facility; or continuing treatment by a health care provider.

The City has developed a reporting form to be completed by the employee and submitted to both the employee's department director and the Mayor. This form is used to determine the effective date of any medical disability or serious health condition of the employee and the period of available leave (paid and unpaid) benefit for the employee.

If the proper form is not completed, the Mayor will determine the effective date of any serious health condition and the period of available leave (paid and unpaid), based on the first date the employee was granted any leave related to, and/or in connection with, the employee's medical disability or serious health condition.

Each permanent employee (those working a normal 40-hour workweek) shall accrue sick leave at the rate of **7.5 hours per month day (90 hours a year)** for each month of employment with the City. If a holiday falls on a regular workday during a period when the employee is utilizing his/her sick leave, the time shall be counted as a holiday and not as a day of sick leave.

Workers Compensation – Leaves of Absence

In accordance with Utah State law, the City provides workers compensation insurance. Subject to applicable legal requirements, this program generally covers injury or illness sustained on the job. The purpose and a brief description of workers compensation and its benefits are found in the Workers Compensation policy.

Unless the employee is terminated or separated from the City, it is the policy of the City to provide and unpaid leave of absence to any employee who is unable to work as a consequence of a work-related injury, accident or illness. Generally, the length of time of this leave is determined by both the medical condition of the employee and the employee's ability to return to work in a capacity for which a medical practitioner has approved and provided a release to such duty. The length of this leave is discussed in the Medical Termination policy under the heading "Employment".

As with any other time off from scheduled work, **employees are required to complete a Request for Time Off form and return it in to their supervisor.** Additionally, employees requesting leave as a result of a work related illness or injury will be required **to submit written documentation from a physician** that the employee is unable to perform their duties because of the work related illness of injury for the period of time for which leave is requested. Employees have an obligation to request the time off work, keep their supervisors informed of their whereabouts, and otherwise keep the City apprised of their intentions and availability to return to work.

During the leave period, worker's compensation payments are paid in accordance with applicable law, and paid as a specific amount based on the employee's earnings and eligibility. Employees **may qualify for Family & Medical Leave** as part of workers compensation leave, or as a separate leave altogether. (See also Family & Medical Leave policy)

If an employee is on an approved workers compensation leave and is receiving a worker's compensation disability benefit, they may use any available vacation or sick

leave to supplement the workers compensation amount up to 100% of the average net pay the employee was receiving during the last 13 weeks of service for the City immediately preceding the workers compensation injury.

The City has specific policies and procedures for handling workers compensation claims as required by applicable state law. Safety programs have been established to properly address safe working conditions and environments. **Employees are responsible** for obtaining information about, and adhering to direction on, the City's safety programs. (See Safety policy)

If an employee fails to report to work promptly at the end of an approved leave related to workers compensation, the City will assume the employee has resigned. Employees may be terminated for work-related reasons even though they receive workers compensation.

Family & Medical Leave

The City provides Family & Medical Leaves of absence in accordance with federal law. The existing Family & Medical Leave Act (FMLA) allows eligible employees to take leave if they are temporarily unable to work due to any of the following:

1. The birth or adoption of a child or placement of a child for adoption or foster care.
2. To care for the employee's spouse, son, daughter, or parent with a serious health condition.
3. Because a serious health condition makes the employee unable to perform one or more of the essential functions of his or her job.

In implementing the Family & Medical Leave Act and in accordance with federal law, the City has adopted the following policies and procedures.

As determined by the Mayor and in accordance with existing law, eligible employees may take **up to 12 weeks of leave in a 12-month period** for reasons stated above. For purposes of determining the 12-month period, the City will use a calendar year. Under certain circumstances, a husband and wife both working for the City may have a combined maximum of 12 weeks of FMLA Leave.

Employees are **required to substitute appropriate paid vacation and sick leave, if the employee has earned or accrued it. This use of paid leave will be at the "front end" of and will count against the 12-week leave authorization of the FLCA.** Consistent with the sick leave policies, sick leave may only be used to care for the medical needs of the employee or other qualified individual, as defined in the Family Medical Leave Act.

Any period of incapacity requiring absence from work or other regular daily activities of more than three consecutive days may qualify as a serious health condition under FMLA.

As soon as an employee, or the employee's supervisor, becomes aware that a request for time off may meet a qualification for Family Medical Leave, the employee must state that qualification and disclose general information on the Request for Time Off form. In addition to the Request for Time Off form, the employee should complete a Request for Family & Medical Leave form that is available from their department or the City Recorder.

Request for FMLA leave should be in writing in advance of foreseeable events and as soon as possible for unforeseeable events. To the extent possible, any leave for foreseeable event must be requested at least 30 calendar days in advance in writing. Employees are required to complete a Request For Time Off form and a Request For Family & Medical Leave form and immediately submit copies directly to their supervisor, department director, and the Mayor.

Request for Family & Medical Leave forms and Request for Time Off forms indicating potential FMLA leave-qualifying circumstances are reviewed by the department director. The Mayor shall determine what, if any, additional documentation is needed on which to base a written decision approving or denying the leave under FMLA. The employee is responsible for providing the requested documentation. The Mayor issues a written decision to the employee. If approved, the Mayor will also inform the employee of the applicable conditions of the leave and the beginning and ending dates of the leave.

As required, the City will continue to provide health insurance benefits for the full period of FMLA leave on the same basis that any insurance benefit coverage was available and in place prior to the leave commencing. An exception would be a change in health insurance benefits for all employees or a change in the type of plan available to all employees. Employees responsible to pay any portion of the applicable monthly insurance premium are required to continue to do so while on FMLA leave.

Benefit accruals, such as vacation, sick leave, holiday benefits and seniority will continue during any paid portion of FMLA leave. However, benefit accruals, such as vacation, sick leave, and holiday benefits, will be suspended during any unpaid FMLA leave and will resume upon return to active employment. Likewise, seniority will not continue to accrue during unpaid FMLA leave, except for disabilities of the employee covered by the Americans with Disabilities Act (ADA), but will resume upon return to active employment.

Employees returning from FMLA leave may be required to provide a physician's verification of fitness to return to work before the employee will be allowed to return to any work activity. In order to properly schedule work, employees on leave are expected to provide the City with at least two (2) weeks advance notice of the date they intend to return to work. When the leave ends, the employee is required to report for work on time and ready for work.

If an employee fails to report to work promptly at the end of the leave, the City will assume that the employee has resigned. Under circumstances where the employee fails,

without cause related to any medical condition, to report back after the leave ends, the employee may be required to reimburse the City for the health insurance premium costs paid on their behalf during the entire period of the leave.

Employees are encouraged to talk with their supervisors or to contact the Mayor and make inquiry, raise concerns and seek information about the Family & Medical Leave Act, or their working conditions related to taking such leave, without fear of retaliation.

Leave Without Pay

Other than under conditions specified within these policies, the taking of leave without pay is discouraged. In order for the City to obtain its goals and provide service to the public, employees must routinely come to work. Excessive leave use results in employees going into a leave without pay status, which is often symptomatic of leave abuse. All leave without pay must be approved by a department director subject to ratification by the Mayor. Employees requesting leave without pay for illness **will be required to exhaust all vacation leave before going on a leave without pay status.** Employees who are unable to justify continued use of leave without pay will be subject to disciplinary action.

Emergency Closings

At times, emergencies such as severe weather, fires, power failures, or earthquakes, can disrupt government operations. In extreme cases, these circumstances may require the closing of a work facility. In the event that such an emergency occurs during non working hours, local radio and/or television stations will be asked to broadcast notification of the closing.

When the decision to close a work facility is made, employees will receive official notification from a supervisor. When an emergency occurs, under the authority of Mayor, department directors and supervisors will determine how time missed away from work will be handled. Under these circumstances, missed time away from work may be completed at another time during the work period, or administrative leave may be granted, at the discretion of the Mayor.

Employees in essential operations may be asked to work on a day when operations are officially closed. In these circumstances, employees who work will receive regular pay, and if other employees have been granted administrative leave, will receive compensatory time off. Where applicable, overtime pay or, on a very limited and restricted basis, as noted above, compensatory time will apply.

PAID HOLIDAYS

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

1.	NEW YEAR'S DAY	JANUARY
2.	HUMAN RIGHTS DAY	JANUARY
3.	PRESIDENT'S DAY	FEBRUARY
4.	MEMORIAL DAY	MAY
5.	INDEPENDENCE DAY	JULY
6.	PIONEER DAY	JULY
7.	LABOR DAY	SEPTEMBER
8.	COLUMBUS DAY	OCTOBER
9.	VETERAN'S DAY	NOVEMBER
10.	THANKSGIVING DAY	NOVEMBER
11.	CHRISTMAS DAY	DECEMBER

Holidays falling on Sunday will be observed on the following Monday. Holidays will only be paid when they fall on workdays from Monday through Thursday.

Chapter 5

Work Schedules

Timekeeping

Accurately recording time worked is the responsibility of every nonexempt employee². Federal and state laws require the City to keep an accurate record of time worked in order to calculate employee pay and benefits. Time worked is all the time actually spent on the job performing assigned duties.

Nonexempt employees should accurately record the time they begin and end their work, as well as the beginning and ending time of each meal period. They should also record the beginning and ending time of any split shift or departure from work for personal reasons. **Overtime work must always be approved before it is performed.**

Altering, falsifying, tampering with time records, or one employee recording his/her time on another employee's time record may result in disciplinary action, up to and including termination of employment.

Nonexempt employees should report to work in sufficient time to be at work and work-ready when scheduled. Nonexempt employees are **not permitted to stay after** their scheduled stop time without expressed prior authorization from their supervisor.

It is the employee's responsibility to record his or her time to verify the accuracy of all time recorded. The supervisor will review and then initial the time record before submitting it for payroll processing. In addition, if corrections or modifications are made to the time record, both the employee and the supervisor must verify the accuracy of the changes by initialing the time record.

Hours of Work

The normal workday is 10 hours. The normal workweek is forty (40) hours. Employee work schedules will be made by each department in order to best meet the needs of the city but will, absent specific authorization to the contrary, follow a four day work week and a ten-hour work day.

City office hours will be 8:00 a.m. to 6:00 p.m.

Employees may take two (2) rest breaks, not to exceed 15 minutes during the normal working hours.

² On occasion, the City may, at the direction of the Mayor and or the City Council, require ALL employees to maintain accurate time records. During such periods, exempt employees will adhere to these time reporting requirements.

Depending on departmental procedures, either ½ or one (1) hour lunch breaks will be scheduled by individual department heads. **Employees are expected to take their lunch break during the regularly scheduled periods for their department. Employees do not have the unilateral right to “self-schedule” their own lunch break periods.**

(Modified Oct 03)

Employees shall fill out time slips or punch a time clock as documentation for all hours worked and to verify and request vacation, and sick leave.

Employees who, for whatever reason, are not able to timely punch the time clock, or otherwise determine that their arrival or departure time is to be hand-written on to the time card must have that hand entry counter-signed by the Mayor or his/her designee. Failure so to do may result in disciplinary action up to and including termination. (Added Oct 03)

An employee unable to report to duty on a workday shall notify the department head within 15 minutes of the beginning of the scheduled workday period.

Work schedules, which vary from the above general rule, may be established by the department director or supervisor subject to ratification by the Mayor. Examples of differing work schedules would commonly involve shift work, such as in public safety or public works, or could involve Flexible Scheduling/Time Off Plans policies.

The City's pay period for all employees is based on two (2) consecutive weekly periods each which begins on Friday at 0000 hours and concludes at 2400 hours on the following Thursday. Due to operating requirements and work demands, each employee's own work period may vary from the City's defined pay period. Employees will be paid on a bi-weekly basis on alternating Thursdays.

Currently, for all City employees, the work period is based on a 7-day period, with no more than 40 hours regularly scheduled within such 7-day period. Unless an alternative 7-day work period has been established, an employee's work period under conditions governed by the federal Fair Labor Standards Act (FLSA) begins at 12:01 a.m. on Saturday and ends at midnight on the following Friday. A department director may establish a different beginning and ending date and time for such 7-day period. Department directors shall inform the Mayor, in writing, of the beginning and ending day and time for any such 7-day work period that varies from the general rule above. Information regarding the establishment of alternative work periods will be maintained in each employee's personnel file.

Supervisors shall inform employees of their work schedules and applicable work period. **ALL Employees are expected to be at work and ready to commence work at the start of their shift or established work schedule**, and to remain working until either an approved break, or the end of their scheduled work day or shift. Employees wishing to leave at other times are required to check with and obtain approval of their supervisor.

**NOTE: Employees are never free to establish their own work schedule!!
All work schedules are to be established by the departmental supervisor
as approved by the Mayor**

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Flexible Scheduling/Time Off Plans

It is the policy of the City to provide work-scheduling tools to supervisors and department directors to help adequately manage their work force and direct the scheduling of work in their respective departments. The City encourages the use of Flexible Scheduling and Time Off Plans by supervisors and department directors in order to meet work load demands and fulfill work requirement given the limitations of funds, staff and other resources available to their respective departments.

Flexible Scheduling

Flexible Scheduling allows supervisors and department directors to schedule one or more employees to come to, or leave, work earlier or later during the normal work week hours. Examples of Flexible Scheduling are:

A. **Example A:** An employee has worked 40 hours in 3 days, and is normally scheduled to work another day in the remaining portion of the work week. The employee is directed to leave work and not report for those days remaining in the workweek.

B. **Example B:** A single parent arranges with his/her supervisor to arrive at work late and to leave later than normal in order to facilitate the delivery and pick up of a child from day care.

***NOTE:** In both of these examples, the employee STILL worked the full 40 hours as required.*

Time Off Plans

As stated in the Compensatory Time policy and elsewhere throughout this handbook, Time Off Plans are a tool available to supervisors and department directors to direct and control the flow of work and work scheduling in an effort to comply with budgetary restraints and still meet work demands.

As allowed under the Fair Labor Standards Act (FLSA), West Haven City's policy allows the supervisor of a nonexempt employee to schedule the employee to work a differing number of hours during a work period. This generally means the employee works more hours during one portion of a work period, and less hours during another portion of the same work period. Time Off Plans are designed to control or limit the accumulation, accrual or payment of earned compensatory time and/or overtime by employees.

Employees benefit with reduced work periods while still earning their full-time compensation. (See Compensatory Time Policy)

Break and Meal Periods

Each workday, most full-time nonexempt employees are provided with up to two break periods. In some cases, workload or emergencies may preclude two rest periods. In such cases, employees may be allowed to have beverages and snacks at their desk(s) or place of work throughout the work period. Supervisors will advise employees of the regular break period length and schedule. To the extent possible, break periods will be provided in the middle of work periods. Since this time is counted and paid as time worked, employees must not be absent from their workstations beyond the allotted break period time.

All full-time regular employees are provided with one meal period of 30 minutes in length each workday. Supervisors will schedule meal periods to accommodate operating requirements. Unless specifically designated as part of scheduled work time, employees will be relieved of all active responsibilities and restrictions during meal periods. When employees are relieved of all active responsibilities, they will not be compensated for that time.

Employees are expected to take their lunch break during the regularly scheduled periods for their department. Employees do not have the unilateral right to “self-schedule” their own lunch break periods. (Modified Oct 03)

Trading Work Shifts

Since the City must pay overtime, **trading shifts or schedule of work will not be permitted when any consequential overtime might occur.** The department director is responsible to keep accurate and current records on all trading time and must accurately reflect such trading hours in time records submitted to the City Treasurer.

At no time will the City approve of any trading of scheduled work or duty when either:

1. Proper approval has not been obtained.
2. The safety and protection of the public would direct otherwise, given the mission and duty of the department in which the trading of time would otherwise occur.

Chapter 6

Use of City Equipment

Position Certification & Licensing Requirements

It is the policy of the City that employees will be permitted to work only in positions for which they are qualified and otherwise meet the minimum qualifications and requisites for which they are employed.

An employee is required to immediately report to their department director the loss of certification or license necessary or required to perform their job or fulfill the functions of their position. The loss of any certification or license that is a necessary requisite to perform a job or fulfill the function of a position in the City may result in discharge from service with the City. A loss of certification to perform a job may include, but not be limited to, the following:

1. Suspension or revocation of a required professional license or certification
2. A limitation or revocation of a required driver's license
3. Suspension of a required license or certification to work

Employees who are required to drive as part of their assigned duties or job tasks are required to report to their supervisor or department director as soon as their license has been suspended, revoked or modified in any way. Employees may not drive vehicles for which they do not have the appropriate license or have not been properly trained. These responsibilities are a condition of continued employment for any employee required to drive for the City as part of their job.

Personal Use of Vehicles

Subject to the terms and conditions of various City vehicle policies, employees may only operate City vehicles: 1) on City business when authorized or directed to do so; 2) between home and work when authorized; 3) for minor, infrequent personal use during working hours, if permitted by department policy; or, 4) for other circumstances as permitted by specific department policy. The City provides use of city vehicles for personal use, such as between home and work, at its sole discretion and solely as a privilege to its employees.

The City will not accept any claims of liability should its equipment or vehicle(s) be used in a manner contrary to its intended purpose, or outside the scope and controls of this policy. The only individuals allowed in and around city operating equipment or city vehicles are those who, because of necessity, must be present to perform the functions of the employee's normal duties. The **City prohibits** any other individuals from being

transported or provided transportation in city vehicles, including for or in connection with personal use of city equipment or vehicles.

It is the **responsibility of each employee** who uses his/her personal vehicle in conjunction with City duties, to exercise proper caution, care and safety, with respect to the use of the vehicle. Employees have a duty and obligation to act in a manner consistent with good citizenship, respect and courtesy while using their personal vehicles for a business use or business-related activity of the City.

The City will routinely monitor the driving records of all employees. Employees showing serious driving infractions on their records (e.g., DUI, reckless driving, or multiple speeding tickets) will be subjected to disciplinary action ranging from referral to counseling, suspension, and/or termination, depending on the severity and/or repetition of infractions. Disciplinary action may be taken regardless of whether infractions occur during duty or off duty hours.

Use of Electronic Communications and Mail Systems

Employees are **not to make long distance calls** that are billed to the City. Such calls should be made only in the case of an emergency.

Employees are responsible for reimbursing the City for personal use of telephones for long-distance and toll calls. The City reserves the right to limit the frequency and length of personal telephone calls. Our public duty must take priority over an employee's personal business. Personal calls that are excessive and/or unnecessary are not acceptable and may result in disciplinary action up to and including termination.

The City owns and uses a variety of electronic communications equipment. Besides the telephone system, the City has a network of facsimile machines, computers and support equipment (including printers, scanners and software). Employees are advised that electronic messages sent to one another on the City systems can be monitored, and depending upon the circumstances, may even be recorded. The telecommunications equipment the City owns is provided for business purposes and should be used for that purpose. Occasional use of City equipment may be permitted, depending on department policy.

Employees abusing the privilege of the use of the City's phone and electronic communications equipment and the City's time shall have the privilege withheld and will be **subject to disciplinary action** up to and including termination.

To assure effective telephone communications, employees should use an approved greeting and speak in a courteous and professional manner. Information received from the caller should be confirmed. Calls should not be disconnected until the conversation is appropriately completed.

Mail Use

The use of the **City-paid postage for personal correspondence is not permitted**. In the interest of security and safety for all employees and members of the public, all **mail and parcels are subject to search**; they may be opened and inspected by others at any time. Employees who do not wish to have personal mail subject to inspection by others are advised not to allow such mail or parcels to be sent or delivered to the City.

Chapter 7

Health and Safety of the Work Environment

Safety

The City recognizes that each department within the City, and all employees, have certain responsibilities to uphold the integrity and value of the safety program for the City. These responsibilities are designed to enable everyone to better understand and enforce the procedures of the safety program. The City provides information to employees about **workplace safety and health issues** regular through internal communication channels such supervisor-employee meetings, bulletin board postings, memos, or other written communications.

Employees and supervisors receive periodic workplace safety training. The training covers potential safety and health hazards and safe work practices and procedures to eliminate or minimize hazards. This training may consist of on-the-job training, equipment and hazards training, first aid and CPR training, and may also include formal classroom training, either on or off the job.

Supervisors shall assume the responsibility of thoroughly instructing their personnel of safe practices to be observed in their work situations. They will consistently enforce safety standards and requirements, set the example of good safety practices and act positively to eliminate any potential hazards within the activities under their jurisdiction. Safety records will be measured along with other phases of supervisor performance. In discharging their responsibilities for safety, **supervisors shall:**

1. Enforce all safety regulations in effect and make employees aware that violations of safety rules may be cause for disciplinary action.
2. Ensure all injuries and/or accidents are reported promptly.
3. After consultation with the Mayor and City Attorney, conduct thorough investigations of all accidents and prevent reoccurrence by implementing proper employee safety education, changes in operating procedures, and/or appropriate modification of equipment.
4. Before work begins, provide employees with adequate and appropriate safety instructions regarding their duties, obligations and functions.
5. Before placing new or relocated equipment into operational service, conduct careful examination and safety checks of the equipment and the area of service.

6. Ensure that equipment is properly stored when not in use, and properly maintained and serviceable when in use.
7. On a regular and frequent basis inspect for unsafe practices and/or conditions of work in progress and the work environment, and take appropriate corrective action as applicable to ensure safe work practices and safe work environments.
8. Maintain high standards of cleanliness and orderliness within the work force and the work environment in all areas of operations under his/her supervision.
9. Ensure proper and safe equipment and protective devices for each job or work duty are available and in use.
10. Conduct safety briefings at organizational meetings and encourage employee implementation of safety suggestions, as appropriate.
11. Provide full and active support to all safety procedures, activities and programs within his/her area of supervision and influence.

Each employee is expected to obey safety rules and to exercise caution in all work activities. Employees must immediately report any unsafe condition to their supervisor or to the appropriate supervisor. Employees who violate safety standards, who cause hazardous or dangerous situations, who fail to report or, where appropriate, remedy such situations, may be **subject to disciplinary action**, up to and including termination of employment. Examples of **employees' responsibilities** to uphold safe work standards include, but are not limited to:

1. Proper use of safety equipment provided for work activity and the completion of work assignments.
2. Where necessary or required, wear uniforms and safety gear properly.
3. Use or operate tools, equipment and machinery only when adequately trained and proper orientation has been received for their safe use.
4. Report defective or hazardous equipment or maintenance problems immediately to a supervisor. Assist where appropriate and directed to properly tag or secure such items until proper repair or replacement procedures have been completed.
5. Refrain from the use or operation of unsafe tools, equipment or vehicles until they have been properly replaced or repaired and placed back into service by the employee's division manager or department director through established procedures.

6. Warn coworkers and others as appropriate of unsafe conditions or practices in which they may be engaged.
7. Report dangerous, hazardous or unsafe work environment or physical conditions that exist throughout the work place or the City. Such conditions may include, but not be limited to defective sidewalks, obstructed traffic signs, broken curbs, hanging limbs in public access areas, open manholes, and missing or damaged pedestrian, school, or traffic signs.
8. In the case of accidents that result in injury, regardless of how insignificant the injury may appear, employees should immediately notify their appropriate supervisor. Such reports are necessary to comply with various laws, City policies, and initiate workers compensation claims.
9. Protect the public and coworkers from unsafe or hazardous conditions resulting from City work or work in progress.
10. Use all tools (either hand or power-driven) in a safe manner and only for the purpose for which the tool was made.

Modified Duty Work Assignments

It is the policy of the City that employees will be permitted to work only in positions for which they are qualified and in which they are able to perform the job duties, tasks and essential functions in a safe and proper manner.

When employees have been off work due to an injury, illness or disease, it is the City's policy to provide and encourage a speedy return to work to the extent appropriate and practicable. It is the experience of the City that employees who are able to return to work quickly, even on a limited basis, regain their full health, physical functioning and abilities quicker and more completely than if they remain inactive and off work for longer periods of time.

For medical reasons, a physician may indicate an employee is not able to immediately return to full duty work assignments, and may release the employee to work with limited or modified duty restrictions until the employee is able to completely and safely fulfill all essential work duties and functions. Notwithstanding a medical report allowing modified duty work, the **City reserves the right to allow or deny modified duty work assignments in its discretion, consistent with applicable Americans with Disabilities Act (ADA) provisions.**

Any modified work assignments longer than one week in duration must be documented by a letter from a physician indicating the beginning date of modified duty work

assignments, and another letter indicating an ending date of modified duty work assignment. Under no circumstances are modified duty assignments to be permanent in nature or to extend beyond a reasonable period of time, unless such modification is subject to the protections and conditions of the ADA. (See Medical Termination)

Examples of modified duty work assignments include temporary assignments within the employee's department, temporary assignments in other City departments, and community service work with outside agencies. The employee's appointing department will remain financially accountable for wages for modified work assignments.

Disabled Workers

The City will consider a reasonable accommodation where appropriate and necessary for an employee who has presented medical records, which set forth a specific and documented disability for which, an accommodation is requested. Such reasonable accommodation may include changes in the physical or functional work methods, or the work conditions or environment, so long as the employee can perform the essential functions of the job.

Medical information on individual employees is treated confidentially. The City will take reasonable precautions to protect such information from inappropriate disclosure. Managers, supervisors and other employees have a responsibility to respect and maintain the confidentiality of employee medical information. Any employee inappropriately disclosing such information is subject to disciplinary action, up to and including termination of employment.

Use of Equipment and Vehicles-Reporting Problems/Accidents

Equipment and vehicles essential to accomplishing job duties are expensive and may be difficult to replace. When using City property, employees are expected to exercise care, perform required maintenance, and follow all operating instructions, safety standards, and guidelines.

The supervisor can answer any questions about an employee's responsibility for maintenance and care of equipment or vehicles used on the job. The improper, careless, negligent, destructive, or unsafe use or operation of equipment or vehicles, as well as excessive or preventable accidents or violations, can result in disciplinary action, up to and including termination of employment.

Accidents, mishaps (including "near misses"), injuries and traffic violations occurring while on duty in City vehicles are to be **reported immediately** to the appropriate supervisor and the Mayor or the City Attorney. Department directors and supervisors, as well as involved employees, are responsible for the timely and accurate reporting of accidents, mishaps, injuries, and traffic violations.

Employees who are directly involved in an accident or injury with respect to work-related activity are to **speak only with law enforcement and appropriate supervisory authority**. Employees who witness or discover an accident or injury with respect to work activity related to the City, may be asked to assist in completing an accident or investigation report by law enforcement authorities or other appropriate management staff. Employees are to provide a clear and detailed factual report. **In no event should employees admit, or give opinions about, fault, blame or liability.** It is very important that the investigation be based on factual information, not opinion or speculation.

It is the intent of the City to provide for prompt and appropriate investigation, review and other proper action(s) with respect to determining the cause of any accident or other event, which may involve an issue of safety for employees, or the public. Accordingly, the City takes seriously any accident or event involving actual or potential harm, or threat of harm, to any person(s) or their property.

Employees can be held personally liable for any loss or damage to person(s) or property resulting from willful, wanton, and/or reckless negligence. This liability can extend to the employee irrespective of any insurance coverage or liability of the City.

The City will take reasonable precautions to avoid accidents or injury, and will act in a manner consistent with safe work practice to help ensure prompt and appropriate attention to correct work conditions or related problems so that unsafe conditions are dealt with properly.

Accident Review

It is City policy to investigate, review and analyze all accidents involving West Haven City motor vehicles. All motorized equipment capable of self-propulsion involved in an accident is included within the scope of this policy, while used for a work-related City activity. This includes both City-owned and personal vehicles. A motor vehicle accident is any event that results in personal injury or property damage that can be attributed to the motion of a vehicle or its load. Any employee involved in a motor vehicle accident is **required to report the accident** to his/her supervisor or department director as soon as possible after the accident, and always within 24 hours of occurrence. Involvement includes a physical observation of an accident, a direct influence in an accident, or participatory action in which an individual was directly affected in an accident, whether or not injury occurred.

Investigations and Reporting

Any employee involved in a motor vehicle accident is required to **remain on the scene of the accident** until proper legal authorities have arrived, have obtained the employee's statement, and have either released the employee or detained the employee under custody. Any employee involved in a motor vehicle accident is to provide his/her name, driver's license, and employment data to the driver of any other vehicle involved. Any other information is to be provided only to proper investigating authorities.

The employee's department director shall have the employee's supervisor or other designated management member investigate the accident and review available information and records to obtain factual evidence related to the reason(s), conditions and preventability of the accident. Within two (2) working days of the accident the department investigator shall complete the Supervisor's Investigation Report form and forward the report to the Mayor.

Whenever serious physical injury occurs in, or stems from, a motor vehicle accident, the supervisor or department director shall report this information immediately to the Mayor or the City Attorney's Office.

When any motor vehicle accident results in damage to a West Haven City vehicle, a Vehicle Damage Report form must be completed by the applicable employee and supervisor within two (2) days and forwarded to the Mayor.

Review and Action

The City shall review all motor vehicle accidents and related reports. The Mayor will review all available records, documents and other evidence pertaining to any motor vehicle accident to determine the preventability of the accident. **Preventable accidents are subject to disciplinary action**, up to and including discharge, as deemed appropriate by the employee's department director.

Records, evidence and testimony regarding accidents are confidential. Discussions about and pertaining to any on-going investigation are confidential, and information will be provided to other management members of the City who have a legitimate need to know.

Life-Threatening Illnesses in the Workplace

Employees with life-threatening illnesses such as cancer, heart disease, and AIDS, often wish to continue their normal pursuits, including work, to the extent allowed by their condition. The City supports these endeavors as long as employees are able to meet acceptable performance standards. As in the case of other disabilities, upon request the City will make reasonable accommodations in accordance with all legal requirements to allow qualified employees with life-threatening illnesses to perform the essential functions of their jobs.

Employees with questions or concerns about life-threatening illnesses are encouraged to contact the Mayor for information and referral to appropriate services and resources.

No Smoking Policy (Utah Indoor Clean Air Act)

In keeping with the Utah Indoor Clean Air Act, and to promote a safe and healthy work environment, it is City policy that smoking is prohibited in all enclosed indoor places of public access and publicly owned buildings and offices. No smoking signs shall be

conspicuously posted on all entrances or in a position clearly visible on entry into any public area or building. As City vehicles are considered places of employment, it is City policy that smoking is also prohibited in all City vehicles.

Outdoor smoking is permitted only in designated smoking areas at least 25 feet from any public access entry or exit and at least 25 feet from any open window where others are working.

This **policy applies equally to all employees and members of the public.** Any employee who observes someone violating this policy is required to bring the matter to the attention of his/her immediate supervisor or department director. Supervisors and department directors have the responsibility for enforcing the smoking policy of the City.

Security Inspections

The City wishes to maintain a **work environment that is free of illegal drug, alcohol, firearms, explosives, or other improper materials.** The City also believes that the health and safety interests of the public mandate policies and procedures be in place to protect those interests. To this end, the City prohibits the possession, transfer, sale, or use of such materials on its premises. The City requires the cooperation of all employees in administering this policy. The City likewise wishes to discourage theft or unauthorized possession of the property of employees, the City, visitors, and customers.

Desks, lockers, and other storage devices may be provided for the convenience of employees, but remain the sole property of the City.

Chapter 8

Other Employment Requirements

Residency & Commuting Requirements

While the City provides equal opportunity to all individuals applying for employment, it also requires as a condition of employment that employees in certain identified jobs or positions reside within a required commuting time from their place of employment. The City's job descriptions identify those employees subject to commuting time requirements.

Positions requiring the employee's place of residence to be within a designated commuting time or distance from their place of employment will be those positions for which it has been determined that job functions, duties or tasks create urgent or emergency demands for service.

For purpose of this policy, some department directors may establish the applicable time or distance requirements, which will provide adequate work response times. Some department directors may establish reasonable time limits within which new employees in newly identified positions in their respective departments must comply with the terms of this policy. Employees who do not meet these requirements are **subject to termination**.

Personnel Information Changes

It is the responsibility of each employee to **promptly notify the City of any changes in personal data**. In addition, each employee is responsible for maintaining current and accurate information on file with his/her respective department director. Personal mailing addresses, telephone numbers, number and names of dependents, individuals to be contacted in the event of an emergency, educational accomplishments, and other such status reports should be accurate and current at all times.

If and when any personal data has changed, the employee is required to notify the City Recorder, as well as his/her own department director. Notification should be made as soon as possible.

Employment Reference Checks

To ensure that individuals who become employees of the City are well qualified and have a strong potential to be productive and successful, the **City reserves the right at its sole discretion to check the employment references of applicants and otherwise verify the accuracy and validity of information contained on applications or in other documents within the application and selection process.**

The Mayor or department directors will respond to all reference inquiries regarding present or former City employees. Generally, responses to such inquiries will **confirm only dates of employment, wage rates, and position(s) held**. No other employment information should be released without authorization and release signed by the individual who is the subject of the inquiry; provided. However, **good faith release** of employment information regarding job performance, professional conduct or evaluation of a former or present employee to a prospective employer as authorized by Utah Code Section 34-42-1 is allowed.

It is the policy of the City that any additional information (for example, opinions about performance) about a present or former City employee will be provided only after the Mayor has received a written authorization releasing the City, its agents and employees from any and all liability which may stem from or arise out of the providing of such information and opinions. Department directors may, after consultation with the Mayor, provide employment information as authorized above.

The City reserves the right to discipline and deny indemnity and defense to any City employee who provides reference information and opinions to third parties in violation of this policy, whether or not claims of liability against the City and its employee(s) are asserted.

Outside Employment

Employees may hold outside jobs as long as they meet the performance standards of their job with the City. All employees will be judged by the performance standards of their City job and will be subject to the City's scheduling demands, regardless of any existing outside work requirements. **An employee's job with the City will be considered to be the primary employment priority of the employee.** No employee shall receive special treatment or accommodations due to any outside job.

Outside employment that constitutes a **conflict of interest** is prohibited. Employees may not receive any income or material gain from others outside the City for material produced or services rendered while performing their jobs with the City.

Individual departments within the City may establish additional rules regarding outside employment of employees within their department, provided the rules are consistent with the provisions of federal, state and local laws, or West Haven City ordinances, administrative rules or policies, and are approved by the Mayor.

Non-Disclosure of Confidential Information

The City adheres to the open records and public records laws and regulation as established by law as set out at UCA §63-2-101. It is the intent of the City to provide open direct public access to all appropriate and covered public information it handles and with which it is entrusted. This includes adherence to open public meetings and publication of agendas.

Nonetheless, the City also recognizes that some information and records within the City may be confidential in nature and not subject to disclosure. Records classified as private, protected, or controlled under the Government Records Access and Management Act will not be made public or released to City employees who do not have a need to know. **Improper disclosure of such records may subject an employee to criminal penalties, as well as disciplinary action,** up to and including termination. Good examples of private records under the Act are certain records contained in a personnel file, if properly classified.

The City may also acquire access to the proprietary property of third parties through license agreements, which create certain obligations on the part of the City limiting its use. Common types of proprietary information include, but are not limited to, the following examples:

1. New materials research
2. Proprietary production processes
3. Scientific formulae or process
4. Technological data, including computer software and programs
5. Technological prototypes
6. Training and research materials
7. Departmental research, design and graphics records
8. Patented or copyright materials
9. Trademarks

The City hereby adopts the Utah Government Records Access and Management Act (UCA §63-2-101) as the records management policy of West Haven City and incorporates same as if fully set out here.

Any employee who **improperly uses or discloses the City's confidential business information will be subject to disciplinary action,** up to and including termination of employment and legal action, even if he or she does not actually benefit from the disclosed information.

Responding To Citizens' Complaints

It is the policy of the City to hear and respond in reasonable, courteous and open manner to all complaints from its citizens about service and functions of the City, and treatment received from City employees. When an employee of the City receives a complaint from a citizen, the employee is expected to assist in a positive and appropriate resolution of the complaint and/or correction of the problem to the degree the complaint or problem falls within the scope and functions of the employee's job with the City. If a complaint cannot be resolved to the satisfaction of the affected citizen, the citizen should be advised of the steps taken in an effort to resolve it, and referred to the employee's supervisor.

Regardless of their resolution, **all complaints reported to employees must be communicated to that employee's supervisor.** Serious complaints should be communicated on the same day they are first received if at all possible, and not later than the next working day. Each department and division has responsibility for maintaining a record of citizen complaints or grievances. Complaints that remain unresolved by the supervisor will be forwarded to the department director, division manager, or to the Mayor, as may be appropriate. To the extent practicable, the department director or division manager, or the Mayor should inform all involved individuals of the final resolution of a complaint.

Political Activity

Except as otherwise provided by law or by rules and regulations promulgated under the authority of the West Haven City Council, for federally aided programs, West Haven City employees may voluntarily participate in political activity subject to the following provisions:

1. No person shall be denied the opportunity to become an applicant for a position under the merit system in any covered department by virtue of political opinion or affiliation.
2. No person employed by West Haven City under its employee policies may be dismissed from service as a result of political opinion or affiliation.
3. A person employed by West Haven City **may not contribute funds in support of political groups or candidates for elective offices in West Haven City or actively campaign on behalf of any candidate for any West Haven City elective office.** Neither may employees become candidates for elective public office in West Haven City while still employed by West Haven City.
4. No West Haven City officer or employee, whether elected or appointed, may directly or indirectly coerce, command, or advise any officer or employee covered under the city's employment system to pay, lend, or contribute part of his or her salary compensation or anything else of value to any party, committee, organization, agency, or person for political purposes.
5. No West Haven City officer or employee, whether elected or appointed, may attempt to make any officer's or employee's personnel status dependent upon the employee's support or lack of support for any political party, committee, organization, agency, or person engaged in a political activity.

6. No officer or employee may engage in any **political activity during the hours of employment** nor shall any person solicit political contributions from West Haven City employees during hours of employment. Nothing in this section shall preclude voluntary contribution by a West Haven City employee to the party or candidate of the employee's choice outside of West Haven City.

7. Nothing contained in this policy shall be construed to permit partisan political activity of any West Haven City employee who is prevented or restricted from engaging in such political activity by any of the provisions of the federal Hatch Act.

Chapter 9

Employee Conduct

Attendance and Punctuality

To maintain a safe and productive work environment, the City expects employees to be **reliable and to be punctual in reporting for scheduled work**. Absenteeism and tardiness place a burden on other employees and on the City. On those occasions when employees cannot avoid being late to work or are unable to work as scheduled, employees should notify their supervisor as soon as possible.

Employees are required to **report all absences**. Department directors and their designees have the right to inquire of an employee as to any reason(s) for repeated, excessive or unexcused absenteeism or tardiness. **Poor attendance and repeated tardiness are disruptive. Either may lead to disciplinary action**, up to and including termination of employment.

In the case of incarceration and an inability to report for work when scheduled, employees are required to notify their immediate supervisor or their department director immediately.

Personal Appearance

Dress, grooming, and personal cleanliness standards contribute to the morale of all employees and can affect the business and professional image the City presents to patrons and visitors.

During business hours, employees are expected to present a **clean and neat appearance** and to dress according to the requirements of their positions. Employees who appear for work inappropriately dressed will be sent home and directed to return in proper attire. Under such circumstances, employees will not be compensated for the time away from work, and will not be eligible to use or apply other paid time off.

Consult your supervisor or department director if you have any questions as to what constitutes appropriate attire.

Employee Conduct and Work Rules

To ensure orderly operations and provide the best possible work environment, the City expects employees to follow rules of conduct that will protect the interests and safety of all employees and the organization. **Violations of the City's rules of conduct** may result in disciplinary action, up to and including termination of employment.

Many of these **rules of conduct** are outlined in other sections of policy. The following are examples of violation of rules of conduct:

1. Any behavior, event or condition, which violates the conditions of employment with the City, as described in any policy.
2. Any behavior or event which is a conflict of interest, or divulges confidential information for which a policy exists prohibiting such releases or publication. See the City's Conflict of Interest and Non Disclosure policy.
3. Unauthorized or unacceptable use of City equipment or property as described in the City's Personal Use of Vehicles, Use of Equipment and Vehicles and Use of Electronic Communications and Mail System policies.
4. A violation of the City's safety standards as discussed in the Safety policy.
5. A violation of the City's Overtime policy rules and standards.
6. A violation of the Work Schedules policy when a change in a work schedule or work activity is unauthorized and unapproved, irrespective of whether the employee benefits from such violation.
7. A violation of the City's Sexual Harassment or Other Unlawful Discrimination or Harassment Policies or any State or federal law prohibiting discrimination against individuals in protected groups or classes.
8. Working under the influence of alcohol or illegal drugs or while abusing legal drugs.
9. Possession, distribution, sale, transfer, or use of alcohol or illegal drugs in the workplace, while on duty, or while operating City-owned vehicles and equipment.
10. Unexcused or excessive absenteeism or any absence without notice, or excessive or unexcused tardiness.
11. Violations of the City's Fitness for Duty policy.

In addition to these policies, the **following behavior or conduct may result in disciplinary action**, up to and including termination of employment:

1. Actions which violate City ordinances or other local, state or federal laws including statements or comments which serve as proof or an admission of proof that the employee violated such laws, whether or not a conviction occurred with respect to such violation.
2. Actions which violate Administrative Orders.
3. Violations of applicable departmental rules and procedures.
4. Violations of personnel policies.
5. Theft or inappropriate removal or possession of property.
6. Falsification of any City records, including personnel records, time-keeping records, employee expense reimbursement requests, etc.
7. Behavior or activity which reflects an intent to be dishonest or untruthful.
8. Insubordination or disrespectful conduct or language toward members of the public, managers, or other employees.
9. Actions which serve to discredit the name, reputation, or public mission, or interest of the City.
10. Negligence or improper conduct leading to bodily injury or damage of City-owned property or the property of third parties.
11. Boisterous or disruptive activity in the workplace or behavior or activity which serves to create disharmony or a disorderly environment.
12. Fighting or threatening violence in the workplace.
13. Smoking in prohibited areas.
14. Possession of dangerous weapons or materials, such as firearms or explosives, except as required or authorized within the employee's scope of employment.
15. Violation of safety or health rules establish by the City or its departments or divisions, or safety or health rules regulations as governed by applicable code or competent authority.

16. Unauthorized use of City-owned telephones, electronic communications or mail systems, computers and software, or other City-owned equipment or property.
17. Unsatisfactory performance or conduct.
18. Unauthorized absence from workstation during the workday.

It is the policy of the City to seek reasonable and consistent treatment of all employees and to encourage positive and cooperative relationships among all employees and between employees and supervisors. Nonetheless, the City recognizes that from time to time disputes may arise over actions or discipline as the result of enforcement or interpretation of the policies and procedures of the City. Severe or serious disciplinary action may result in suspension, demotion or termination of employees within the scope of the City's policies and procedures.

Solicitation

In an effort to assure a productive and harmonious work environment, persons not employed by the City may not solicit or distribute literature in the workplace at any time that is unrelated to City services.

The City recognizes that employees may have interests in events and organizations outside the workplace. However, employees may not solicit or distribute literature concerning these activities during work time. (Work time does not include lunch periods, work breaks, or any other periods during which employees are not on duty.)

Examples of impermissible forms of solicitation include:

1. The collection of money, goods, or gifts for religious groups
2. The collection of money, goods, or gifts for political groups
3. The sale of goods, services, or subscriptions outside the scope of official business
4. The circulation of petitions
5. The distribution of literature not approved by the City
6. The solicitation of memberships, fees, of dues
7. In addition, the posting of written solicitations on City bulletin boards is restricted. These bulletin boards display important information, and employees should consult them frequently for:

- Internal Memoranda
- Job openings
- Organization announcements
- Workers compensation information
- State unemployment insurance information
- Safety information/programs/meetings
- Educational and training information
- Employee announcements

If employees have a message of interest to the workplace, they may submit it to the Mayor or their department director for approval.

Alcohol and Drug Use

See alcohol and drug ordinance

Sexual Harassment

The City is committed to providing a work environment that is free of discrimination and unlawful, sexual harassment. Any employment actions, words, jokes, or comments based on an individual's gender **will not be tolerated**. As a unique form of illegal discrimination, sexual harassment (both overt and subtle) is a form of employee misconduct that is demeaning to another person, undermines the integrity of the employment relationship, and is strictly prohibited.

Sexual harassment can take many forms. When a supervisor propositions a subordinate, or suggests or makes clear that the acceptance or granting of sexual favors are conditions of employment or future employment, including promotional opportunities, such behavior constitutes sexual harassment and **is strictly prohibited by West Haven City**.

Sexual harassment can take many indirect, less obvious forms. Faxing, posting, sending or displaying sexually suggestive pictures, literature or material offensive to another is entirely unacceptable and is strictly prohibited by West Haven City. Less direct and more subtle forms of sexual harassment may occur when a supervisor or an employer allows a working environment or condition to exist which is intimidating or hostile on account of one's gender. Such hostile or intimidating work environment is said to exist when a person's gender is the object of ridicule, derision and inappropriate behavior, gesture, or commentary. Ogling, staring, smirking, and other visual and non-verbal behaviors can serve as a basis of complaints of unwanted, sexual harassment. Behavior or action towards another employee based on gender, which is unwanted and unwelcome, is sexual harassment, and is strictly prohibited by West Haven City.

Other Unlawful Discrimination or Harassment

The City is committed to providing a **work environment** that is **free of discrimination and any unlawful harassment**. Employment actions, words, jokes, or comments based on an individual's sex, race, ethnicity, age, religion, handicap, disability, or any other legally protected characteristic **will not be tolerated**.

It is the policy of the City to prohibit any unlawful discrimination and harassment. It is against both federal and State law, and City policy, for any employment decisions to be based on race, creed, religion, color, national origin, or gender. Accordingly, any illegal discrimination or harassment shall also be treated as a serious violation of the City's policy and work standards.

Illegal discrimination or harassment can take many forms. Refusal to promote an employee based on his/her race, making fun of a coworker based on his/her mental physical limitations, or denying an impaired employee access to work areas/services which others enjoy, are examples of possible illegal discrimination or harassment.

Investigation of Alleged Illegal Discrimination or Harassment

Any employee, who believes he/she has been the victim of any illegal discrimination or harassment or wants to report an incident of illegal discrimination, should promptly report the matter to his or her supervisor. If the supervisor is unavailable or the employee believes it would be inappropriate to contact that person, the employee should immediately contact the City Attorney, Mayor, or department director. Employees can raise concerns and make reports without fear of reprisal.

Any supervisor or manager who becomes aware of possible illegal discrimination or any type of harassment should promptly advise the Mayor or any member of management who will report the concern to the Equal Employment Opportunity (EEO) Officer of the City. The Mayor is the EEO Officer for the City. The Mayor will conduct a timely and confidential investigation of all claims or reports of sexual harassment. The Mayor may delegate a representative or agent to conduct fact-finding on his/her behalf. As part of the investigation, the Mayor or his/her designee will meet with the employee bringing the complaint to determine the nature of the harassment, make inquiry about what remedy the employee is seeking, and otherwise determine the focus of the investigation.

Should the investigation disclose that evidence exists on which to determine that illegal discrimination or sexual harassment has occurred, the individual(s) found engaging in such prohibited activity will be subject to **disciplinary action, up to and including termination of employment**. Consideration will be given to the nature, the severity and the circumstances of the illegal discrimination or harassment. During an investigation the department director, with the approval of the Mayor, will have the authority to temporarily restructure work assignments, change work conditions, and separate involved and interested parties in the interests of maintaining a work environment free from any potential threat, hostility or intimidation. While all materials, records and notes about the investigation shall remain confidential, any disciplinary action taken as the result of such investigation shall be made a matter of record in the involved employee's personnel file.

Investigations will include interviews with individuals involved in, or who have knowledge of the events, circumstances or conditions surrounding any complaint of discrimination or sexual harassment. Investigations shall be conducted and concluded within reasonable time frames, generally not to exceed 30 days. Investigations will report and record findings of fact; conclusions based upon those facts, including reasonable beliefs supported by evidence and record, and will outline actions to be taken.

The Mayor will, upon the completion of an investigation, act within thirty (30) days on the investigation's findings of fact, conclusions and recommendations to determine what, if any, disciplinary action should be taken. The Mayor will review the investigation with the City Attorney and review what action is contemplated. In addition to disciplinary action, the Mayor has the right to direct an appropriate and reasonable remedy to work conditions, or to direct a change in procedures, and otherwise act to correct, modify or change work environments in order to enforce this policy.

The Mayor will communicate the conclusion(s) of the investigation and action to the employee bringing the complaint, and the employee accused of the discrimination or harassment.

Chapter 10

Conflict Resolution and Appealing Disciplinary Actions

Conflict Resolution

It is the intent of the City to develop and encourage consistent and clear policies that reflect the standards of work and expected conduct applicable to each employee's position and job requirements. Issues and conflicts can arise in the process of applying and enforcing City policies and procedures. It is the policy of the City that, where and to the extent practicable, issues and conflicts within the work setting and environment be resolved at the lowest possible level in an informal manner that appropriately reflects respect and good faith between individuals.

When employees are concerned about issues or events pertaining to their work conditions, work environment or their own jobs, they are expected and encouraged to openly and frankly discuss their concerns directly with their immediate supervisor.

If any employee believes it would not be appropriate to discuss a concern with his/her immediate supervisor, the employee is encouraged to discuss the concern with the next level of supervision in his/her department. If the employee does not believe it would be appropriate to discuss the concern with any supervisor, then the department director should be contacted and a meeting requested.

In cases involving the Drug and Alcohol policy, or the Sexual Harassment or Discrimination policy, or that concern the City's Equal Employment Opportunity policy, the employee can report his/her concerns directly to the Mayor, if he/she believes it would be inappropriate to discuss a concern with their department director.

Work review and evaluation of an employee's job performance are among many important factors in determining an employee's success in any job. Supervisors and department directors are expected to communicate work performance standards and provide feedback to employees on an ongoing basis. Likewise, employees are expected to communicate directly and openly with supervisors and department directors on an ongoing and regular basis to seek feedback and to assess whether they are meeting work goals, job requirements, and achieving the results expected of them by their supervisor and department director.

It is the experience of the city that when communications are open and direct, the work environment and atmosphere can be pleasant and productive. Eligible employees have certain appeal rights available to them to ensure reasonable and consistent standards are applied. These other measures are covered by applicable City policy. See also Predetermination Hearing and Appeals Procedures policies.

Predetermination Hearing

Subject to the terms and conditions of this and other applicable policies, it is the intent of the City to provide employees in eligible employment classifications with a Predetermination Hearing to review with the employee certain actions, which may be taken against the employee. Eligible employment classifications are:

- All employees except Nonmerit Service employees

Eligible employees shall be informed of the purpose of any Predetermination Hearing and shall be provided written information about the hearing procedures. The City provides that a Predetermination Hearing be held by the department director or the department director's designee for employees in eligible employment classifications for the following actions;

1. Serious disciplinary action which could result in a suspension from work without pay for more than three (3) work days.
2. Demotion in job classification or pay range.
3. Discharge proceedings for any reason, including termination for cause, lay-off, reduction in force, or for any other reason

Prior to a Predetermination Hearing, the department director, at his/her sole discretion, may take action to reassign, restructure or otherwise change the conditions and function of the employee job or duties, subject to City policies governing such changes.

A Predetermination Hearing shall be conducted after advance notice to the employee of the reason for, and date and time of the hearing. The hearing officer will be the department director, unless the person for whom the hearing is being held reports directly to the department director. When the person for whom the hearing is being held reports directly to the department director, the Mayor, or his designee, will be the hearing officer.

The hearing officer shall allow each party an opportunity to state his/her point of view, and shall provide the affected employee with the reason(s) for the contemplated action and a review of the records that support the action. Likewise, the employee shall have an opportunity to present his/her point of view, as well as any records or witness(es) which support his/her point of view. The employee will be allowed to provide rebuttal to any allegations or charges and be granted an open and direct opportunity to understand and respond to all allegations and reasons for the contemplated. A record shall be made and kept of the procedures, process, and factual content of the Predetermination Hearing.

The hearing officer has the authority to initiate, withhold, set aside, or modify the contemplated action, based on information available, including but not limited to, the discussion and exchange of information in the Predetermination Hearing. A decision about any contemplated action may be made at the Predetermination Hearing, or within

fifteen (15) calendar days after the Predetermination Hearing. The decision will include written notification to the employee of his/her rights to file a grievance or appeal request.

Suspensions resulting from a Predetermination Hearing may be with or without pay, at the discretion of the hearing officer, depending upon the seriousness of the problem(s) or issue(s). Any suspension without pay, which is later overturned, modified, or set aside, shall be subject to retroactive pay for the time, or an applicable portion of time, during which the employee was without pay. Suspension without pay pending an investigation and decision will occur only under serious and compelling circumstances.

Certain eligible employees, who disagree with the action of their supervisor, or the decision of the department director, have further rights of review and appeal as described under other review and appeals policies. The department director will inform the employee of his/her appeal rights in writing.

Appeals Procedures

Subject to the terms and conditions described in this policy, and consistent with the terms of UCA §10-3-1106, it is the intent of the City to provide a review to employees in eligible employment classifications, who are the subject of serious disciplinary actions involving suspensions, demotions and discharge. Eligible employees may request a review to grieve appointments and/or promotions, which directly affect them. Eligible employment classifications are:

- All employees.

Eligible employees are required to file a written request for the applicable appeal with the City Recorder within specific time limits from the date of final action by their Department Director. This time limit is within Fourteen (14) calendar days.

Employee Appeals Board

The Employee Appeals Board shall have jurisdiction, pursuant to UCA Section 10-3-105 and Section 10-3-1106 UCA over employees in eligible employment classifications involving any action with respect to an eligible employee's job – specifically with respect to a demotion, a transfer to a position with less remuneration, or discharge from service.

The composition of members of the Employees Appeals Board and its jurisdiction shall be consistent with Section 10-3-1106 UCA as amended. It is the intent of the City to comply with all legally mandated provisions and limitations with respect to the make-up and jurisdiction of the Employee Appeals Board. The Employee Appeals Board will be selected and shall serve as may be determined by the City Council upon advice of the Mayor but shall in no wise contain less than two employee members who are not involved in the matter.