

MORGAN CITY

Council Meeting **(In Person / Electronic)**

11-23-21

6:00 p.m.



**CITY COUNCIL MEETING AGENDA
NOVEMBER 23, 2021 – 6:00 P.M.
MORGAN, UTAH**

PUBLIC INVITED TO ATTEND BY:

NOTICE OF PUBLIC PARTICIPATION – This public meeting will be held in a ‘hybrid’ in person / electronic format in accordance with House Bill 5002, Open and Public Meetings Act Amendments, signed into law on June 25, 2020. In-person attendance will be allowed in the Morgan City Council Room, 90 West Young Street, Morgan, Utah. In consideration of the COVID-19 pandemic and to accommodate social distancing, attendance will be monitored and limited to 12 individuals, including the Governing Body and staff. Masks are encouraged. Public participation will be allowed via ZOOM at the link below, and the meeting will be streamed live on the Morgan City YouTube Channel and available for viewing on the City’s website – morgancityut.org. Please contact Morgan City at (801) 829-3461 to register to attend the public meeting in person.

Click the link to join the electronic meeting:

<https://us02web.zoom.us/j/89963750046?pwd=cXo4MThtiaExBS3VkZFF1dTBrU2wwdz09>

Members of the public may participate in the Citizen Comment portion of the agenda by:

Email: dwoods@morgancityut.org

Subject Line: Must include the date of the meeting and designate “Citizen Comment.”

Email Body: Must include First and Last Name and Address and a brief statement (reference agenda item # if applicable).

Comments must be received before 5:00 p.m. on the day of the City Council Meeting

WELCOME – CALL MEETING TO ORDER: Mayor Ray W. Little

PLEDGE OF ALLEGIANCE AND OPENING CEREMONY

CONSENT AGENDA:

1. Discussion and/or Action to Consider Approval of the Following:
 - a. City Council Hybrid Meeting Minutes –November 9, 2021; and
 - b. Warrants.

ACTIVE AGENDA:

2. Public Comments (Time has been set aside for the public to express their ideas, concerns, and comments. Comments are limited to 3 minutes per person with a total of 30 minutes for this item. Open Comment Cards are available on the City's website, morgancityut.org, and are to be filled out and submitted to the City Recorder prior to the meeting.)
3. Resolution 21-08 – Personnel Policies Handbook
4. Resolution 21-21 – Letter of Understanding Between Morgan City and Peterson Pipeline Association
5. Resolution 21-25 – Appointment of UAMPS Alternate Member Representative
6. Ordinance 21-13 – Amendment to Title 3, Chapter 3.04, Sections 3.04.030 and 3.04.050 of the Morgan City Code Regarding Alcohol Licenses

7. City Reports and Business

a. City Manager

Hometown Christmas

Christmas Party

Holiday Hours

Employee Performance Reviews

b. Mayor and Council

8. Adjournment

-
- The Council at its discretion may rearrange the order of any item(s) on the agenda.
 - In compliance with the American with Disabilities Act, individuals needing special accommodation (including auxiliary communicative aids and service) during the meeting should notify Denise Woods, City Recorder, at (801) 829-3461 at least 48 hours prior to the meeting.
 - This meeting may be held electronically to permit one or more of the Council members or staff to participate.
 - Notice is hereby given that by motion of the Morgan City Council, pursuant to Title 52, Chapter 4 of the Utah Code, the City Council may vote to hold a closed session for any of the purposes identified in that Chapter.
 - The undersigned, duly appointed City Recorder does hereby certify that the above notice and agenda was posted within the Morgan City limits on this 19th day of November, 2021 at Morgan City Hall, on the Utah State Public Notice Website, at morgancityut.org, and three public places within the City. The 2021 meeting schedule was also published in the Morgan County News on December 18, 2020.

/s/ Denise Woods, City Recorder

**MINUTES OF MORGAN CITY
COUNCIL HYBRID MEETING**

NOVEMBER 9, 2021; 6:00 P.M.

**MAYOR AND COUNCILMEMBERS
PRESENT IN-PERSON:**

**Mayor Ray W. Little, Tony London, Jeff Wardell,
Eric Turner, Jeffery Richins, and Dave Alexander**

STAFF PRESENT IN-PERSON:

**Ty Bailey, City Manager; Gary Crane, City
Attorney; and Denise Woods**

OTHERS PRESENT:

**Cindy Hatch, Morgan Humanitarian Aid and Area
Manager for Stitching Hearts; Cole Rowser, Ford
Construction Company; Linda Gale, Steve Gale,
Ryan Nye, Brock Nye, and Cody Nye**

**OTHERS PRESENT
ELECTRONICALLY:**

**Lance Prescott, Street Supervisor; and Mark
Thayne, Wall Brothers Construction**

This public meeting was held in a ‘hybrid’ in person / electronic format in accordance with House Bill 5002, Open and Public Meetings Act Amendments, signed into law on June 25, 2020. In-person attendance was allowed in the Morgan City Council Room at 90 West Young Street, Morgan, Utah. In consideration of the COVID-19 pandemic and to accommodate social distancing, attendance was monitored and limited to 12 individuals. Public participation was allowed via ZOOM and the meeting was streamed live on YouTube and available for viewing on the City’s website – morgancityut.org.

This meeting was called to order by Mayor Ray W. Little.

The pledge of allegiance was led by Councilmember Richins.

The opening ceremony was presented by Councilmember Turner.

MINUTES AND WARRANTS

MOTION: Councilmember London moved to approve the following:
Minutes of the City Council Hybrid Meeting Minutes – October 12, 2021; and
Warrants.

SECOND: Councilmember Richins

The vote was unanimous to approve the minutes and one set of warrants.

PRESENTATION

STITCHING HEARTS – CINDY HATCH

Cindy Hatch, Morgan Humanitarian Aid and Area Manager for Stitching Hearts. She gave a presentation regarding the non-profit organization called Stitching Hearts and the projects the organization was involved by helping the needy around the World. She said the basement of the Family History Center in

Morgan had been converted into a humanitarian center. There was a display of the projects they were currently working on, i.e., sleeping mats for the homeless made out of recycled plastic grocery bags, quilts for refugees from Afghanistan, surgical masks (5,000 by end of year) which would be shipped out to rural clinics and midwives throughout the world, receiving blankets sent to hospitals for babies, and learning games for children. She encouraged people in the community to get involved by picking up kits and working on them at home or stay at the center and work on them. Utah was the highest in both monetary and hours served in giving to the needy and helping out.

CITIZEN COMMENTS

No comments.

NEW BUSINESS

CANVASS OF 2021 MUNICIPAL ELECTION RESULTS – MOTION TO APPROVE

Denise Woods, City Recorder, gave the official results of the 2021 Municipal Election: Mayor was Steve Gale with 570 votes and Tony London with 555 votes; City Council Members – two four-year terms was Jeffery Richins with 737 votes, Eric Turner with 657 votes and Justin Ferrin with 438 votes; Dave Alexander was unopposed for the two-year term for City Council with 1,021 votes; 2,307 ballots were mailed to registered voters and the total number of ballots cast was 1,132; Voter turnout percentage was 49.07%. In summary, Steve Gale, Mayor, Jeffery Richins and Eric Turner, City Council 4-year term, and Dave Alexander, City Council 2-year term.

MOTION: Councilmember London moved to approve the canvass of the 2021 Municipal Election Results.

SECOND: Councilmember Richins

Discussion on the Motion: None

Vote was unanimous to approve the canvass of the 2021 Municipal Election Results as presented.

PUBLIC HEARINGS

- a. **GENERAL PLAN AMENDMENT FROM CENTRAL BUSINESS DISTRICT TO MEDIUM DENSITY RESIDENTIAL; PROPERTY LOCATED AT APPROXIMATELY 300 EAST 400 NORTH – ORDINANCE 21-11**
- b. **REZONE REQUEST FROM GENERAL COMMERCIAL (C-G) TO MULTI-FAMILY RESIDENTIAL (RM-15); PROPERTY LOCATED AT APPROXIMATELY 300 EAST 400 NORTH – ORDINANCE 231-12**

MOTION: Councilmember Turner moved to open the public hearing at 6:21 p.m. to discuss the General Plan amendment from Central Business District to Medium Density Residential for property located at approximately 300 East 400 North.

SECOND: Councilmember Richins

Discussion on the Motion: None

Motion passed unanimously to open the public hearing to discuss the General Plan amendment from Central Business District to Medium Density Residential for property located at approximately 300 East 400 North.

Mayor gave a brief introduction of the agenda item and a map of the property was displayed on the screen. The applicant had applied to amend the General Plan land element on the property from Central Business District to Medium Density.

Public Comments

Ryan Nye, 253 West 1550 South, Morgan, stated they wouldn't move forward with the project without a rezone because it didn't make sense for it to be completely commercial and the demand was for affordable housing in Utah. The residential portion of the project would help fund the commercial part of the project. He stated Morgan City currently didn't have a mixed-use zone but explained the concept of having both commercial and residential on the property. He distributed a handout to the Council and explained some tax figures comparing commercial to residential. (Handout attached and made part of the minutes.) He stated the property was bordered on three sides with residential and didn't detract from the surrounding properties.

MOTION: Councilmember London moved to close the public hearing at 6:31 p.m. regarding the General Plan amendment of property located at approximately 300 East 400 North.

SECOND: Councilmember Wardell

Discussion on the Motion: None

Motion passed unanimously to close the public hearing regarding the General Plan amendment of property located at approximately 300 East 400 North.

GENERAL PLAN AMENDMENT FROM CENTRAL BUSINESS DISTRICT TO MEDIUM DENSITY RESIDENTIAL; PROPERTY LOCATED AT APPROXIMATELY 300 EAST 400 NORTH – ORDINANCE 21-11

Councilmember Alexander reported on the decision of the Planning Commission, which was an unfavorable recommendation to the City Council for the General Plan amendment and rezone of the property located at approximately 300 East 400 North. He stated the Planning Commission discussed the issue at length and talked about the challenge of making a decision on the application. He mentioned the new revision of the General Plan, which was currently being worked on with the County, but the current General Plan which was put in place in 1999 designated the land use element for this parcel of property. He stated there was a limited amount of commercial property available in Morgan City.

Councilmember London asked if the City should sacrifice a piece of commercial property now when in the future, we may need it.

Mayor expressed appreciation to the Planning Commission for their time and effort. He stated the Planning Commission made a recommendation to the City Council and it was the Council's responsibility to determine what the best use of the property into the future would be. He stated it would take time for the new General Plan to be put into place. He said currently the City didn't have a multi-use zone and if and when one was put into place it would be in the commercial areas. He asked the Council if the property needed to be reserved for commercial only and what commercial was going to look like in the future.

Councilmember Turner said as the economy changed so did the way we used to do business. There wasn't a lot of commercial business being done out of brick-and-mortar stores, but the shipping companies still needed to distribute product all over the United States and would need warehouses and office space.

Councilmember London asked why Ryan wasn't requesting the rezone of the entire parcel instead of just a portion.

Ryan stated he was directed to go this direction and to maintain some commercial in the area because NAPA was in the area.

Councilmember Alexander read from the Staff Memorandum:

General Plan amendments and property rezonings are legislative decisions, giving City officials a great deal of discretion as to whether they are a good idea or not. In the opinion of staff, there does not seem to be much impact in changing the zoning on the portion of the parcel as requested, as it abuts directly to property already so zoned.

Gary Crane, City Attorney, stated the most latitude the Council had was annexation. He stated two reasons for a General Plan change. First, had there been a change in the surrounding uses, and second, was there a mistake in the General Plan in the past and a change needed to be made. He said as long as the Council had a rational basis, they could change the General Plan and it was meant to be dynamic and meant to be changed. The next step would be the rezone, but it was less flexible than a change to the General Plan. He explained there were certain things to consider in making a zone change decision or a General Plan decision and you put the reasons for doing so on the record. He stated the purpose of increasing taxes wasn't to be considered when making a determination regarding a rezone or a change to the General Plan. The rezone was to determine if this was a good place for the zone to be and the Council needed to look at things like circulation and surrounding uses, things that were permanent on the site.

Ty Bailey, City Manager, stated the impact to the City's infrastructure with this project was minimal. He stated the medium density housing on the back side of the lot would pay for the infrastructure for the commercial. He said there were build ready lots currently in the City's commercial areas and they were still vacant. He stated the City needed more population to support commercial businesses.

Gary clarified that a denial meant the applicant couldn't come back for a year with the same application.

MOTION: Councilmember London moved to table the General Plan amendment from Central Business District to Medium Density Residential; Property located at approximately 300 East 400 North – Ordinance 21-11 to allow additional time to consider the General Plan amendment.

SECOND: Councilmember Turner

Gary stated it needed to be to a date certain, so the public hearing didn't need to be advertised again.

AMENDED MOTION: Councilmember London amended his motion to include a date certain of December 14, 2021.

AMENDED SECOND: Councilmember Turner

Discussion on the Motion: Councilmember Alexander suggested Councilmember watch the YouTube video of the Planning Commission meeting.

Motion passed unanimously to table Ordinance 21-11 to a date certain of December 14, 2021.

Mayor clarified with Gary since the General Plan amendment was tabled, the rezone didn't need to be discussed.

Gary stated the rezone request also needed to be tabled to a date certain.

REZONE REQUEST FROM GENERAL COMMERCIAL (C-G) TO MULTI-FAMILY RESIDENTIAL (RM-15); PROPERTY LOCATED AT APPROXIMATELY 300 EAST 400 NORTH – ORDINANCE 231-12

MOTION: Councilmember Alexander moved to table Ordinance 21-12 to a date certain of December 14, 2021.

SECOND: Councilmember London

Discussion on the Motion: None

Motion passed unanimously to table Ordinance 21-12 to a date certain of December 14, 2021.

ONE UTAH MUTUAL ASSISTANCE AGREEMENT FOR THE PROVISION OF MUTUAL AID BETWEEN ELECTRICAL UTILITIES; RATIFYING THE EXECUTION OF THE AGREEMENT BY TY BAILEY, CITY MANAGER – RESOLUTION 21-24

Mayor stated the Council approved this agreement at a previous meeting, but it was in draft form and some revisions had been made to the final agreement. He stated the revisions were not substantive changes and this resolution would also ratify the execution of the agreement by Ty.

MOTION: Councilmember Alexander moved to approve Resolution 21-24 – A resolution adopting and approving an agreement entitled One Utah Mutual Assistance Agreement for the Provision of Mutual Aid Between Electrical Utilities; Ratifying the execution of the Agreement by Ty Bailey, City Manager.

SECOND: Councilmember Richins

Discussion on the Motion: None

ROLL CALL VOTE: Jeffery Richins – aye
Jeff Wardell – aye
Tony London – aye
Eric Turner – aye
Dave Alexander - aye

Vote was 5 ayes; Motion passed unanimously to approve Resolution 21-24 – A resolution adopting and approving an agreement entitled One Utah Mutual Assistance Agreement for the Provision of Mutual Aid Between Electrical Utilities; Ratifying the execution of the Agreement by Ty Bailey, City Manager.

RIVERSTONE TOWNHOMES – CONDITIONAL ACCEPTANCE

Mayor informed the Council that even though there were five phases in the Riverstone Townhomes Subdivision the infrastructure for the entire project was installed during Phase 1. He stated conditional acceptance would begin the one-year guarantee period on the infrastructure. He referenced the memorandum from Brent Slater, City Engineer – JA Jones & Associates, which listed improvements which dealt with the retention basin and those items would be held out from conditional acceptance until a later phase was brought before the Council for acceptance.

Cole Rowser, Ford Construction, explained the basin was completed and was functional, but the only item not completed was the seed mix and sprinkler system. He said when the project was closer to completion they would decide if they would do the minimum requirement of seed mix or put in sod.

MOTION: Councilmember London moved to grant conditional acceptance of the Riverstone Townhomes Subdivision.

SECOND: Councilmember Alexander

AMENDED MOTION: Councilmember London amended the motion to include the amount to remain in escrow was One Hundred Fifty-Three Thousand Four Hundred Sixty Dollars Seventy-Nine Cents (\$153,460.79).

AMENDED SECOND: Councilmember Alexander

Discussion on the Motion: None

Motion passed unanimously to grant conditional acceptance of the Riverstone Townhomes Subdivision and the amount to remain in escrow was One Hundred Fifty-Three Thousand Four Hundred Sixty Dollars Seventy-Nine Cents (\$153,460.79).

MOUNTAIN VISTA VILLAS – FINAL ACCEPTANCE

Mayor stated Brent Slater, City Engineer – JA Jones & Associates, and staff had completed the inspections of the improvements and recommend final acceptance of the Mountain Vista Villas Subdivision.

MOTION: Councilmember Alexander moved to grant final acceptance of the Mountain Vista Villas Subdivision and release the funds remaining in escrow in the amount of Twenty-One Thousand Three Hundred Eighteen Dollars Fifty-Eight Cents (\$21,318.58).

SECOND: Councilmember Turner

Discussion on the motion: None

Motion passed unanimously to grant final acceptance of the Mountain Vista Villas Subdivision and release the funds remaining in escrow in the amount of Twenty-One Thousand Three Hundred Eighteen Dollars Fifty-Eight Cents (\$21,318.58).

MAHOGANY RIDGE SUBDIVISION PHASES 4 AND 5 – FINAL ACCEPTANCE

Mayor stated Brent Slater, City Engineer – JA Jones & Associates, and staff had completed the inspections of the improvements and recommend final acceptance of the Mahogany Ridge Subdivision Phases 4 and 5.

MOTION: Councilmember London moved to grant final acceptance of the Mahogany Ridge Subdivision Phases 4 and 5 and release the funds remaining in escrow in the amount of One Hundred Nine Thousand Three Hundred Ninety-Six Dollars Ninety-Five Cents (\$109,396.95).

SECOND: Councilmember Richins

Discussion on the Motion: None

Motion passed unanimously to grant final acceptance of the Mahogany Ridge Subdivision Phases 4 and 5 and release the funds remaining in escrow in the amount of One Hundred Nine Thousand Three Hundred Ninety-Six Dollars Ninety-Five Cents (\$109,396.95).

CITY REPORTS AND BUSINESS

CITY MANAGER – Ty updated the Council regarding the following:

- Robinson Waste – Contract allowed for an annual increase to cover fuel and cost of living costs. He had approved the increase.
- Personnel – New hire – Isiah Jackson, Grounds Maintenance, and promotion of Ty Lopshire to Park and Cemetery Supervisor.
- Grant for Basement Remodel – Awarded the full amount of Four Hundred Sixty-Two Thousand Dollars (\$462,000.00) for the remodel. He said they were committed to finish the construction by June 2022.
- Young Street Bridge – Engineer's estimate had increased \$3.8 Million to \$5.5 Million. He explained concerns regarding the elevation of the street and a possible solution and funding options.
- Rocky Mountain Power – Status of issue with Rocky Mountain Power regarding the substation on Island Road. Committed to finish out a permanent connection and it had been filed with the Federal Energy Regulatory Commission (FERC).
- New County Fee Schedule for Fire Inspections – If adopted by the County the City would adopt the rate for those particular inspections.
- Water Leak – Explained an issue with a water leak and customer disputed the cost of the water since he hadn't used the water. The leak was discovered, and City staff assisted in repairing the leak.

Discussion regarding bills on equal pay and if the City had the ability to flag the accounts which used excessive water and inform the customer. Stephanie Howard, Utility Clerk, monitored bills closely and contacted Chad Kramer, Water Supervisor, if use was excessive and he would check on the issue. Discussed whether was the City's responsibility to inform customers or the customer's responsibility to monitor their bills/usage. Mayor explained the process Stephanie went through to monitor the equal pay customers and work with them by adjusting the equal pay amount to cover their unpaid amounts at the end of the year. If the amount was excessive, she would contact them mid-year and set up a payment schedule to bring them current. The City was constantly monitoring for leaks. Discussion whether the City should have a policy of monitoring leaks and discounting/negotiating the bill, i.e., level of

adjustments to the bill. Gary said if the City monitored bills, they were accepting responsibility for the leaks. Decision to allow staff to continue to monitor and handle water usage issues as they had done in the past, and if situations got worse the City could look at creating a policy of how to deal with the issues.

This meeting was adjourned at 8:44 p.m.

Denise Woods, City Recorder

These minutes were approved at the November 23, 2021 meeting.

Property tax evaluation

All commercial build out

5 buildings

5000 sqft each

\$750,000 taxable value (.013690 tax rate 2021)

\$10,267.00 per building property tax

\$51,335.00 year (5 buildings)

Mixed use buildout

3 commercial buildings

5000 sqft each

\$750,000 taxable value

\$10,267.00 per building tax

\$30,801.00 year (3 buildings)

4 townhouse buildings

4 townhouses per building

16 total townhouses

\$300,000 each

\$165,000 taxable value (55%) (.013690 tax rate 2021)

\$2,258.00 each

\$36,128.00 year (16 units)

Grand total \$66,929.00 year

\$15,594 year/ difference

RESOLUTION 21-08

A RESOLUTION ADOPTING AND APPROVING THE PERSONNEL POLICIES HANDBOOK FOR MORGAN CITY.

WHEREAS, it is the desire of the Morgan City Council to adopt policies and procedures regarding personnel issues; and

WHEREAS, the purpose of this Personnel Policies Handbook is to establish policies and procedures regarding employees working for the City; and

WHEREAS, the City desires to operate in accordance with applicable laws; and

WHEREAS, the City Council has reviewed the proposed policies and procedures and desires to approve and adopt these policies and procedures; and

WHEREAS, the Council finds the policies and procedures to be in furtherance of the City's objectives of appropriate consistency and fundamental fairness for its employees; and

WHEREAS, the City Council of Morgan City has determined it to be in the best interest of the City to adopt and approve the Personnel Policies Handbook for Morgan City.

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF MORGAN, UTAH:

1. That the Personnel Policies Handbook, which is attached hereto and incorporated herein by this reference, be adopted and approved.
2. That these policies are effective immediately and will be made available to each employee.

PASSED AND ADOPTED by the City Council of Morgan, Utah, this 23rd day of November, 2021.

ATTEST:

RAY W. LITTLE, Mayor

DENISE WOODS, City Recorder

CITY COUNCIL VOTE AS RECORDED:

	Aye	Nay	Excused
Councilmember London	_____	_____	_____
Councilmember Wardell	_____	_____	_____
Councilmember Turner	_____	_____	_____
Councilmember Richins	_____	_____	_____
Councilmember Alexander	_____	_____	_____

(In the event of a tie vote of the Council):

Mayor Little _____

MORGAN CITY CORPORATION

PERSONNEL POLICIES HANDBOOK

This manual is provided for general guidance only. The policies, procedures, objectives, and statements contained in this manual, and in other statements that may be issued from time to time, do not create a contract or agreement of any kind between the City and its employees, or any other obligation or liability on the City. Although they reflect current policy, they may, at any time and for any reason, with or without notice to employees, be changed or rescinded. Also, within this manual are strongly worded statements, prefaced with phrases such as "...the City will not tolerate..." Such statements are stated objectives, and the basis for personnel action, and are not a promise or representation of working or employment conditions, nor do they impose any obligation or liability on the City. Employment with Morgan City is for no set period and may be terminated at any time by the employee, or by the City in accordance with applicable law. Nothing herein shall modify an employee's status. These policies apply to all employees.

Adopted: November 23, 2021

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CHAPTER 1 EMPLOYEE CLASSIFICATIONS

1-1 Full-time Career Service Employees

Full-time employee – An employee in a Council-authorized position who works 40 hours per week on a continual basis, and who has successfully completed his/her probationary period.

City Manager – These policies and procedures shall not apply to the City Manager. The City Manager's status, compensation and benefits shall be determined as provided in State law and as negotiated between the City Manager and the City Council.

1-2 Part-time At-Will Employees

Part-time employees – Same as full-time employee but works less than 40 hours per week and usually more than 15 hours a week. Part-time employees are at-will employees and may be terminated at any time with or without notice or cause. Part-time employees shall not work more than an average of 30 hours per week calculated on an annual basis unless approved in writing by the City Manager.

Part-time employees who work an average of more than 30 hours per week calculated on an annual basis are eligible for benefits as required by law.

Part-time employees whose employment normally requires an average of 20 or more hours each week calculated on an annual basis **and** who receive benefits normally provided by the City shall be enrolled in the Utah State Retirement System. Since Morgan City employees do not receive benefits until their employment requires them to work an average of more than 30 per week calculated on an annual basis, part-time employees shall work more than 30 hours per week calculated on an annual basis before being enrolled with the Utah State Retirement System.

1-3 Seasonal Employees

Seasonal employees – All employees hired on a temporary, seasonal, provisional, or emergency basis. Seasonal employees are not eligible for benefits unless required by law. Seasonal employees are at-will employees and may be terminated at any time with or without notice or cause. Seasonal employees may be employed up to 40 hours per week for up to 9 months (such that the average of hours worked is no more than 30 hours per week calculated on an annual basis). Any exceptions must be approved in writing by the City Manager. A seasonal employee may be re-hired as a seasonal employee after at least a 3-month break.

CHAPTER 2 ADMINISTRATION

2-1 Implementation of Personnel Policies

Each employee shall be given a copy of this Manual and are required to be familiar with and follow the policies set forth herein.

This Manual supersedes any and all prior written personnel policies or manuals issued by the City. This Manual is subject to change at any time, solely at the discretion of the City, with or without notice to the employee.

No verbal or written agreements, understandings, representations, or statements made by a Department Head, City, or anyone, can change the policies outlined in this Manual, or bind the City to any course of action.

The policies and statements contained in this Manual and in other statements that may be issued from time to time do not create a contract or agreement of any kind between the City and its employees.

Written agreements between Department Heads (including the City Manager) and employees may be made regarding performance measures, correction of conduct, or "return to work" agreements. However, these do not change the condition or nature of the employee's position, or status. In order for such a change to occur, a contract approved and signed by the City Manager and the employee.

2-2 Management/Employee Cooperation

Our goal is to bring effective and efficient municipal services to the citizens of the City. This can only be achieved by management and employee cooperation. A productive and successful employee works with management and other employees to accomplish the City's goals.

CHAPTER 3 HIRING PRACTICES

3-1 Position Authorization

Every employment position and job description in the City of Morgan has been authorized and approved by the City Manager. Each position has a job description which sets forth the minimum bona fide occupational qualifications necessary to perform the job, the essential job functions, any supervisory responsibilities, and the reporting relationship of the position to management, and other pertinent job information.

3-2 General Practice

It is the policy of the City to comply with the guidance set forth in Title VII of the Civil Rights Act of 1964, according to Public Law 92-261, approved March 24, 1972.

Morgan City is an Equal Opportunity Employer. The City will hire, promote, classify, transfer, discipline, and discharge all persons concerned without reference to race, color, sex, religion, age, national origin, ethnicity, disability, or genetic information.

Personnel will be compensated on the basis of equal pay for equal work. No individual will receive disparate compensation for equal work on the basis of race, color, religion, sex, age, or national origin.

It is the policy of the City to fill all job openings with the most qualified individual available. Where possible, it shall be the policy of the City to promote from within provided that all promotions shall be made based upon the most qualified individuals.

Once an employee has been given a conditional offer of employment, is returning from work after more than a three-day absence, or has experienced articulable performance problems, the City reserves the right to require any City employee to undergo a complete fitness-for duty examination, at City expense, where there is a question concerning the employee's ability to physically and psychologically perform the tasks for which he/she was hired.

3-3 Anti-Nepotism

A. Definitions for the Purpose of this Section

1. Nepotism - Undue attachment to relations; favoritism shown to members of one's family; bestowal of patronage in consideration of relationship, rather than of merit or of legal claim.
2. Relative - Father, mother, grandfather, grandmother, husband, wife, son, daughter, grandson, granddaughter, sister, brother, uncle, aunt, nephew, niece, or first cousin, whether by blood or by marriage. "Relative" includes husband or wife by common-law marriage, as defined by Utah law. "Relative" also includes a cohabitating partner.
3. Supervision and supervise - Means and implies an employment relationship in which:
 - a. An employee's relative is in the employee's supervisory "chain of command" or in the direct line of supervision; or,
 - b. The elected Mayor, member of the City Council or City Manager is a relative of an employee or applicant for employment.
4. Cohabitating Partner – Means living together as a couple without being married.

B. Nepotism in Hiring, Supervision, and Organizational Management

1. The City prohibits any person holding any position to appoint, vote for the appointment of, hire, directly supervise, be in the line of supervision of, or be directly supervised by their relative.
2. No relative of a Morgan City elected official shall be hired, either full-time or part-time, by Morgan City during the elected official's term of office.
3. Relatives shall not be hired into nor employed by the same Department.
4. Elected officials, appointed officials, and Department Heads are expressly forbidden to request, suggest, or discuss the hiring of a relative with anyone holding hiring authority.

C. Exceptions to this Policy

1. The relative will serve as an uncompensated volunteer.
2. The person is employed by Morgan City before the relative is elected as Mayor or a member of the City Council or City Manager.
3. The City Council may approve the hiring of relatives of elected or other employees of the City for temporary or seasonal positions (not to exceed 6 months).
4. This policy shall not affect the employment status of relatives employed by the City prior to the effective date of its adoption.

3-4 Veterans Preference

In accordance with Title 71, Chapter 10, Utah Code Annotated, eligible veterans and their spouses shall be given preference in interviewing and hiring for a position.

3-5 Background Checks

Morgan City believes that hiring qualified individuals to fill positions contributes to the overall strategic success of the City. Background checks serve as an important part of the selection process. This type of information is collected as a means of promoting a safe work environment for current and future employees. A third-party agency will conduct the criminal records background checks.

The City will ensure that all background checks are held in compliance with all federal and state statutes, such as the Fair Credit Reporting Act.

Inquiries will be made regarding criminal records during the pre-employment stage, however, as part of Title VII of the Civil Rights Act of 1964, this information cannot be used as a basis for denying employment, unless it is determined to be due to job related issues or business necessity.

Morgan City will exercise reasonable care that all information obtained from the reference and background check process will only be used as part of the employment process and kept strictly confidential.

3-6 Motor Vehicle Driving Records

A. Maintenance of Valid Driver's License

As a means of promoting a safe work environment for current and future employees and citizens, driver's license checks will be performed on all applicants after a conditional offer of employment has been made, where driving a motor vehicle may be necessary to conduct City business. Thereafter, the City will review monthly the driving records and status of employee driver licenses with the State Driver's License Division to ensure that the standards contained in this policy are met and maintained.

Any employee without a valid Utah driver's license will not be allowed to operate a City vehicle or drive on Morgan City business. Employees are expected to drive in a safe and responsible manner both on and off the job to maintain a good driving record.

If, for any reason during employment, an employee whose position requires that he/she drive on the job:

1. Is unable to maintain the appropriate valid Utah driver's license required by the employee's position; or
2. Becomes uninsurable under the City's insurance policy then in force without any additional premiums or costs being incurred by the City to ensure that employee; or
3. Is convicted of a serious traffic violation, such as reckless driving or a DUI; or
4. Has an unacceptable record as indicated by:
 - a. Three or more moving violations in the past 24 months.
 - b. Two or more at fault accidents in the past 36 months. Contributing factors, such as weather or mechanical problems, may be taken into consideration.
 - c. A charge for leaving the scene of an accident in the past 36 months.
 - d. Any combination of accidents, charges, and/or moving violations.

The employee must inform their Department Head immediately of any serious traffic violation. The Department Head will then review the situation, considering such things as the nature of the job and the expected duration of time the employee will be without a driver's license, and decide the appropriate action to be taken.

Penalties for Failure to Maintain Driver's License or for Failure to Notify:

Failure to maintain a valid Utah driver's license or a commercial driver's license in a position that requires such, or failure to notify a Department Head of un-insurability, serious traffic violations or a change in status of an employee's driver's license when such license is a job requirement, may subject the employee to disciplinary action, including termination.

This policy change to take effective immediately upon adoption: January 26, 2016.

CHAPTER 4 EMPLOYMENT STATUS

4-1 Appointed Positions

Appointed employees are part of the pay and benefit system applicable to all employees and shall be subject to policies contained in this manual, with the following exceptions:

Appointed employees are at-will employees and are appointed and may be suspended or terminated by the appointing authority with or without cause or prior notice. As at-will employees, appointed employees shall have no right to appeal the suspension or termination of their employment, but may, upon their own request, have a name clearing hearing before the governing body.

4-2 Probationary Employees

All new employees who are hired with the intention of becoming full-time or part-time employees are considered probationary employees for a period of 1 year. They will still receive any benefits associated with the position. During this probationary period the employee is at-will and may be terminated at any time, with or without cause.

Any unpaid leave of absence shall not be considered part of the probationary period.

Reinstatement: The probationary period for a former employee being reinstated shall be for a period of one year.

4-3 Promotions

Any promotion to a position with significant differences in job responsibility shall be subject to a probationary period of 6 months. During the probationary period the employee's abilities and performance will be evaluated by the Department Head. If, in the sole discretion of the City, the City determines that the employee's performance is unsatisfactory, the City shall notify the employee in writing of his/her failure to complete the probationary period and the employee will be reinstated, if available, to their previous position, or if available to another position for which they are qualified. However, if the cause for rejection during the promotional probationary period was

sufficient grounds for dismissal from both positions, the employee may be dismissed in accordance with the City's formal disciplinary procedures.

The City Manager will have the latitude to place promoted employees on the step that is the most appropriate for the education, experience or other factors that contributed to their promotion or selection for the job.

4-4 Demotions

When employees are demoted, the employee will be moved to their new grade and step by the City Manager.

CHAPTER 5 SEPARATIONS

5-1 Resigned Employee

Full-time employees who resign and desire to leave the City in good standing should give a minimum of two weeks' notice, otherwise they may not be considered for re-employment at a future date.

The City reserves the right to place a resigning full-time employee on a paid leave of absence for any portion or all of the notice period. The City further reserves the right to accept the resignation effective immediately.

5-2 Abandonment of Position

One unauthorized absence may constitute cause for separation. An employee who fails to contact their Department Head prior to their absence for 1 working day, and to request that the absence be recorded as authorized, may be deemed to have voluntarily abandoned his/her position and is subject to disciplinary action up to and including termination. If prior notification of absence was not possible an employee must notify their supervisor by the end of the workday the absence occurred. The City Manager has discretion to approve absences without notice based on the individual circumstances of the employee. Reference – Authorize includes sick or injury policy

5-3 Reduction in Force

When it becomes necessary to reduce the work force, regular full-time employee(s) with the positions to be eliminated shall, when possible, be notified in writing of the reduction in force at least two weeks before the planned reduction in force.

5-4 Termination

Termination of employment may occur as a result of poor performance, discipline as described in the discipline section of this policy), or the employee's failure in some instances, to satisfactorily complete a probationary period, as a result of disciplinary action, or because the employee's status is "at will." Terminated employees shall be notified in writing by the City Manager. At-will employees and those in a probationary status (except promotional probation) have no appeal rights.

5-5 Exit Interviews

The Department Head of a departing employee shall contact the Human Resource Manager to schedule an exit interview and completion of an exit interview questionnaire with the employee. An exit interview helps the City to obtain information that may be useful in improving employee relations as well as to provide additional information to the terminating employee regarding 401(k), COBRA, etc.

5-6 Employment References

1. Employment references, including reference letters, will only be given by the City Manager or Human Resource Manager. No other City employee should give any employment references or provide information regarding current or former City employees unless they are requested to do so by the Human Resource Manager.
2. The only information that will be provided regarding present or former City employees is the following:

Dates of employment

Positions held
Job duties as set forth in the job description
The employee's salary range

3. If an employee wishes to have further information regarding their employment provided by the City, they must present a written request for release of further information to the City Manager or Human Resource Manager and sign a release of all claims against the City and indemnify the City from all claims arising from the disclosure of such information. The City reserves the right to refuse to release of any information including, but not limited to, work product, personal information, etc.

CHAPTER 6 EMPLOYEE CONDUCT

6-1 Ethics

City employees shall comply with the Municipal Managers' and Employees' Ethics Act, Title 10, Chapter 3, Part 13, Utah Code Annotated, and its successor statutes, to avoid actual or potential conflicts of interest. Failure to comply with the requirements therein may result in disciplinary action up to, and including, termination.

6-2 Use of City Equipment

A. Use of City Electronic Mail, Voicemail, Cell Phones and Computer Systems

Employees shall not use e-mail, voicemail, cell phones or computer systems for any inappropriate use, including but not limited to the following:

Solicitation of employees for fund raisers not approved by the City;

To further personal business interests;

Offensive, harassing, vulgar, obscene, or threatening communications, including disparagement of others;

Verbal abuse, slander or defamation;

Creating, distributing, viewing, or soliciting sexually oriented messages, materials or images;

Electronic dissemination or printing of copyrighted materials, including articles and software in violation of copyright laws; or

Downloading of any audio or video files in violation of copyright laws.

E-mail and voice mail communication and the contents of City owned computers are the sole property of the City and may be subject to monitoring at any time without notice. When using the e-mail or voice mail systems, and other equipment including city computers, the employee knowingly and voluntarily consents to being monitored and acknowledges the employer's right to conduct such monitoring. There is no expectation of privacy when using the City's equipment. The security of e-mail and voice mail communications is not guaranteed. Abuse of e-mail, voicemail, cell phones and computer systems, and other City equipment could subject the employee to disciplinary action, up to and including termination.

B. Social Media Policy

The City recognizes that social media has changed the way that people communicate with each other and that the use of social media can enhance communication between City government and citizens. The City also recognizes that appropriate use of social media may further the mission of the City and its departments. City employees participating on internet social media/networking sites (Instagram, Facebook, Twitter, etc.) must use appropriate discretion to not discredit themselves or the City. To achieve and maintain the public's highest level of respect, City

departments may utilize social media and social network sites to enhance communications with citizens and program participants subject to the following rules and guidelines:

(Note that due to the nature of electronic media, these rules and guidelines are subject to change over time and that the City reserves the right to make any such modifications as it deems necessary.

1. The City Manager shall appoint a Social Media Coordinator with the authority to use social media on behalf of the City and the responsibility to ensure the appropriateness of content.
2. Individual departments may participate in social media sites, with the authorization of their Department Head and/or the City Manager, for the dissemination of City related information to the public in accordance with the City's mission and shall not be used for personal uses. This shall be done with the cooperation and approval of the Social Media Coordinator.
3. The Head of each department or their designee shall be responsible for the content and upkeep of each social media site maintained by that department.
4. City social media sites shall comply with federal, state, and local laws, regulations, and administrative rules.
5. City social media sites are subject to State of Utah public records laws. The department maintaining the site is responsible for responding completely and accurately to any public records requests for public records on social media sites. All responses should be approved by the Records Manager of the City.
6. Users and visitors to social media sites shall be notified that the intended purpose of the site is to serve as a mechanism for communication between City departments and members of the public. City social media site articles and comments containing any of the following forms of content shall not be allowed:
 - a. Comments in support or opposition to political campaigns or ballot measures;
 - b. Profane language or content;
 - c. Content that promotes, fosters, or perpetuates discrimination on the basis of race, creed, color, age, religion, gender, marital status, status with regard to public assistance, national origin, physical or mental disability or sexual orientation;
 - d. Sexual content or links to sexual content;
 - e. Solicitations of commerce;
 - f. Conduct or encouragement of illegal activity;
 - g. Personal attacks, disrespectful comments, insults, name-calling or belittling comments;
 - h. Information that may tend to compromise the safety or security of the public or public systems; and
 - i. Content that violates a legal ownership interest of any other party; or comments not typically related to the particular social medium article being commented upon, including random or unintelligible comments.
7. The guidelines described above should be displayed to users or made available by hyperlink.
8. The City reserves the right to restrict or remove any content that is deemed to be in violation of this social media policy or any applicable law. A copy of any content

removed based on these guidelines must be retained, including the time, date, and identity of the poster when available.

9. All content created or posted on a City social media site as well as all City profile and home pages shall belong to the City.

C. Personal Use of Social Media Sites – Social Networking

City employees participating on internet social networking sites (Instagram, Facebook, Twitter, etc.), must use appropriate discretion to not discredit themselves or the City. To achieve and maintain the public's highest level of respect, City employees are expected to follow the standards of conduct below whether on or off duty:

1. Except in the performance of an authorized duty, employee use of department phones, computers, or other electronic devices to access social networking sites (Instagram, Facebook, Twitter, etc.) blogs or bulletin boards is prohibited.
2. Except in the performance of an authorized duty, City employees shall not post, transmit, reproduce, and/or disseminate information (text, pictures, video, audio, etc.) to the internet or any other forum (public or private) that would tend to discredit or reflect unfavorably upon the City or any of the City's employees or elected officials.
3. Employees are prohibited from posting, transmitting, and/or disseminating any pictures or videos of official department training, activities, or work-related assignments without the express written permission of their Department Head.
4. Employees are prohibited from disclosing, through whatever means, any information, photograph, video, or other recording obtained or accessible as a result of employment with the City for financial or personal gain, or any disclosure of such material without the expressed authorization of their Department Head.
5. Employees must ensure that any content disseminated is consistent with Morgan City's Harassment Policy.
6. Employees are prohibited from posting content that is inconsistent with their duties and obligations and that tends to compromise or damage the mission, function, reputation, or professionalism of Morgan City or its employees.
7. Employees must exercise caution when posting or responding to information, or reflecting agreement or support of an existing posting, as doing so may be interpreted as an endorsement thereof, which may be inconsistent with one's duties and responsibilities as a City employee generally, or with the employee's specific duties and responsibilities.
8. Remove any content in a reasonable and prompt manner that is in violation of this policy and/or posted by others from any web page or website maintained by the employee.
9. Employees forfeit any expectation of privacy with regard to anything published or maintained through file-sharing software or any internet site open to public view (e.g., Facebook, Instagram, etc.)

Remember posted content has the potential to be shared broadly, including individuals with whom you did not intend to communicate. Employees are strongly discouraged from posting information regarding off-duty activity that may bring their reputation into question. Violations of this policy may subject an employee to disciplinary action, up to and including termination.

Nothing in this policy is intended to prohibit or infringe upon any employees' communication, speech, or expression that has been clearly established as protected or privileged.

6-3 Use of City Issued Credit Cards for Elected Officials and/or Morgan City Card Users

- A. The Morgan City credit card shall be used only for purchases associated with City approved travel expenses, training expenses, authorized City business or transactions, and emergencies that may occur while on City approved business.
- B. The credit card is the preferred method of payment for hotels/motels. Charges for personal services at a hotel/motel, such as additional occupancy charges for a spouse, personal phone calls, in-room movies and room service should be paid separately by the Card User. When hotel/motel charges for City and personal items are paid with the City credit card, personal expenses will be reimbursed to the City with the travel settlement.
- C. City credit cards are to be used for official city business ONLY. The only allowable exception is covered in paragraph B above. Under no other circumstance will a City credit card be used for personal items. City credit cards shall not be used for cash advances. City credit cards or account numbers shall not be shared with unauthorized users.
- D. City credit cards are to be used for purchasing only goods and services that have received proper authorization in compliance with the City's purchasing and travel policies and procedures.
- E. All returns, or other credits are to be issued through the credit card. Under no circumstances should a Card User accept cash in lieu of a credit to the credit card.
- F. The Card User issued the card is responsible for its protection and custody and shall immediately notify the City Manager and the City Treasurer if the card is lost or stolen.
- G. Credit Card Users are responsible to not exceed the credit card's limit. For circumstances where a higher limit is needed, the Card User shall coordinate with the City Manager and the Head of the Department for which the purchase is being made.
- H. Employees who are issued a City credit card are responsible to keep it secure and are not allowed to share the card with other people, including other City employees.
- I. All purchases with the City credit cards are to be substantiated with proper receipts. Receipts should detail the goods or services purchased, cost, date of purchase, and indicate the business purpose of the purchase. The Card User's Department Head (where there is a one) first, and then the City Treasurer, shall check each transaction and initial each receipt.
- J. Monthly statements from the bank are received by the Treasurer for review and reconciliation. Statements are to be reviewed, reconciled with matching, and attached receipts and coded for accounting purposes. It is each Card User's responsibility to follow up on any erroneous charges, returns or adjustments to ensure proper credit is given on subsequent statements.
- K. The Treasurer will review all documentation to assure that supporting documents exist for all expenditures.
- L. Any expenses for which a receipt is not provided by the card user will be charged to the Card User. The Card User shall reimburse the City for undocumented expenses and may face disciplinary action as provided in this policy.
- M. Card Users who violate this policy, shall be subject to disciplinary action, up to and including termination. The Card User shall also be liable for reimbursements resulting from the misuse.
- N. The cards issued by the City shall have a limit of up to Five Thousand Dollars (\$5,000.00).
- O. City employees who are issued a City credit card shall return it immediately to the City Manager, or Human Resource Manager upon termination of employment.

6-4 Use of City Vehicles

The use and care of City vehicles is especially important. These vehicles represent a tremendous investment of the taxpayers' dollars and they shall be respected as such. The eyes of the public are constantly on the employees of the City. Operation of City vehicles shall be in accordance with applicable laws and regulations.

Only authorized City employees are permitted to drive City vehicles. The City Manager may authorize the home storage of City vehicles on a case-by-case basis. All employees must exhibit good driving habits at all times. Be especially careful and help give the City a reputation of having safe and courteous drivers. This is especially important to those employees who take vehicles home while off duty.

All persons riding in a City vehicle are required to use provided seat belts and must not be of an age or size to require child safety seating. Carrying of passengers should be limited to those with some direct relationship to the conduct of City business. However, there may arise an unanticipated situation which may warrant the use of a City vehicle to transport a family member. If, while an employee is on duty, a family member is stranded, ill, or likewise, and is unable to reasonably find transportation, or unable to transport themselves home or to another's care, the employee may transport the family member to the appropriate location. This should be done after receiving permission from a supervisor and should be in limited circumstances only.

Certain discretionary personal uses shall be permitted with public vehicles during regular work hours such as break stops or short personal errands that fall within the immediate geographic area of specific business already being conducted for and in behalf of Morgan City. Limited personal use shall also be permitted for out-of-town meetings, trainings, and conferences, including after work hours.

Smoking or use of tobacco products in vehicles owned, leased, or rented by the City is prohibited.

Any operational problems or mechanical concerns should be reported immediately to the Department Head. Any accidents while using City vehicles shall be reported immediately to a supervisor and local law enforcement. Routine maintenance shall be performed and documented monthly under the direction of the Department Head.

6-5 Public Relations

The measure of City government is, to some extent, based on the effectiveness and personal contact of its employees with the general public. It is expected that all employees will avoid conduct at work or elsewhere that might cause embarrassment to, or criticism of the City. Often times, the City employee is the only contact a private citizen has with our municipal government and, although the citizen may not always be right, he/she does have an active interest in the City and its government. Therefore, it is essential that the attitudes and actions of the employees of the City, both on and off duty, bring credit to the City. Good public relations can best be created by the simple process of being helpful, courteous, and treating people in the same manner you would like to be treated. It is also important to the public relations of the City that each municipal employee be neat, clean, impressive in appearance and respectable in his/her use of language.

- A. GRAMA requests made for information shall be referred to the Records Officer to assure accuracy of information.
- B. Media requests for information including recordings of public meetings, minutes of public meetings and other public documents shall be referred to the Records Officer to assure accuracy of information. Other information requests from the media, i.e., newspapers, radio, reporters, etc. regarding City matters or City business should be referred to the City Manager.

6-6 Dress and Hygiene Standard

City employees are expected to have socially acceptable hygiene and to dress in professional, modest attire which is appropriate to the job they are performing.

Public Works personnel are provided with uniforms that are to be worn during work hours.

6-7 Outside Employment

No City employee may engage in any outside employment which will impair the performance of his/her duties or be detrimental to the City. Employees are required to notify the City of any outside employment so that the City

may determine whether the outside employment creates a conflict of interest. The City Manager may approve outside employment with or without conditions.

6-8 Fraternization

It is not the City's desire to discourage friendship among employees, however, it is recognized that consensual "romantic" or sexual relationships between Department Head/Manager and their subordinates could lead to actual or perceived conflict of interest, favoritism, or sexual harassment. The purpose of this policy is to protect employees from coercive or hostile relationships that may damage morale and reduce productivity because of bias, favoritism, or harassment, whether perceived or actual.

A. Relationships Between a Department Head/Manager and a Subordinate

Consensual "romantic" or sexual relationships between a Department Head/Manager and a subordinate are prohibited, as well as any conduct, such as but not limited to dating, contacting, communicating with, courting, etc. that is designed or may reasonably be expected to lead to the formation of a "romantic" or sexual relationship. Persons should not be hired, promoted, transferred, or otherwise changed into a position where such a relationship exists.

If such a relationship should develop, the Department Head/Manager is obligated to promptly disclose the existence of the relationship to the City Manager. The employee shall make the disclosure as well, however, the Department Head/Manager is held to a higher standard by nature of that position.

The Department Head shall inform the City Manager and Human Resource Manager of the existence of the relationship, including the person responsible for the employee's work assignments. Upon being informed or learning of the existence of such a relationship, the City Manager, in consultation with the Human Resource Manager and City Attorney may take steps that are deemed appropriate.

At a minimum, the subordinate and Department Head/Manager will not thereafter be permitted to work together on the same matters (including matters pending at the time disclosure of the relationship is made), and the Department Head/Manager must withdraw from participation in activities or decisions (including, but not limited to, hiring, evaluations, promotions, compensation, work assignments and discipline) that may reward or disadvantage any employee with whom the Department Head/Manager is having or has had such a relationship.

Any person who believes that he or she has been adversely affected by such a relationship, notwithstanding its disclosure, is encouraged to make his or her views about the matter known to the City Manager, Human Resource Manager or City Attorney.

The City Manager, or designee, shall interview the parties separately and confidentially. One purpose of this is to ensure that the relationship is consensual on both parties' part. Documentation will be reviewed to ensure that the treatment of the subordinate and the subordinate's co-workers has not been affected by the relationship. If the relationship ends, the City Manager or designee will again interview the parties separately and confidentially to assess the nature of the relationship and its effect on the work environment. Regardless of the provisions in this section, the development of such a relationship is contrary to the City's policies and may result in disciplinary action up to, and including, termination.

B. Dating Relationships Between Other Employees

Dating relationships between other employees are discouraged but permitted, however both employees have a responsibility to notify their Department Head who will in turn notify the City Manager when dating begins to document that the dating relationship is consensual and welcome. Employees will be instructed to inform the Department Head when/if the relationship ends.

This policy shall apply without regard to gender and without regard to sexual orientation of the participants in a relationship. The City's implementation of this policy is not intended to inhibit the social interaction (such as lunches or dinners or attendance at entertainment events) that are or should be an important part or extension of

the working environment, and this policy is not to be relied upon as justification or excuse for refusal to engage in such social interaction with employees.

CHAPTER 7 DISCIPLINE AND GRIEVANCE PROCEDURE

7-1 Disciplinary Action

An employee whose conduct constitutes grounds for disciplinary action shall be subject to the following discipline: reprimand, suspension, demotion (transfer to a position with less remuneration) or termination. The listing of the aforementioned discipline does not constitute a progressive system for disciplinary action. The City may impose the discipline deemed necessary based on the employee's conduct.

A. Written Notice – Warning

A written warning may be given by an employee's Department Head for minor violations of policy after prior verbal warning. However, a written warning may be given instead of a verbal warning for first-time misconduct or other serious offenses. All written warnings should be addressed to the employee as a memorandum or on a corrective action form. If there has been a prior verbal warning given to the employee, it should be referenced in the first written warning. The Department Head should ask the employee to sign the written warning as proof of having received it. A signed copy of all written warnings should be placed in the employee's official, permanent personnel record. If the employee refuses to sign the written warning, that should be noted, and the unsigned copy forwarded to the employee's file. An employee who receives 3 written warnings for the same offense or, 3 written warnings for different offenses during an 18-month period (whether or not the first two written warnings resulted in probation and/or suspension) may be terminated without proceeding through the remaining steps in the disciplinary process.

7-2 Pre-Disciplinary Hearing

Whenever a full-time, or part-time regular employee, who is not an appointed or probationary employee, is subject to possible suspension without pay for more than 2 days, demotion, or termination, a pre-disciplinary hearing shall be held prior to imposing disciplinary action. The employee shall be given written notice of the hearing which includes an explanation of the charges against the employee and notice that discipline, up to and including termination, is being considered. The pre-disciplinary hearing shall be conducted by the City Manager or their designee for the purpose of allowing the employee to respond to the charges and present information the employee believes is relevant to the decision. The employee has the right to have another individual or representative present during any portion of the disciplinary process. A decision as to the disciplinary action to be taken, if any, shall be made by the City Manager or their designee and the employee shall be notified in writing within a reasonable time after the hearing. If disciplinary action is imposed, the City Manager or their designee shall provide the employee written notice of the disciplinary action along with a written explanation of employee rights for appeal or grievance, if any.

7-3 Appeals of Demotion or Termination

In the case of demotion or termination, a full-time, or part-time regular employee, who is not an appointed or probationary employee, has the right to appeal the decision to the City Appeals Board. The appeal must be in writing and filed with the City Recorder within ten days of the demotion or termination. The City Recorder will then refer the matter to the City Appeals Board which will take and receive evidence and fully hear and determine the matter. The employee shall be entitled to appear in person and to be represented by counsel (at the employee's expense), to have a public hearing, to confront the witness whose testimony is to be considered, and to examine the evidence.

The Appeals Board will consist of 2 Morgan City Council members and 3 Morgan City employees. City Council members serving on the board will be selected by the council members; employees serving on the board will be elected by City employees by a secret ballot. Four or more members shall constitute a quorum. No member of the City Appeal Board shall be employed by or administer the department for which the aggrieved employees works nor shall be related to the employee through blood or marriage.

In the event the City Appeals Board upholds the demotion or termination, the employee may file an appeal within 14 days to the City Council, whose decision will be final. The City Council need not hold new or additional evidentiary hearings but may base its decision on a review of the record created below, including the evidence submitted to the Board.

In the event the City Appeals Board does not uphold the demotion or termination, the City Recorder shall certify the decision to the employee affected, and also to the City Manager or their designee from whose order the appeal was taken. The decision of the City Appeals Board may be appealed to the Utah Court of Appeals.

Employees whose demotion or termination has not been upheld by the City Appeals Board shall be compensated for any time without pay experienced pending the City Appeals Board decision. Said pay shall commence with the next working day following the certification by the City Recorder of the City Appeals Board's decision, provided the employee reports for his/her assigned duties that next working day. The employee will be paid for any time off that was without pay, up to the date of the decision.

7-4 Appeals of Discipline/Grievance/Open Communication

At Morgan City, we believe that communication and personal accountability is at the heart of good employee relations. Employees should share their concerns in writing, seek information, provide input, and resolve work-related issues by discussing them with their Department Head until they are fully resolved. It may not be possible to achieve the results an employee wants, but the Department Head needs to attempt to explain in each case why a certain course of action is preferred. If an issue cannot be resolved at this level, the employee is welcome to discuss the issue with the Department Head. The Department Head should set up a time within 3 business days of the initial communication for both of them to meet with the Department Head. If the employee's concern cannot be resolved with the Department Head, the employee may discuss it with the City Manager or the City Attorney individually or collectively. The Department Head should schedule that meeting for the employee within 2 business days.

Regardless of the situation, employees should be able to openly discuss any work-related problems and concerns without fear of retaliation. Department Heads are expected to listen to employee concerns, encourage their input, and seek resolution to the issues and concerns. Often this will require setting a meeting in the near future. Department Heads are to set these meetings as quickly as possible, and employees are expected to understand that issues and concerns may not always be addressed at the moment they arise. Discussing these issues and concerns with management will help to find a mutually acceptable solution for nearly every situation.

Employees must understand that once the issue has been addressed, and a decision made, the employee is to follow the decided course of action.

If an employee has a concern about discrimination and or harassment, Morgan City has set up special procedures to report and address those issues. The proper reporting procedures are set forth in the Sexual Harassment/Discrimination Policy 13-3.

7-5 Suspension Pending Investigation and Decision

At the City's sole discretion, an employee may be suspended (with or without pay) pending an investigation. If after an investigation, the employee is found not to have violated the City's policies, the employee shall be restored to his or her position and/or compensated for any lost pay.

7-6 Cause for Discipline

Each of the following shall constitute cause for discipline, up to and including termination. The offenses listed are not intended to be comprehensive, and the enumeration of these commonly accepted violations shall not be deemed to prevent the discipline of an employee for other violations not enumerated.

- Personal or gross negligence on or off duty which prevents or substantially hampers job performance.

- Neglecting, abusing, or damaging City property.

- Any violation of City or departmental policies or procedures.

- Violations of commonly accepted employment standards.

Sexual harassment.

Illegal discrimination.

Disregard for safety.

Insubordination by refusing a superior's order, verbal abuse of a superior, or unwillingness to submit to proper authority.

Failure to follow specified job instructions or responsibilities under the job description.

Unwillingness to work harmoniously with other employees.

Unauthorized solicitation on City property.

Distributing unauthorized printed matter on City premises.

Tardiness.

Creating or contributing to unsanitary conditions.

Unauthorized operation of tools, machinery, equipment.

Gambling on City property.

Failure to timely report an injury or accident.

Unauthorized sleeping on the job during work hours or leaving the site early without permission.

Fighting or attempting to provoke a fight on City premises.

Deliberately restricting output.

Failure to maintain production and performance standards.

Theft.

Possession and/or use of alcoholic beverages or controlled substances while on duty.

Possession and/or use of alcoholic beverages or controlled substances while operating a City vehicle or equipment.

Reporting for work under the influence of alcoholic beverages or controlled substances.

Assault on a Department Head or other employee.

Threatening or intimidating other employees or a Department Head.

Unauthorized removal of City records or the release of confidential information.

Falsification or alteration of City records.

Failure to report for work without notice.

Failure to obtain pre-approval for overtime or compensatory time, not due to emergency or call-out situations

Repeated violation of rules and procedures.

Use of profanity or offensive language directed at an individual.

Dishonesty, deceit, or fraud.

Excessive complaining or poor attitude.

Commission of criminal conduct.

Any conduct which reflects negatively on the character of the employee or the City.

CHAPTER 8 EMPLOYEE TRAVEL, TRAINING AND EDUCATION

8-1 Travel and Training Expenses Reimbursed

- A. The purpose of this policy is to establish a citywide standard and procedure regarding travel allowances and reimbursements for employees engaged in approved professional development or conducting Morgan City business.
- B. It is the policy of Morgan City Corporation to:
 - 1. Pay for all reasonable expenses incurred by employees who travel for the purpose of City business. Travel must have a clear City business purpose and comply with budgetary guidelines.
 - 2. Require all travel to professional activities, outside Morgan City, to be worthwhile to those attending and beneficial to Morgan City.
 - 3. City Travel Request Form must be submitted by the employee to the City Manager for approval BEFORE registering for trainings and conferences at least 4 weeks in advance, when possible. Approval signatures must then be obtained within budgetary guidelines. The City Treasurer will put travel reimbursements into the payroll following travel.
- C. Procedures

Travel allowances and reimbursement requirements are as follows:

The City will pay for approved travel costs to include:

- 1. Public Transportation (airfare, bus fare, taxi fare, vehicle rental, etc.) or parking costs: Actual costs will be reimbursed the payroll following travel. Travel costs should include ground transportation at the desired destination. An itemized copy of billing must be presented prior to or immediately after travel to substantiate payment.
- 2. Mileage will be at the approved IRS rate for out-of-town travel in a private vehicle. Actual mileage will be reimbursed the payroll following travel. When a group of individuals is going to the same activity, they are encouraged to carpool.
- 3. Lodging expense: An itemized copy of billing must be presented prior to or immediately after travel to substantiate payment. If a room is shared with a non-employee and there is an additional cost, the employee is expected to pay additional costs. Employee will be reimbursed the State Government rate for staying with family or friends. State Government rate is Thirty-Five Dollars (\$35.00) per night if you stay with family or friends, employee will be reimbursed the following payroll for this amount.
- 4. Per diem for meals and other travel associated costs will be paid at the IRS authorized standard rate to include travel for the first and last day. First day may include lunch and/or dinner. Last day may include breakfast and/or lunch. This will be based off when you leave. Actual costs will be reimbursed the payroll following travel. Meals provided by a hotel, meeting host, or conference are not to be included on the travel request form.
- 5. Travel outside of the City, for trainings, workshops, or similar activities that requires less than a full day shall be compensated by the standard IRS rate for lunch, unless that meal is included with the activity.

8-2 Education Assistance

Morgan City may provide financial assistance to standard full-time employees enrolled as a matriculated student in an accredited traditional, not for profit institution of higher learning upon the following terms and conditions:

- A. The course work must be related to the employee's current job description duties or reasonably expected career path duties of employment and shall be approved and documented in the

employee's personnel file by the employee's Department Head and the City Manager, or designee, prior to the beginning of classes.

- B. 50% of tuition and fees, on a pro-rata basis if necessary, for job related course credit hours and 50% book fees will be reimbursed to the employee upon presentation to the Department Head a grade report showing a minimum grade equivalent to a "C" or "pass" on a pass-fail basis.
- C. All education assistance reimbursements are repayable to the City in the event an employee separates (voluntary or involuntary) from the City's employ prior to 3 years following the date of each reimbursement. For each year of the 3 years following each reimbursement, an amount equal to 1/3 of each reimbursement shall be waived and shall not be repayable to the City.
- D. Electrical apprentices are handled separately under IPSA policies.

CHAPTER 9 EMPLOYEE BENEFITS

Only full-time regular employees receive the benefits described in this chapter. Part-time and seasonal employees do not receive any of the benefits set forth in this chapter nor anywhere else in this Policy Handbook, unless specifically designated otherwise.

9-1 Medical Insurance

The City will make health insurance available to all full-time regular employees. Medical insurance coverage begins on the first day of the month following the date of employment and ends with the monthly insurance premium period following the date of separation.

Dental insurance is available; however, the cost of this coverage is not paid by the City. If an employee elects to have dental coverage, reimbursement to the City shall be made through payroll deductions.

Employees who are separated, laid off, retire, or resign may qualify for a continuation of medical benefits in compliance with COBRA if the employee pays the premium.

Employees who are covered by another insurance plan may waive the City's medical coverage. The employee may be reimbursed a portion of the insurance premium cost, which is referred to as "Cash in Lieu of Benefits." This payment will be made as part of the payroll process. To be eligible the employees must provide an annual proof of coverage.

9-2 Annual Leave

All full-time employees shall earn annual leave at the following rate for their years of service. The City may credit an employee relevant years of service from a similar employer as approved by the City Manager at the time of hire:

One year of service-----	1 week
Two through Four years of service-----	2 weeks
Five through Nine years of service-----	3 weeks
Ten years of service and above-----	4 weeks

As used in this section "length of service" shall mean the length of the employee's present employment with the City and may include credit for prior years of service at a similar employer as approved by the City Manager at the time of hire. Length of service does not include periods of previous employment with the City that were terminated voluntarily or involuntarily, except in cases of reduction in force or approved by the City Manager.

An employee may use any or all accrued annual leave subject to their Department Head's approval. Annual leave should be scheduled well in advance so as to meet the operating requirements of the City, and in so far as possible, at the preference of the employees.

No more than 240 hours accrued annual leave shall be carried forward to a new calendar year without the written authorization of the City Manager. Unused annual leave in excess of this amount will be forfeited each December 31st.

Accrual of annual leave is done on a pro-rated, per pay period basis.

Terminating employees who retire in compliance with the Utah State Retirement (URS) policy or resign in good standing with a minimum of 2 weeks' notice or are released as a result of a reduction in force are entitled to payment at their current rate of compensation for up to 240 hours of unused annual leave which has been accrued. In the event of the employee's death, the full entitled payment shall be made to the employees named beneficiaries.

9-3 Bereavement Leave

Up to 3 days of paid bereavement leave may be approved by the Department Head upon the loss *of an immediate family member* to enable the employee to attend the funeral as well as necessary family duties and responsibilities. Up to 1 day of paid funeral leave may be granted by the Department Head to attend the funeral *of a relative* who is not a member of your immediate family. Immediate family is defined as:

- (A) Husband
- (B) Wife
- (C) Mother (blood, in-law, adoptive, or step)
- (D) Father (blood, in-law, adoptive, or step)
- (E) Sister (blood, in-law, adoptive, or step)
- (F) Brother (blood, in-law, adoptive, or step)
- (G) Children (blood, in-law, adoptive, or step)
- (H) Grandparents (blood or step)
- (I) Grandchildren (blood or step)
- (J) Any relative (blood, in-law, adoptive, or step) who was living in your home at the time of death.

The granting of paid bereavement leave is not automatic but will depend upon the circumstances of each situation as determined by the Department Head. The maximum amount of time will be granted only for attendance at the funeral or handling other necessary personal affairs.

Bereavement leave will be paid for all full-time employees, at the employee's base hourly rate of pay for scheduled work which will be missed and will not include differentials, premiums, or other forms of additional compensation.

9-4 Jury and Witness Duty

Employees will be granted leave for jury or witness duty. If the jury or witness service is completed during regular work hours, an employee is expected to return to work upon completion of the service. The employee shall receive their regular pay when performing jury and witness duty if money received for jury or witness service is turned in to the City. Verification of jury and witness duty will be required.

9-5 Military Leave

Employees who are drafted or called into active military duty will be granted leaves of absence without pay for their duration of military service.

Full-time permanent employees who serve as reserve members of the armed forces shall be granted military leave for attendance at annual training programs up to 15 working days per year. The City shall pay any deficiency difference between the employee's regular salary and the compensation received for military training during such periods of time.

The City does not discriminate against any person who is a member of, applies to be a member of, performs, has performed, applies to perform or has an obligation to perform service in a uniformed service, as defined by federal statute. The City will not deny initial employment, reemployment, retention in employment, promotion, or any benefit of employment by the City on the basis of that membership, performance of service, application for service, or obligation. It is the City's policy to comply with all applicable statutes, including Employment and Reemployment Rights of Members of the Unified Services Act, 38 U.S.C. § 4301 *et seq.*, and Utah Code Ann. §§ 71-10-1 *et seq.*

9-6 Sick Leave

A. Purpose

As insurance against loss of income when employees are unable to perform their work due to their own personal illness or incapacitation, or that of a family member (as defined in C. below) for whom their attentive presence is required.

B. Accrual

All full-time regular employees shall receive sick leave at the rate of 10 days each year while employed. Sick leave may be accrued to an unlimited amount. However, there is a limit of 240 hours that will be paid at the time of retirement through the Utah State Retirement System (URS). All amounts over 240 hours will be forfeited at the time of retirement. If an employee separates for other reasons than retirement through the URS, the employee will receive 50% of the amount accrued up to the maximum of 240 hours. Terminated employees will not receive sick leave payout.

Accrual of sick leave is done on a pro-rated, per pay period basis.

C. Use of Sick Leave

When an injury or illness occurs causing an absence the employee should notify the Department Head or City Manager as soon as possible thereafter.

Accrued sick leave may be used, with the approval of the Department Head, for any of the following purposes:

1. Illness or injury to the employee.
2. Serious illness of immediate family members requiring the presence of the employee. Immediate family members are defined as follows: the employee's spouse, children (including step and foster), parents (including mother-in-law and father-in-law), grandparents and/or other dependents of the employee.
3. For personal or immediate family member visits to hospitals, clinics, dentists, etc., for diagnosis or treatment of illness or injuries, examination, and related purposes.

The Department Head, or in the absence of the Department Head, the City Manager (or his/her designee), at his/her discretion, may require that an injured or sick employee take sick leave and absent themselves from their place of employment.

D. Sick Leave Records

Use of sick leave, for all employees, must be promptly and accurately reported on the timecard and approved by the Department Head on the employee's time sheet.

E. Abuse of Sick Leave

Whenever there are reasonable grounds to believe the employee is abusing sick leave privileges, the City may require evidence of bona fide illness or other reason for taking sick leave by proof acceptable to the employee's Department Head. Abuse of sick leave privileges may be considered as grounds for disciplinary action.

9-7 Paid Holidays

The following days have been designated by the City as paid holidays:

New Year's Day
Martin Luther King Day
President's Day
Memorial Day
Independence Day

Pioneer Day
Labor Day
Columbus Day
Veteran's Day
Thanksgiving Day
1 day for Christmas
1 "floating" holiday

Holidays falling on Sunday will be observed on the following Monday. Holidays falling on Saturday will be observed on the preceding Friday. Department Heads will schedule work assignments so that whenever possible employees may observe the holiday schedule. Full-time regular employees are eligible for holiday pay beginning with their first day of employment. Employees who are required to work on a designated holiday will be paid holiday pay plus 1½ times their regular salary rate. Holiday pay will be based on an 8-hour regular workday.

9-8 Life and Disability Insurance

The City is involved in group medical, dental and life and disability insurance programs for its full-time regular employees, which has specified benefits for certain illnesses and injuries. Enrollment cards and a detailed schedule of benefits will be provided to the employee upon employment.

The City provides a basic life insurance policy for full-time regular employees. Additional coverage can be purchased by the employee if desired.

The City provides short-term and long-term disability insurance programs for its full-time regular employees, which have specified benefits for certain illnesses and injuries.

The short-term disability policy can be applied for by an employee who has a nonwork-related illness/injury occur. There is a required seven-day wait period. Application for the policy is at the discretion of the employee. The employee may elect to use their accrued sick leave in lieu of applying for short term disability benefits for the injury/illness; the policy will cover up to 60% of the employee's salary. Subject to the approval of the City, the employee may also elect to supplement the coverage with their accrued sick leave. The City will allow an employee to supplement the short-term disability pay with sick leave, up to, but not to exceed 16 hours per week or 32 hours in a pay period. The ultimate decision regarding the use of sick leave as a supplement to this benefit, shall belong to the City.

A long-term disability policy is provided for all full-time regular employees. If an employee becomes disabled due to a nonwork-related injury/illness they will need to contact the Human Resource Manager for more information on applying for this coverage.

9-9 Unemployment Compensation Benefits

Employees whose employment is terminated may be eligible to receive unemployment compensation benefits, contingent upon the reason for the termination of the employment, the existence of a continued attachment to the labor market by the employee, and other factors. The determination of eligibility for unemployment compensation benefits, the amount of the benefits, and the duration of payments, if any, is made by the State of Utah Department of Employment Security, according to statutes, regulations, and case law decision. Questions regarding unemployment compensation benefits should be directed to the State of Utah Department of Employment Security.

9-10 Workers' Compensation

Any injury occurring on the job must be immediately reported to the employee's Department Head. The job-related injury shall be detailed on forms prescribed by the Utah Local Government Trust (ULGT), Utah Industrial Commission, and the City. These forms must be completed and turned in to Human Resource within 24 hours following the incident producing the injury. These forms must be completed even if the employee is not treated by a physician.

Post-Accident Drug Testing is required of all City employees involved in the accident when:

- A. Medical treatment is provided to a citizen or employee. Testing should be completed when the employee is treated if possible or within 32 hours of treatment by a physician. If an employee reports an accident on the day it occurs but does not seek treatment by a physician for this injury until days or weeks later, the employee should be drug tested when the employee is treated or within 32 hours of receiving treatment. Involved in the accident is defined as the employee(s) caused, failed to avoid, employee negligence or impairment, or other contributory factors determined by the Department Head; or
- B. Property damage exceeds One Thousand Five Hundred Dollars (\$1,500.00); or
- C. A work-related fatality occurs; or
- D. If a DOT recordable accident occurs – the driver must be drug tested within 32 hours and alcohol tested within 8 hours. An accident is considered to be a DOT recordable accident if any of the following conditions exist:
 - 1. Fatality, or bodily injury requiring medical treatment away from the scene.
 - 2. One or more vehicles are towed from the scene of the accident.

All employees for absences due to on-the-job injuries/illnesses:

- A. Will be paid regular pay through the end of their shift, if unavailable to return to work the day of the injury. Proper documentation from the physician is required.
- B. Follow up appointments should be scheduled outside of normal scheduled shift. If unable to schedule outside of shift, employee will obtain Department Head approval and receive regular pay for all time spent waiting for or receiving treatment.

All employees will receive workers compensation benefits for lost time accidents:

- A. After the employee completes the state waiting period (24 working hours / 3 days), with retroactive benefits if disability lasts 14 days or longer.
- B. Employees may use available sick, vacation or compensatory time pay for waiting period.
- C. Employees may not use sick, vacation or comp time while receiving workers compensation pay.
- D. On the job injuries/illnesses do qualify for Long Term Disability, although LTD benefits will be reduced by workers comp benefits received. If an eligible employee is expected to be out over 90 days, contact Human Resource Manager for information.

Return to work:

- A. Employees may be placed on transitional duty if a suitable position exists within the limitations specified in writing by the physician.
- B. Employees returning to work on transitional duty will be advised by the Department Head that the accommodations are temporary and the exact job duties are subject to change.
- C. Any employee refusing transitional duty will not receive workers compensation benefits.
- D. No employee will be allowed to return to regular duty until a release to return to regular duty is provided from an approved and informed physician.

9-11 Employee Recognition

Retirement awards and recognition (open houses, dinners, luncheons, bonus, etc.) for retirement of full-time employees.

- < 5 years' service
 - No funding
 - Informal by and through co-workers
- > 5 years' service < 10 years

City funding of \$10 per year of service for a thank-you gift
No funding for Dinners, Luncheons

> 10 years' service < 20 years

City Funding of \$15 per year of service as a thank-you gift
A City employee level dinner or luncheon

> 20 years' service

City funding of \$25 per year of service for a thank-you gift
A Department level dinner or luncheon
An open house with City funded refreshments

9-12 Family and Medical Leave Act (FMLA) Policy

A. Basic Leave Entitlement

FMLA requires covered employers to provide up to 12 weeks of unpaid, job-protected leave to eligible employees for the following reasons:

1. For incapacity due to pregnancy, prenatal medical care or childbirth;
2. To care for the employee's child after birth, or placement for adoption or foster care;
3. To care for the employee's spouse, son or daughter, or parent, who has a serious health condition; or
4. For a serious health condition that makes the employee unable to perform the employee's job.

Leave taken under this policy shall not exceed twelve weeks of leave in any twelve-month period. The twelve-month period shall be a "rolling" twelve-month period that shall be measured backward from the date the leave is used.

B. Military Family Leave Entitlements

Eligible employees with a spouse, son, daughter, or parent on covered active duty or call to covered active-duty status in the regular armed forces, National Guard, or Reserves, deployed to a foreign country may use their 12-week leave entitlement to address qualifying exigencies. Qualifying exigencies may include attending certain military events, arranging for alternative childcare, addressing certain financial and legal arrangements, attending certain counseling sessions, attending post-deployment reintegration briefings; and taking leave to care for a military member's parent who is incapable of self-care when the care is necessitated by the member's covered active duty. Such care may include arranging for alternative care, providing care on an immediate need basis, admitting, or transferring the parent to a care facility, or attending meetings with staff at a care facility.

The amount of time an eligible employee may take for rest and recuperation qualifying exigency leave is a maximum of 15 calendar days.

FMLA also includes a special leave entitlement that permits eligible employees to take up to 26 weeks of leave during a single 12-month period to care for a family member who is a covered servicemember who is undergoing medical treatment, recuperation, or therapy, for a serious injury or illness and who was a member of the Armed Forces (including a member of the National Guard or Reserves) at any time during the period of 5 years preceding the date on which the veteran undergoes that medical treatment, recuperation, or therapy. A covered servicemember is a current member of the Armed Forces, including a member of the National Guard or Reserves or a veteran, who has a serious injury or illness incurred in the line of duty on active duty that may render the servicemember medically unfit to perform his or her duties for which the servicemember is undergoing medical treatment, recuperation, or therapy; or is in outpatient status; or is on the temporary disability retired list. It also includes injuries or illnesses that

existed before the beginning of the member's active duty and were aggravated by service in the line of duty on active duty in the Armed Forces.

A serious injury or illness for a covered veteran means an injury or illness that was incurred or aggravated by the member in the line of duty on active duty in the Armed Forces and manifested itself before or after the member became a veteran, and is:

1. A continuation of a serious injury or illness that was incurred or aggravated when the covered veteran was a member of the Armed Forces and rendered the servicemember unable to perform the duties of the servicemember's office, grade, rank, or rating; or
2. A physical or mental condition for which the covered veteran has received a VA Service-Related Disability Rating (VASRD) of 50% or greater and such VASRD rating is based, in whole or in part, on the condition precipitating the need for caregiver leave; or
3. A physical or mental condition that substantially impairs the veteran's ability to secure or follow a substantially gainful occupation by reason of a disability or disabilities related to military service or would do so absent treatment; or
4. An injury, including a psychological injury, on the basis of which the covered veteran has been enrolled in the Department of Veterans Affairs Program of Comprehensive Assistance for Family Caregivers.

C. Benefits and Protections

During FMLA leave, the employer must maintain the employee's health coverage under any "group health plan" on the same terms as if the employee had continued to work. Upon return from FMLA leave, most employees must be restored to their original or equivalent positions with equivalent pay, benefits, and other employment terms.

Use of FMLA leave cannot result in the loss of any employment benefit that accrued prior to the start of an employee's leave.

The employer's obligation to maintain health benefits under FMLA stops if and when the employee informs the employer of intent not to return to work at the end of the leave period, or if the employee fails to return to work when the FMLA leave entitlement is exhausted. The employer's obligation also stops if the employee's premium payment is more than 30 days late and the employer has given the employee written notice of at least 15 days in advance advising that coverage will cease if payment is not received.

Other benefits such as seniority or paid leave need not be maintained during periods of unpaid FMLA leave, provided that such benefits do not accrue for other employees on other types of unpaid leave. For benefits such as elected life or disability insurance that could be lost if not maintained, the employer and the employee may make arrangements to continue benefits during periods of unpaid FMLA leave to ensure the employee will be eligible to be restored to the same benefits upon returning to work.

D. Eligibility Requirements

Employees are eligible if they have worked for a covered employer for at least 1 year, for 1,250 hours over the previous 12 months, and if at least 50 employees are employed by the employer within 75 miles, or the employer is a public agency. Morgan City is a covered employer.

E. Definition of Serious Health Condition

A serious health condition is an illness, injury, impairment, or physical or mental condition that involves either an overnight stay in a medical care facility, or continuing treatment by a health care provider for a condition that either prevents the employee from performing the functions of the employee's job or prevents the qualified family member from participating in school or other daily activities.

Subject to certain conditions, the continuing treatment requirement may be met by a period of incapacity of more than 3 consecutive calendar days combined with at least 2 visits to a health care provider or one visit and a regimen of continuing treatment, or incapacity due to pregnancy, or incapacity due to a chronic condition. Other conditions may meet the definition of continuing treatment.

F. Use of Leave

An employee does not need to use this leave entitlement in one block. Leave can be taken intermittently or on a reduced leave schedule when medically necessary. Employees must make reasonable efforts to schedule leave for planned medical treatment so as not to unduly disrupt the employer's operations. Leave due to qualifying exigencies may also be taken on an intermittent basis.

G. Substitution of Paid Leave for Unpaid Leave

Employees may choose or employers may require use of accrued paid leave while taking FMLA leave. In order to use paid leave for FMLA leave, employees must comply with the employer's normal paid leave policies.

Morgan City requires employees on FMLA leave to take accrued sick leave as permitted in the sick leave policy or accrued annual leave. If all paid leave is exhausted prior to the end of the leave period, the leave shall be unpaid. However, if an employee remains on the City's health insurance, and/or other eligible benefits requiring employee payment, and it appears he/she will exhaust accrued leave prior to finishing FMLA leave, the City may opt to reserve an adequate amount of sick or annual leave to cover the employee's benefit payments for the remainder of the FMLA period via payroll deduction.

A male employee taking FMLA for the birth and care of their newborn child or for the placement with the male employee of a child for adoption or foster care will be allowed to take up to 2 weeks of sick leave as permitted in the sick leave policy. If a male employee requests to use more than 2 weeks of sick leave, approval from the City Manager will be needed.

H. Employee Responsibilities

Employees must provide 30 days advance notice of the need to take FMLA leave when the need is foreseeable. When 30 days' notice is not possible, the employee must provide notice as soon as practicable and generally must comply with an employer's normal call-in procedures.

Employees must provide sufficient information for the employer to determine if the leave may qualify for FMLA protection and the anticipated timing and duration of the leave. Sufficient information may include that the employee is unable to perform job functions; the family member is unable to perform daily activities, the need for hospitalization or continuing treatment by a health care provider, or circumstances supporting the need for military family leave. Employees also must inform the employer if the requested leave is for a reason for which FMLA leave was previously taken or certified. Employees also may be required to provide a certification and periodic recertification supporting the need for leave.

Additional employee requirements include:

1. Apply for FMLA leave by providing written notice to the employer when use of sick or annual leave for personal or family member illness or injury is expected to be in excess of 3 days, as such leave will be considered FMLA-qualifying until determined otherwise.
2. Once an employee has missed 96 hours of work due to a condition(s) that qualifies under the FMLA over a rolling 12-month period, that employee will be required to apply for FMLA leave.
3. Where the employer was not made aware that an employee was absent for FMLA reasons due to the employee's forgetting to notify the employer, the employee must provide the

City with timely notice (generally within 3 business days from the time the employee, or a designated person, is capable of giving notice) that leave was taken for an FMLA-qualifying reason.

4. Employees requesting leave for their own serious health condition or for the serious health condition of a family member are required to provide the employer a complete and sufficient medical certification within 15 days of the employer's request for the certification. If leave is foreseeable, medical certification is required prior to the start of leave. (Morgan City FMLA leave certification forms are available from the Human Resource Manager.)
5. Provide second and third medical opinions at the employer's expense when requested. (The employer cannot choose a health care provider it regularly employs for opinions.)
6. Advise the employer if the leave is needed intermittently or on a reduced schedule basis. If so, notify the employer for each absence whether or not it is related to the serious health condition.
7. Make a reasonable effort to schedule any intermittent leave for medical treatments so it does not unduly disrupt the employer's operations.
8. Comply with arrangements to pay the employee portion of the group health insurance and other non-health benefits, if eligible.
9. The employee shall periodically advise the employer of his/her intent to return to work at the conclusion of leave.
10. Inform the employer of any changes in contact information while FMLA leave is being taken.
11. Inform the employer of any changes in the circumstances for which FMLA leave is being taken.
12. Provide the employer with a fitness for duty certification, when requested by the employer, when leave was taken for the employee's own serious health condition.
13. If the employee does not return to work following FMLA leave for a reason other than: 1) the continuation, recurrence, or onset of a serious health condition which would entitle the employee to FMLA leave; 2) the continuation, recurrence, or onset of a covered service-member's serious injury or illness which would entitle the employee to FMLA leave; or 3) other circumstances beyond the employee's control, the employee may be required to reimburse the employer for its share of health insurance premiums paid on the employee's behalf during the FMLA leave.

I. Employee Requirements While on FMLA Leave

1. Employees are prohibited from working for another employer or engaging in any productive work of a compensable or non-compensable nature while taking FMLA leave (29 CFR 825.312(h)).
2. Employees are prohibited from engaging in any activities other than recovery and necessary medical treatment/appointments while taking FMLA leave for a serious health condition (29 CFR 825.114).
3. The employer may require the employee to call in periodically during the day while on FMLA leave and/or require the employee to notify the employer when he or she is leaving home, has returned home, and his or her whereabouts while out of the house, etc.

J. Employer Responsibilities

Covered employers must inform employees requesting leave whether they are eligible under FMLA within 5 business days. If they are, the notice must specify any additional information

required as well as the employees' rights and responsibilities. If they are not eligible, the employer must provide a reason for their ineligibility. The employer is obligated to inquire if it needs additional information to determine whether the leave qualifies for FMLA protection.

The covered employer has 5 business days after obtaining sufficient information to determine whether the requested leave is FMLA-qualifying to give employees a designation notice, informing employees if leave will be designated as FMLA-protected and the amount of leave counted against the employee's leave entitlement. If the employer determines that the leave is not FMLA-protected, the employer must notify the employee.

The regulations provide that the employer may give an employee both the eligibility and designation notices at the same time when it has adequate information to designate the leave as FMLA-qualifying immediately after receiving notice that the employee needs leave.

Additional employer responsibilities include:

1. Provide requirements for furnishing medical certification for a serious health condition and the consequences of failing to do so.
2. Provide information and requirements concerning the employee's payment of the employee's portion of the group health insurance; and consequences for failing to make timely payments; and circumstances under which coverage might lapse.
3. Provide information concerning the employee's potential liability if the employer makes the employee's health insurance premium payments while the employee is on unpaid FMLA leave if the employee fails to return to work.
4. If the employer has the requisite knowledge that leave was FMLA-qualified and fails to so designate it and give the required notice, the employer will not designate the leave as FMLA leave retroactively. In such circumstances, the employee is subject to the full protections of the FMLA, but none of the absence preceding the employer's notice to the employee may be counted against the employee's 12-week FMLA entitlement. If the employer learns that leave is for an FMLA purpose after leave has begun, the entire, or some portion of the paid leave may be retroactively counted as FMLA leave, to the extent that the leave period qualified as FMLA leave after the employee has returned to work, with two exceptions:
 - i. If the employee was absent for an FMLA reason and the employer did not learn of the reason until the employee's return (e.g., where the employee was absent for only a brief period), the employer may, upon the employee's return to work, promptly (within 2 business days of the employee's return to work) designate the leave retroactively with appropriate notice to the employee. If leave is taken for an FMLA reason, but the City was not aware of the reason, the employee must notify the City within 2 business days of returning to work of the reason for the leave, otherwise the employee may not subsequently assert FMLA protection for the absence.
 - ii. If the employer knows the reason for the leave but has not been able to confirm that the leave qualifies under FMLA, or where the employer has requested medical certification, which has not yet been received, or the parties are in the process of obtaining a second or third medical opinion, the employer should make a preliminary designation, and so notify the employee in writing at the time leave begins, or as soon as the reason for the leave becomes known. Upon receipt of the requisite information, which confirms the leave is for an FMLA reason, the preliminary designation becomes final. If the medical certifications fail to confirm an FMLA reason for the leave, the employer will withdraw the designation with written notice to the employee.

K. Unlawful Acts by Employers

FMLA makes it unlawful for any employer to:

1. Interfere with, restrain, or deny the exercise of any right provided under FMLA; or
2. Discharge or discriminate against any person for opposing any practice made unlawful by FMLA or for involvement in any proceeding under or relating to FMLA.

L. Enforcement

An employee may file a complaint with the U.S. Department of Labor or may bring a private lawsuit against an employer.

FMLA does not affect any Federal or State law prohibiting discrimination or supersede any State or local law or collective bargaining agreement which provides greater family or medical leave rights.

The application of this policy and any inconsistencies, conflicts or issues that arise shall be governed by the provisions of the Family Medical Leave Act of 1993, its amendments and revised regulations issued in 2009, and the applicable federal regulations, which interpret the Act.

M. Leave Without Pay

A leave of absence without pay is an approved temporary absence from work in which the employee does not lose status as a regular employee. An employee must first use all accrued annual leave before leave without pay will be granted. If the leave is for a qualifying health-related reason, all accrued sick leave must also be used before leave without pay will be granted (Exceptions: see FMLA Leave (10) and Military Service (4b)).

N. Requests for Leave Without Pay (LWOP)

In order to be considered for leave without pay, an employee must present a written request to the City Manager. Leave without pay may be considered for reasons of disability, personal reasons, or military service. To be eligible for consideration, employees must state in writing the reason for the requested leave, the date the leave is to commence and the date on which the employee expects to return to work. City Manager should consider individual requests in view of urgency, the individual's length of service, and the over-all effect the absence will have on the operation of the department. Leave without pay may then be granted for up to 12 months (including unpaid FMLA leave) upon approval by the City Manager. Such leave, beyond that provided by the FMLA, shall not be regarded as an acquired right by employees and may be granted only when it is determined that City services will not be adversely affected.

O. Penalty for Failure to Report at End of LWOP

Leave without pay shall not be granted unless there is a positive expectancy that the employee will return to work at the expiration of such leave. Failure of an employee to report to work promptly at expiration of the approved leave period shall be considered a resignation unless there are extenuating circumstances and upon approval of the City Manager.

P. Employee Benefits During LWOP

Except as provided under the FMLA, and except for up to a 3-day grace period (two 24-hour periods in the case of a 24-hour shift employee) for only the City's portion of the health insurance as explained below, all employee benefits shall cease to accrue or be in effect immediately upon commencement of the leave without pay period. Health insurance benefits may be continued during the leave period if the employee pays (1) the employee portion of the premium through the grace period, and then (2) 100% of the full premium under the plan, which represents the City's share for the remaining days the employee is on leave without pay. A check covering the amount of the health insurance premiums due for the time the employee is on leave must be given to the Human Resource Manager prior to commencement of the leave period. If an employee does not

elect to continue health insurance coverage during leave of absence without pay, it will be necessary to reapply for health insurance upon return from leave. The preexisting condition clause in the health insurance coverage will apply.

If an employee returns to work on a less than full-time basis following a leave without pay, the employee may become eligible for full benefits, including health insurance, if the employee's Department Head and the City Manager determine it is reasonable to return the employee to full benefits status based upon the amount of time being worked by the employee and the duration of the less than full-time status.

Q. Reinstatement

An individual given leave pursuant to this policy who returns to active service with the City on or before the expiration of such leave shall be entitled to a position in the same class and pay rate and seniority as was held prior to commencement of such leave. The employee shall also be entitled to the benefits accrued but not cashed out by the employee at the time the employee entered on such leave.

9-13 POLICY FOR EMPLOYEES AND CELL PHONE USAGE IN MORGAN CITY

A. Purpose

It is the practice of Morgan City to provide equipment, services, and other resources necessary to perform job-related duties in a professional manner. The City will provide a cell phone allowance to personnel pursuant to the terms of this policy. The purpose of this regulation is to document the policies related to the justification and usage of cell phones for City business.

B. Policy

Because of the nature of changing technology and the proliferation of personal cell phones, the practicality of purchasing City cell phones and trying to decipher the usage has become too burdensome and often impossible. It shall be the policy of the City to provide an allowance to each employee as provided below and for the purposes indicated in this policy. It is anticipated that a portion of the use of each employee's personal cell phone will be dedicated to City use as required by their job responsibilities.

C. Criteria

The criteria that justify the need for cell phone use include, but are not limited to the following:

1. To enhance the safety of the employee and/or the public.
2. To increase productivity or service to the public.

D. Cell Phone Allowance

It is determined to be in the best interest of the City to provide a monthly cell phone allowance to all full-time employees as provided below. The allowance will be non-taxable income to the employee; however, it will not be considered as part of the employee's salary. The allowance is intended to cover the majority of expected City usage for an employee's personal cell phone and calling plan, recognizing that the employee retains the benefit of personal usage and having control over the equipment and plan selected. The level of the allowance will be as provided below. The City will review and set the amounts to be provided for allowances on an annual basis. Where there is a question of who is eligible for the cell phone allowance, such determination shall be made by the City Manager.

E. Cell Phone Usage

Employees receiving a cell phone allowance agree to the following:

1. Employee will purchase cellular phone service and equipment and assume responsibility for vendor terms and conditions. Employee agrees that he/she is responsible for plan choices, service levels, calling areas, service and phone features, termination clauses, and payment terms and penalties.
2. Employee agrees that he/she is responsible for the purchase, loss, damage, insurance, and/or replacement of phone equipment.
3. Employee will promptly report to the Department Head any updates or changes regarding cell phone numbers or plan changes that could impact the access to cellular service.
4. Employee agrees to carry the cell phone with them, keep it charged and in operational condition, use it appropriately, and be accessible for City use of the cellular phone device as required for their respective position.
5. Employee agrees that being available by cell phone doesn't necessarily constitute on-call or overtime for the employee unless approved by Department Head or City Manager.
6. Employee agrees to answer cell phone professionally and reflect positively on the City. Employee also agrees to provide an appropriate greeting for calls which may go to voicemail.
7. Violation of this policy may result in temporary or permanent suspension of the cell phone allowance.

F. Cell Phone Allowances

Full-time employees – Thirty Dollars (\$30.00) per paycheck (24 pay periods) or otherwise approved by resolution of the City Council.

G. Transition Provisions for Existing City Owned Cell Phones

The City Manager may allow an existing City-owned cell phone, currently assigned to an employee, to be transitioned to that employee's private cell phone service plan and make reasonable accommodations to do so.

CHAPTER 10 RETIREMENT BENEFITS AND PENSIONS

10-1 Retirement Plan

- A. Morgan City participates in the Utah State Retirement system for all full-time employees. Full-time exempt employees will be eligible for Utah Retirement Systems.
- B. Employees shall notify their Department Head at least 90 days prior to their anticipated retirement date to make arrangements for commencement of applicable retirement plan benefits and to allow for replacement of the retiring employee.
- C. Employee participation in a retirement plan does not in any way constitute a contract of employment nor a guarantee of employment with the City until retirement.
- D. Elected Officials are considered as part-time employees for retirement purposes. Tier 1 Elected officials are those with URS service prior to July 1, 2011 and may participate in the defined benefit plan or exempt from retirement coverage, once they meet the salary requirement outlined in your URS Employer's Guide. Part-time elected officials are ineligible under Tier 2, so no statutory contributions are required.

10-2 Retiree Health Insurance Program

It is Morgan City's desire to offer a Retiree Health Insurance Program that will provide medical benefits to certain retiring employees that meet specific criteria. The Retiree Health Insurance Program is the same plan that active employees have. Employees choosing to participate in the Retiree Health Insurance Program are treated as all active employees, as far as open enrollment, rate changes, etc. are concerned.

A. Eligibility Requirements

To participate in the Retiree Health Insurance Program, the employee must meet the following eligibility criteria:

1. The person retiring has worked for the City for at least 20 years and is eligible for URS retirement by age or service.
2. The City will pay the health insurance premium for the employee up to 5 years or until the date the employee is eligible for Medicare, whichever is shorter.
3. The employee shall be responsible for any difference in premium for insuring a spouse or other dependents.
4. This policy is not intended to create a contract between the City and the employee and may be revoked upon a subsequent determination of the City Council.

B. Payment of Premium

The retiree is responsible to pay the full premiums on a monthly basis for any differences in premiums for insuring a spouse or other dependents.

Premiums shall be paid in advance, due on the first day of each month. Failure to pay the premium within 30 days at any time during coverage will result in cancellation of coverage. Once coverage is cancelled for non-payment, the retiree cannot be reinstated in the program.

C. Enrollment

Employees planning to enroll in the Retiree Health Insurance Program should contact the Human Resource Manager at least 30 days prior to their scheduled retirement date to arrange for enrollment. Retirees who do not choose to participate in the program within the COBRA election period are not eligible to participate at a future date.

CHAPTER 11 COMPENSATION AND WORK HOURS

11-1 Employee Compensation

A. Overview

Morgan City's compensation policies and programs are designed to assist in creating an environment which will:

1. attract, develop, retain, and reward high quality staff at all levels of responsibility;
2. pay wages and salaries which are competitive with the prevailing rates for similar employment in the labor markets;
3. maintain a compensation program that promotes ease of administration;
4. comply with all state and federal laws and regulations.

B. Compensation Model

The City has adopted by ordinance a step schedule for each employee position.

C. Annual Adjustments

1. Date of Adjustment – Each year during the budget process the City Council shall consider cost of living adjustments. If such an adjustment is given, it will take effect July 1st of that year.
2. Budget Shortfalls – In the event the annual cost of the step increases exceeds the amount approved by the City Council for the payroll budget, all schedules will be adjusted by the

same percentage reduction to conform to the budget. These budget cuts will be approved by the City Council.

11-2 Work Hours

Regular and prompt attendance at work is required of all employees.

When an employee has not scheduled time-off with his/her Department Head and does not report at the regularly scheduled time, the employee shall be considered absent.

An employee is entitled to 2 compensated 15-minute work break periods in a workday. If an employee chooses to not take a break, no additional compensation will be given.

An unpaid meal period is provided to each full-time employee. The normal meal period should occur approximately halfway through the workday. However, certain departments may require alternate meal periods. The length of the meal period may vary from 30 minutes to 1 hour according to the needs of the department.

11-3 Overtime and Compensatory Time (Comp Time)

All overtime hours shall be accounted for by the employee on the time sheet during which the hours were worked. Compensatory or Overtime will be paid after an employee has met the **40-hour regular time requirement. Exceptions would be in emergency cases before or after the normal working hours of 8:00 a.m. to 4:00 p.m., Monday through Thursday, and 8:00 a.m. to 12:00 p.m., Fridays. (Snow removal, electrical outages, burials, sewer, and water line breaks.) There will be a 2hour minimum for callout time. Callout hours will not count toward the 40-hour work week.

(**All employees (as determined by the Fair Labor Standards Act (FLSA)) must be paid time and one half or given compensatory time (comp time) at the rate of time and one half for all hours worked over 40 hours per work week.)

- A. Employees shall not maintain a comp time balance greater than 80 hours compensatory time and this time must be used within 180 days of accrual unless approved by Department Head.
- B. When an employee terminates employment with the City, the employee must be fully compensated for all unused comp time.

When an employee wishes to make-up time lost, the make-up time must be pre-approved by the employee's Department Head and will be paid on a one-to-one basis and is not eligible for overtime or compensatory time, provided the time is made up in the same pay period.

11-4 Pay Periods

The City operates on a bi-weekly pay period.

11-5 Time Reporting

All employees must fill out a timesheet (or clock in and out) as provided by the City. These timesheets are used to compute leave and earnings and are kept in accordance with State records retention requirements. Because timesheets represent a legally protected financial claim on City resources, any misrepresentations or falsification on an employee's personal or another employee's timesheet could be grounds for immediate disciplinary action including termination.

It is every employee's responsibility to verify, the accuracy of all time recorded. The Department Head or City Manager will review and approve the timesheet before submitting it to the payroll department for processing, by the Wednesday following the end of the pay period.

CHAPTER 12 SUBSTANCE ABUSE AND DRUG FREE WORKPLACE

12-1 Policy Statement

The City believes that a healthy and productive work force, safe working conditions free from the effects of drugs and alcohol, and maintenance of the quality of services rendered by the City are important. The abuse of drugs

and alcohol creates a variety of workplace problems, including increased injuries on the job, increased absenteeism, increased financial burden on health and benefit programs, increased workplace theft, decreased employee morale, decreased productivity, and a decline in the quality of products and services.

Therefore, the City hereby adopts this Policy for testing employees and prospective employees as related to drugs and alcohol in the workplace.

- A. In order to achieve a drug-free workplace, employees, and applicants-as a condition of employment shall be required to participate in alcohol and drug testing:
 - 1. When an applicant has been extended a conditional offer of employment but before beginning work;
 - 2. When there is a reasonable suspicion to believe that the employee is in an impaired state;
 - 3. When the employee has been involved in an “on duty accident” or unsafe work practice;
 - 4. On a random basis (as described in part 12.3.E. Random Testing);
 - 5. As a condition for return to duty after testing positive for controlled substances or alcohol; and
 - 6. As part of follow-up procedures to employment related drug or alcohol violations.
- B. Applicants for all other positions shall, as a condition of employment, be required to participate in alcohol and drug testing after the applicant has been extended a conditional offer of employment but before beginning work.

12-2 Drug & Alcohol Testing Policy Definitions

For the purposes of this policy:

“Alcohol” Alcohol is defined as the intoxicating agent in beverage alcohol, ethyl alcohol, or other low molecular weight alcohols in methyl and isopropyl alcohol no matter how packaged or in what form the alcohol is stored, utilized, or found.

“Drugs” used in this policy refer to and include all drugs, paraphernalia, controlled substances, or mood or mind-altering inhalants, any of which were not prescribed by a licensed physician/dentist in the United States for the person taking or in possession of the drug or substance, or which have not been used as prescribed or directed.

“Drug Paraphernalia” means objects used to manufacture, compound, covert, produce, process, prepare, test, analyze, pack, store, contain, conceal, and/or to inject, ingest, inhale, or otherwise introduce a drug into the human body.

“Employee” means any person in the service of the City whether for compensation or as a volunteer.

“Prospective employee” means any person who has made application for employment with the City and to whom the City has offered employment, conditioned upon the results of a drug and alcohol test.

“Conviction” means a finding of guilt (including a plea of *nolo contendere*) or imposition of sentence, or both, by any judicial body charged with the responsibility to determine violations of the Federal or State criminal statutes.

“Criminal Drug Statute” means a Federal or State criminal statute involving the manufacture, distribution, dispensing, possession, or use of any controlled substance.

“MRO” means Medical Review Officer, charged with reviewing and interpreting test results and determining any alternate medical explanations.

“Drug Policy Coordinator” is the City employee specifically designated to administer the Drug and Alcohol Testing Policy and through whom any procedures, or disciplinary or rehabilitative action regarding this policy, must be reviewed and approved. The Drug Policy Coordinator is the City Manager or other person designated by the City Manager.

“CDL-Commercial Driver’s License” is the license required to operate a commercial vehicle.

“Positive Test” means any test result showing a blood alcohol content of 0.02 or greater or the presence of any controlled substance in the test subject.

“Refusal to Submit to Testing” means failure to provide a testing sample without a valid and verified medical explanation, after the employee has received notice that he/she is being tested and a sample is required or engages in conduct that clearly obstructs the testing process.

“Reasonable Suspicion” means knowledge sufficient to induce an ordinarily prudent and cautious person under the circumstances to believe that a prohibited activity is occurring.

“Safety Sensitive Duties” means any duties requiring a Commercial Driver’s License, any other duties or positions deemed safety sensitive.

12-3 Testing Policy

It is the policy of the City to test employees and prospective employees for the presence of drugs or alcohol, according to the provisions set forth below, as a condition of hire or continued employment. Any employee or prospective employee failing or refusing to take the test will not be eligible for employment, or if employed, may be subject to termination. The City shall consider as negative all confirmed positive drug and alcohol test results with a medically sufficient explanation.

The City shall require the testing of employees and prospective employees, including management, on a periodic basis, under the following circumstances and purposes:

A. Pre-Employment Testing

All prospective employees shall be tested for drug or alcohol usage prior to being placed for employment. All job applicants shall be informed of the policy at the pre-employment interviews. A copy of this policy shall be available for review by all job applicants. All prospective employees shall be required, prior to being hired by the City, to sign the acknowledgment form, agreeing to abide by the terms of this policy. The City will exclude from employment any job applicant or prospective employee who refuses to abide by the terms of this policy. Any prospective employee whose pre-employment drug and alcohol test results in a confirmed positive and who does not have a medically sufficient explanation (as determined in the sole, but reasonable, discretion of the MRO), may reapply for employment with the City after six months from the date of such test. If the City hires a prospective employee, he or she must have first successfully passed the above-referenced pre-employment drug and alcohol test, and thereafter he or she will be subject to all the procedures and requirements for drug and alcohol testing as set forth in this policy.

In addition, any employee who has taken an extended leave of absence of six months or longer must be retested under this section before returning to work.

B. Reasonable Suspicion (For Cause) Testing

1. When a designated Department Head makes a determination that there is a reasonable suspicion to believe that an employee is using, is under the influence of, or is in possession of alcohol or controlled substances at work, the employee shall be subject to drug/alcohol testing.
 - a. The Department Head making the determination that reasonable suspicion exists shall submit written documentation setting forth the specific, contemporaneous articulable observations concerning the appearance, behavior, speech, or body odors of the employee which resulted in the reasonable suspicion determination. Reasonable suspicion of use of a controlled substance may also be based on observation of indications of the chronic and withdrawal effects of controlled substances.
 - i. The required observations underlying reasonable suspicion testing must be made by a Department Head or City Manager who has received at

least 2 hours of training on the physical, behavioral, speech and performance indicators of alcohol and drug use.

- ii. Observations underlying the reasonable suspicion testing must be documented in writing and signed by the Department Head or City Manager within 24 hours or before the results of the test are announced, whichever is later.
 - b. Reasonable suspicion testing may not be conducted by the same Department Head who makes the reasonable suspicion determination.
2. Special requirements associated with reasonable suspicion alcohol testing.
- a. Alcohol testing is authorized only if the observations set forth above are made during, just proceeding or just after the performance of safety sensitive functions.
 - b. If an alcohol test is not administered within 2 hours following the identification of reasonable suspicion, the Department Head shall prepare and maintain documentation stating why the test was not administered within 2 hours.
 - c. If an alcohol test is not administered within 8 hours following the identification of reasonable suspicion, the Department Head shall cease attempts to administer an alcohol test and shall prepare and maintain documentation stating why the test was not administered within 8 hours.
3. Special requirements associated with reasonable suspicion drug testing.
- a. If a drug test is not administered within 32 hours following the identification of reasonable suspicion, the Department Head shall cease attempts to administer a drug test and shall prepare and maintain documentation stating why the test was not administered within 32 hours.
4. Upon required testing due to reasonable suspicion, the employee tested shall not engage in the operation of any City equipment or engage in any employment related duties, which his/her Department Head deems dangerous to himself/herself or others until the results of the tests are received and the employee is released back to work by the City Manager or his designee.

C. Return to Duty Testing

If the City returns to duty an employee who is assigned to a safety sensitive position after he or she has voluntarily sought rehabilitation for drug or alcohol abuse and has successfully completed rehabilitation, such employee shall be entered into a program of unannounced drug and alcohol testing for a predetermined period of time at the sole discretion of the City.

D. Post-Accident Testing

Post-accident testing on employees assigned to safety sensitive positions* will be conducted on employees involved in an accident when:

- 1. Medical treatment is provided to a citizen or employee. Testing should be completed when the employee is treated if possible or within 32 hours of treatment by a physician. If an employee reports an accident on the day it occurs but does not seek treatment by a physician for this injury until days or weeks later, the employee should be drug tested when the employee is treated or within 32 hours of receiving treatment. Involved in the accident is defined as the employee(s) caused, failed to avoid, employee negligence or impairment, or other contributory factors determined by the Department Head; or
- 2. Property damage exceeds Five Hundred Dollars (\$500.00); or
- 3. A work-related fatality occurs; or

4. If a DOT recordable accident occurs – the driver must be drug tested within 32 hours and alcohol tested within 8 hours. An accident is considered to be a DOT recordable accident if any of the following conditions exist:
 - a. Fatality, or bodily injury requiring medical treatment away from the scene.
 - b. One or more vehicles are towed from the scene of the accident.

E. Random Testing

Employees assigned to, or performing, safety sensitive duties* are subject to random drug/alcohol tests.

1. Random tests shall be:
 - a. unannounced; and
 - b. reasonably spread throughout the year.

Each employee within a testing pool must have an equal chance of being tested each time a random test is conducted.

2. Employees required to hold a Commercial Driver's License (CDL) and drive commercial vehicles as a condition of employment may be tested as required by federal and/or state law.
3. Any drug or alcohol testing shall occur during or immediately after the regular work period of current employees and shall be deemed work time for purposes of compensation and benefits for current employees.
4. Individuals will be sent to an outside clinic or testing facility licensed to perform such tests. If an employee is sent to an outside clinic for a "Reasonable Suspicion" test, the employee must be driven to the facility by the Department Head or his/her designee. The employee must then be put on administrative leave until the results of the test are available. The Department Head must make arrangements or help the employee make arrangements to get home without driving him/herself.
5. The City shall pay all costs of testing and transportation associated with a test required by the City.
6. All sample collection and testing shall be performed under the following conditions:
 - a. The collection of samples shall be performed under reasonable and sanitary conditions.
 - b. Samples shall be collected and tested with due regard to the privacy of the individual being tested, and in a manner reasonably calculated to prevent substitutions or interference with the collection or testing of reliable samples.
 - c. The collection of samples shall be documented, and the documentation procedures shall include labeling of samples, to reasonably preclude the probability of erroneous identification of test results. An opportunity shall be provided for the employee or prospective employee to provide notification of any information that he or she considers to be relevant to the test, including identification of currently or recently used prescriptions or non-prescription drugs, or other relevant medical information.
 - d. Sample collection, storage, and transportation to the place of testing shall be performed in a manner that reasonably precludes the probability of sample misidentification, contamination, or adulteration.
 - e. Sample testing shall conform to scientifically accepted analytical methods and procedures.

- f. Testing shall include verification or confirmation of any positive initial screening test by gas chromatography, gas chromatography-mass spectroscopy, or other comparably reliable method.
7. In the case of urine testing, an employee or prospective employee will submit a split urine sample. A split urine sample shall consist of at least 45 ml of urine. The urine shall be divided into 2 specimen bottles, with at least 30 ml of urine in one bottle and at least 15 ml of urine in the other. If the test results of the 30 ml urine sample indicate the presence of drugs, the donor of the test shall have 72 hours from the time he is so notified to request, at his option that the 15 ml urine sample be tested for the indicated drugs, the expense of which shall be divided equally between the donor and the City. The test results of both samples may be considered at any subsequent disciplinary hearing. If the second test is negative, and the employee is exonerated in the subsequent disciplinary process, the employee will not need to pay the employees' portion of the costs for the second test.
8. Drug and alcohol testing will be conducted in compliance with federal, state, and local laws, including but not limited to Utah Code Ann. § 34-41-101 *et seq.*

*Safety sensitive positions are defined as any employee working for the Public Works Department.

12-4 City Action

Upon receipt of a verified or confirmed positive drug or alcohol test result, which indicates a violation of this policy (and in the case of urine testing after providing the employee or prospective employee notice of the result of the initial test and the option to have the 15 ml urine sample tested), or upon the refusal of any employee or prospective employee to provide a sample, the City may use that test result or refusal as the basis for disciplinary or rehabilitative actions, which may include, but not be limited to, the following:

- A. Termination of employment.
- B. Refusal to hire a prospective employee.
- C. Any other disciplinary measures in conformance with the City's practices, policies, or procedures.

12-5 Confidentiality

The information received from the drug testing results shall be the property of the City. Test results information may be released to the person who has been tested upon written request.

12-6 Workplace Rules

Employees who possess, dispense, manufacture, or distribute alcohol, drugs, or drug paraphernalia on City premises, or on City time may be subject to disciplinary action, including termination.

Employees undergoing prescribed medical treatment with a drug that may alter physical or mental abilities must report that to their Department Head.

Prescribed and over-the-counter drugs and the necessary instrumentalities of administration brought on City premises may only be used by the person for whom they are prescribed and taken as directed so long as the use of these drugs does not adversely affect the safety of the work environment or significantly impede performance of essential job functions.

There are various prescription and over-the-counter drugs that may adversely affect the safety of the work environment. Examples include, but are not limited to, pain relievers that contain opiates, and muscle relaxants. It is the employee's responsibility to be informed about the effects of prescription and over-the-counter drugs they are taking by reading the information that accompanies the drug, including any information provided by the pharmacist, and by consulting with their physician, and by accessing and utilizing other sources of information available to the employee, and then act accordingly.

Any employee who chooses or is medically required to ingest prescribed or over-the-counter medications that may adversely affect the safety of the work environment, shall immediately notify his or her Department Head of the type of medication and time period over which said medications will be taken. The Department Head will make a determination of any restrictions to be placed on the employee after appropriate confidential consultation with the Human Resource Manager, the City Manager, and/or medical professionals.

Any employee who chooses or is medically required to ingest such a prescribed or over-the-counter medication outside of the workplace must ensure that the impairing effects have ended prior to reporting for work.

For the purpose of this policy, medications used as prescribed, which do not constitute a safety concern, shall not be considered a violation of this policy.

Any employee convicted of violating a criminal drug statute must notify the City Manager within 5 days of conviction. The City may take appropriate disciplinary or rehabilitative actions as a consequence.

No employee may use or be under the influence of drugs or alcohol on the City's premises, in the City's vehicles, or any time the employee is representing the City on City business, except in cases involving a current, prescription prescribed in the United States, or over-the-counter drug, taken as prescribed or directed, and in conformance with this policy.

12-7 Miscellaneous

A copy of the City's Drug and Alcohol Testing Policy shall be distributed to all employees, and all employees shall be required to acknowledge receiving, reading, and acknowledging the policy. Copies shall be made available to prospective employees.

Employees wishing assistance with overcoming drug or alcohol abuse may contact their Department Head or the Drug Policy Coordinator for information about counseling and rehabilitation programs.

12-8 Acknowledgment of Policy

The City shall require each employee to read this policy and sign a form, acknowledging that they have received and read a copy of this policy and agree to abide by its terms as a condition of continued employment. The signed acknowledgment shall be kept in each employee's personnel file.

12-9 Drug and Alcohol Policy Not a Contract

This Drug and Alcohol Testing Policy is the unilateral action of the City and does not constitute an express or implied contract with any person affected by or subject to the policy. Neither this policy nor any action taken pursuant to this policy assures or guarantees employment or any terms of employment to any person for any period of time. The City may alter, terminate, or make exceptions to this policy at any time, at the City's sole discretion.

CHAPTER 13 SEXUAL HARASSMENT/DISCRIMINATION POLICY AND PROCEDURE

13-1 Prohibition Against Sexual Harassment/Discrimination

All employees of the City have the legal right (Title VII of the Civil Rights Act of 1964 which makes it unlawful to fail or refuse to hire or to discharge any individual, or otherwise to discriminate against any individual with respect to his/her compensation, terms, conditions, or privileges of employment, because of such individual's race, color, religion, sex, ethnicity, disability, genetic information, or national origin.) to work in an environment free from sexual harassment and discrimination. In addition, it is an objective of the City that all individuals making application for employment with the City may expect an environment free from sexual harassment and discrimination.

Sexual harassment and discrimination are unlawful activities which violate City policy and are prohibited. It is unacceptable behavior that will not be tolerated at any level. Any employee who engages in any form of sexual harassment or discrimination shall be subject to disciplinary action, up to, and including, termination.

Sexual harassment, according to the federal Equal Employment Opportunity Commission (EEOC), consists of unwelcome sexual advances, requests for sexual favors or other verbal or physical acts of a sexual nature or sex-based nature where:

- A. Submission to such conduct is made either explicitly or implicitly a term or condition of an individual's employment.
- B. An employment decision is based on an individual's acceptance or rejection of such conduct.
- C. Such conduct interferes with an individual's work performance or creates an intimidating, hostile, or offensive work environment.

It is also unlawful to retaliate or take reprisal in any way against anyone who has filed a complaint about sexual harassment or sexual discrimination or any other type of discrimination.

The City and its Department Heads, employees and agents are under a duty to investigate or eradicate any form of sexual harassment, sex discrimination or any other type of discrimination or complaints about such conduct.

In addition to prohibiting sexual harassment or discrimination by its employees, the City will not tolerate sexual harassment or discrimination towards its employees by its citizens, contractors and/or vendors. Likewise, employees are prohibited from engaging in harassment, discrimination, or retaliation towards citizens, contractors, or vendors.

The City's management is committed to vigorously enforcing this prohibition of Sexual Harassment and Discrimination at all levels of the organization. This prohibition against Sexual Harassment and Discrimination is in effect at all times and in all places.

13-2 Statement of Penalties for Misconduct

An employee's commission of acts of sexual harassment, discrimination and/or retaliation will result in disciplinary action up to and including termination.

13-3 Reporting Violations of Sexual Harassment/Discrimination

Employees are required to report violations of the City's Sexual Harassment/Discrimination Policy when they first feel they have been sexually harassed or discriminated against or have observed harassing or discriminating conduct against another. The following procedure will guide the investigation of sexual harassment or discrimination claims:

Employees must file a sexual harassment or discrimination complaint in writing with any one of the following individuals:

- A. Department Head
- B. Human Resource Manager
- C. City Attorney or Assistant Attorney
- D. City Manager

If an employee verbally makes a complaint and does not follow up with a written complaint, it will be investigated, and the employee will be encouraged to provide it in writing.

The City Administration will promptly conduct a thorough investigation of the alleged sexual harassment or discrimination complaint. Confidentiality will, to the extent practical, be protected.

Any employee of the City who is accused of sexual harassment or discrimination shall not question, coerce, intimidate, or retaliate in any way during or after the investigation against the person who has filed a complaint of sexual harassment or discrimination or against any persons that have provided information concerning the complaint. During the investigation, the City may adjust work and staffing schedules to ensure the propriety of the investigation and to avoid potential conflicts.

All employees shall fully cooperate in any investigation of sexual harassment, discrimination, or retaliation. Disciplinary action will be taken against any employee failing to report, obstructing, or not fully cooperating with any investigation of sexual harassment, discrimination, or retaliation.

CHAPTER 14 WORKPLACE VIOLENCE

14-1 Workplace Violence and Policy Statement

The City is committed to providing, in so far as it reasonably can do so within available resources, a safe environment for working and conducting business. The City will not tolerate acts of violence or hostility committed by City employees, or against City employees by members of the public while on City property or while the City employee is performing City business at other locations. The objective of this policy is to reduce the potential for violence in and around the workplace, to encourage and foster a work environment that is characterized by respect and healthy conflict resolution, and to mitigate the negative consequences for employees who experience or encounter violence and/or hostility in their work lives.

14-2 Workplace Violence Definitions

The work violence in this policy shall mean an act or behavior that:

- A. is physically assaultive;
- B. consists of a communicated or reasonably perceived threat to harm another individual or in any way endanger the safety of an individual;
- C. would be interpreted by a reasonable person as having potential for physical harm to the individual;
- D. a reasonable person would perceive as menacing;
- E. involves carrying or displaying non-permitted weapons, destroying property, throwing objects, or displaying permitted weapons in a manner reasonably perceived to be threatening;
- F. consists of a communicated or reasonably perceived threat to destroy property; or
- G. conduct that creates an intimidation, hostile work environment outside of the discipline procedures outlined in this policy.

Violent actions on City property, in City facilities or while on City business will not be tolerated or ignored. Any unlawful violent actions committed by employees or members of the public while on City property or while using City facilities will be prosecuted as appropriate and may result in disciplinary action, up to and including termination. Employees must immediately report to their supervisor all incidents of workplace violence.

CHAPTER 15 RISK MANAGEMENT AND SAFETY

15-1 Employee Liability

An employee who becomes aware of any occurrence which may give rise to a lawsuit, receives a notice of claim, or is sued because of an incident related to his employment, shall give immediate notice to his/her Department Head and the City Manager.

15-2 Incentive Program

The City may adopt an employee incentive program to promote workplace safety, performance, and/or health and reduce the negative impacts of accidents, property damage, and insurance costs. The City Manager has the discretion to implement and make changes to an incentive program. The successfulness of incentives will be evaluated and reported to the City Council annually using insurance claims, workers compensation claims, and employee engagement (feedback) as indicators of success. The City Manager may include any other performance indicators, performance plans, and employee evaluations in such program as appropriate for workplace improvements. The funding for incentive programs will be included in the annual budget and incentives approved by the City Council as changes are made.

CHAPTER 16 EMPLOYEE CODE OF ETHICS

16-1 Prohibited Conduct

No current employee or officer, as specified, shall:

A. Disqualification from Acting on Morgan City Business

1. Engage in any transaction or activity, which is, or would to a reasonable person appear to be, in conflict with or incompatible with the proper discharge of official duties, or which impairs, or would to a reasonable person appear to impair, the employee's independence of judgment or action in the performance of official duties and fail to disqualify him or herself from official action in those instances where conflict occurs;
2. Have a financial or other private interest, direct or indirect, personally or through a member of his or her immediate family, in any matter upon which the employee is required to act in the discharge of his or her official duties, and fail to disqualify him or herself from acting or participating;
3. Fail to disqualify him or herself from acting on any transaction which involves Morgan City and any person who is, or at any time within the preceding twelve (12) month period has been a private client of his or hers, or of his or her firm or partnership;
4. Have a financial or other private interest, direct or indirect, personally or through a member of his or her immediate family, in any contract or transaction to which Morgan City or any City agency may be a party, and fails to disclose such interest to the appropriate authority prior to the formation of the contract or the time Morgan City or City agency enters into the transaction; provided, that this paragraph shall not apply to any contract awarded through the public bid process in accordance with applicable law.

B. Improper Use of Official Position

1. Use his or her official position for a purpose that is, or would to a reasonable person appear to be primarily for the private benefit of the employee, rather than primarily for the benefit of Morgan City; or to achieve a private gain or an exemption from duty or responsibility for the employee or any other person.
2. Use or permit the use of any person, funds, or property under his or her official control, direction, or custody, or of any City funds or property, for a purpose which is, or to a reasonable person would appear to be, for something other than a legitimate purpose.
3. Except in the course of official duties, assist any person in any transaction where the employee's assistance is, or to a reasonable person would appear to be, enhanced by that employee's position with the City; provided that this subsection shall not apply to any employee appearing on his or her own behalf or representing himself or herself as to any matter in which he or she has a proprietary interest, if not otherwise prohibited by ordinance.
4. Regardless of prior disclosure thereof, have a financial interest, direct or indirect, personally or through a member of his or her immediate family, in a business

entity doing or seeking to do business with Morgan City, and influence or attempt to influence the selection of, or the conduct of business with that business or entity.

C. Accept Gifts or Loans

1. Ask for or receive, directly or indirectly, any compensation, gift, gratuity, or thing of value, or promise thereof, for performing or for omitting or deferring the performance of any official duty; except that the following shall be allowed:
 - a. Unsolicited flowers, plants, and floral arrangements;
 - b. Unsolicited advertising or promotional items of nominal value, such as pens and notepads;
 - c. Unsolicited token or awards of appreciation in the form of a plaque, trophy, desk item, wall memento, or similar item;
 - d. Unsolicited food items given to a department when the contents are shared among employees and the public;
 - e. Unsolicited items received for the purpose of evaluation or review provided the officer or employee has no personal beneficial interest in the eventual use or acquisition of the item by the City;
 - f. Information material, publications, or subscriptions related to the recipient's performance of official duties;
 - g. Food and beverages consumed at hosted receptions where attendance is related to official duties;
 - h. Meals, beverages, and lodging associated with retreats or other meetings where the official serves as a representative, designee or is otherwise assigned to another organization or entity from the City;
 - i. Travel costs, lodging, and tuition costs associated with City sanctioned training or education when not provided by a private entity under contract with the City;
 - j. Admission to, and the cost of food and beverages consumed at, events sponsored by or in conjunction with a civic, charitable, governmental, or community organization and other officials or employees of similar agencies are in attendance;
 - k. Unsolicited gifts from dignitaries from another entity or other jurisdiction that are intended to be personal in nature;
 - l. Campaign contributions; and
 - m. Unsolicited gifts with an aggregate economic value of \$50.00 or less from a single source in a calendar year received either directly or indirectly by the official or employee.

D. Disclose Privileged Information

Disclose or use any privileged or proprietary information gained by reason of his or her official position for the immediate or anticipated personal gain or benefit of the employee or any other person or entity; provided, that nothing shall prohibit the disclosure or use of information which is a matter of public knowledge, or which is available to the public on request.

E. Financial or Beneficial Interest in Transactions

Regardless of prior disclosure an employee or officer may not participate in or benefit from (personally or through his or her family) a contract or agreement where that employee or officer acted as an agent of Morgan City. This includes receiving compensation, gratuity, or other benefit from an interested party of an agreement or contract with Morgan City.

F. Nepotism

1. Violate *Utah Code* § 52-3, which prohibits employment of relatives, with few exceptions.

G. Misuse of Public Resources or Property

1. Violate *Utah Code* § 76-8-4, which delineates the unlawful use of public funds and destruction of property, including records.

H. Outside Employment

1. Retain secondary employment outside of Morgan City employment, which, as determined by the City Manager, and according to Utah Administrative Code R477-9-2:
 - a. Interferes with an employee's performance.
 - b. Conflicts with the interests of Morgan City or the State of Utah.
 - c. Gives reason for criticism or suspicion of conflicting interests or duties.

I. Uses of the City's internet

(The following is a non-exclusive list of prohibited uses of the City's internet and email):

1. Commercial use – any form of commercial use of the internet is prohibited;
2. Solicitation – the purchase or sale of personal items or non-business items through advertising on the internet is prohibited;
3. Copyright violations – the unlawful reproduction or distribution of copyrighted information, regardless of the source, is prohibited;
4. Discrimination / Harassment – the use of the internet to send messages or other content, which is harassing, derogatory or unlawfully discriminatory to employees, citizens, vendors, or customers is prohibited;
5. Political – the use of the internet for political purposes is prohibited;
6. Aliases / Anonymous messages / misrepresentation – the use of aliases or transmission of anonymous messages is prohibited. Also, the misrepresentation of

an employee's job title, job description, or position with Morgan City is prohibited;

7. Social networking sites – the accessing and/or creation of social networking sites, such as Facebook, Twitter, Instagram, Blogs and similar sites is prohibited for non-entity business purposes;
8. Instant messaging for non-entity business purposes;
9. Misinformation / Confidential Information – the release of untrue, distorted, or confidential information regarding Morgan City business or employees is prohibited;
10. Viewing or Downloading of Non-Business Related Information - the accessing, viewing, distribution, downloading, or any other method for retrieving non-city related information is prohibited. This includes, but is not limited to, entertainment sites, pornographic sites, sexually explicit sites, chat rooms and bulletin boards;
11. Unauthorized attempts to access another's network or e-mail account;
12. Display or transmission of sensitive or proprietary information to unauthorized persons or organizations; and
13. Spamming email accounts from the City's email services or City machines.

J. Political Activity

1. Except as otherwise provided by law:
 - a. The partisan political activity, political opinion, or political affiliation of an applicant for a position with Morgan City may not provide a basis for denying employment to the applicant.
 - b. A Morgan City officer's or employee's partisan political activity, political opinion, or political affiliation may not provide the basis for the officer or employee's employment, promotion, disciplinary action, demotion, or dismissal.
 - c. A Morgan City employee may not engage in political campaigning or solicit political contributions during hours of employment.
 - d. A Morgan City officer or employee may not use the City's equipment while engaged in campaigning or other political activity.
 - e. A Morgan City officer or employee may not directly or indirectly coerce, command, or advise another City officer or employee to pay, lend, or contribute part of the officer's or employee's salary or compensation, or anything else of value to a political party, committee, organization, agency, or person for political purposes.
 - f. A Morgan City officer or employee may not attempt to make another officer or employee's employment status dependent on the officers or employee's support, or lack of support of a political party, affiliation, opinion, committee, organization, agency, or person engaged in political activity.

2. A Morgan City employee who has filed a declaration of candidacy may:
 - a. be given a leave of absence for the period between the primary election and the general election; and
 - b. Use any vacation or other leave available to engage in campaign activities.
3. Neither the filing of a declaration of candidacy nor a leave of absence under this section may be used as the basis for an adverse employment action, including discipline and termination, against the employee.
4. Nothing in this chapter shall be construed to:
 - a. prohibit a Morgan City officer or employee's voluntary contribution to a party or candidate of the officer or employee's choice; or
 - b. Permit a Morgan City officer or employee partisan political activity that is prohibited under federal law.
 - c. No Morgan City officer or employee shall solicit or participate in soliciting any assessment, subscription, or contribution to any political party during working hours on the premises of any Morgan City property.
 - d. No Morgan City officer or employee shall promise any appointment to any position with Morgan City as a reward for any political activity.
 - e. A Morgan City employee who is elected to an office with Morgan City shall terminate City employment prior to being sworn into the elected office.

K. Fair and Equal Treatment

1. No person shall be appointed to, removed from, or in any way favored or discriminated against with respect to any appointive public office because of such person's race, color, age, religion, sex, national origin, or functional limitation as defined by applicable state or federal laws, if otherwise qualified for the position or office.
2. No Morgan City officer or employee shall grant any special consideration, treatment, or advantage to any citizen beyond that which is available to every other citizen.

L. Prohibited Conduct After Leaving Morgan City

1. No former employee shall, during the period of one (1) year after leaving Morgan City office or employment:
 - a. Disclose or use any privileged or proprietary information gained by reason of his/her City employment for his/her gain or anticipated gain, or for the gain or anticipated gain of any person, unless the information is a matter of public knowledge or is available to the public on request;
 - b. Assist any person in proceedings involving an agency of Morgan City with which he/she was previously employed, involving a matter in which he or she was officially involved, participated, or acted in the course of duty;

- c. Represent any person as an advocate in any matter in which the former employee was officially involved while a Morgan City employee;
- d. Participate as a competitor in any competitive selection process for a City contract in which he or she assisted the City in determining the project or work to be done or the process to be used.

RESOLUTION 21-21

A RESOLUTION ADOPTING AND APPROVING A LETTER OF UNDERSTANDING BETWEEN MORGAN CITY AND PETERSON PIPELINE ASSOCIATION.

WHEREAS, the City understands that Peterson Pipeline Association (hereinafter "PPA") provides drinking water to the residents of Peterson in Morgan County, and currently has one well in production and is in the process of drilling a second well; and

WHEREAS, the City agrees to sell 12,000 gallons per day of potable water to PPA in the event PPA experiences a water shortage before PPA is able to bring online a secondary water source; and

WHEREAS, the City agrees to sell potable water to PPA at the current Morgan City rate per 1,000 gallons; and

WHEREAS, in the event PPA experiences a water shortage, PPA must immediately issue an emergency order for its members and restrict water use to drinking, cooking, and minimal indoor sanitation. Members must not be allowed to use PPA water during the water shortage for irrigation purposes; and

WHEREAS, the City recognizes that PPA as a public water system may only use water hauling during emergencies or under the specific conditions described in U.C.A. R309-550-10; and

WHEREAS, PPA shall be solely responsible as the authorized public water system, for meeting all state water quality requirement; and

WHEREAS, the City requires that PPA (a) follows the Division of Drinking Water (hereinafter "DDW") guidance for hauling drinking water; and (b) uses the DDW's water hauling checklist (See <https://deq.utah.gov/drinking-water/water-hauling-approval>); and

WHEREAS, the Letter of Understanding will expire, unless renewed in writing, in one year from the date of execution or when PPA activates an additional water source, whichever comes first; and

WHEREAS, City Staff has reviewed and evaluated the request from PPA and has found it to be in the best interest of the City and citizens of Morgan City to conditionally supply potable water to PPA in the event PPA is unable to complete the construction of a secondary water source.

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF MORGAN, UTAH:

1. That the Letter of Understanding between Morgan City and Peterson Pipeline Association, which is attached hereto and incorporated herein by this reference, is hereby adopted, and approved as provided therein.
2. That the Mayor be authorized to execute the Letter of Understanding in furtherance of this Resolution.

PASSED AND ADOPTED by the City Council of Morgan, Utah, this 23rd day of November, 2021.

ATTEST:

RAY W. LITTLE, Mayor

DENISE WOODS, City Recorder

CITY COUNCIL VOTE AS RECORDED:

	Aye	Nay	Excused
Councilmember London	_____	_____	_____
Councilmember Wardell	_____	_____	_____
Councilmember Turner	_____	_____	_____
Councilmember Richins	_____	_____	_____
Councilmember Alexander	_____	_____	_____

(In the event of a tie vote of the Council):

Mayor Little	_____	_____
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Morgan City Corporation

90 West Young Street P.O. Box 1085 Morgan, Utah 84050 (801) 829-3461

September 14, 2021

Peterson Pipeline Association
3800 West 3900 North
Peterson, Utah 84050
Phone: (385) 350-0099

LETTER OF UNDERSTANDING BETWEEN MORGAN CITY AND PETERSON PIPELINE ASSOCIATION

Morgan City understands that Peterson Pipeline Association (PPA) provides drinking water to the residents of Peterson in Morgan County, and currently has one well in production and is in the process of drilling a second well.

This letter is to confirm that Morgan City agrees to sell 12,000 gallons per day of potable water to PPA in the event PPA experiences a water shortage before PPA is able to bring online an additional water source. Morgan City will sell potable water to PPA at the current Morgan City rate per 1,000 gallons. This commitment is conditioned upon Morgan City's determination that the City has enough water to service its needs and the needs of its citizens before selling water to PPA.

In the event PPA experiences a water shortage, PPA must immediately issue an emergency order for its members and restrict water use to drinking, cooking and minimal indoor sanitation. Members must not be allowed to use PPA water during the water shortage for irrigation purposes.

Morgan City recognizes that PPA as a public water system may only use water hauling during emergencies or under the specific conditions described in UAC R309-550-10. PPA shall be solely responsible as the authorized public water system, for meeting all state water quality requirements.

Morgan City requires that PPA (a) follows the Division of Drinking Water (DDW) guidance for hauling drinking water and (b) uses the DDW's water hauling checklist. See <https://deq.utah.gov/drinking-water/water-hauling-approval>.

This Letter of Understanding will expire, unless renewed in writing, in one year from the date of execution or when PPA activates an additional source, whichever comes first. The parties hereby agree to the above terms.

MORGAN CITY CORPORATION

Printed Name

Title

Signature

Date

PETERSON PIPELINE ASSOCIATION

Printed Name

Title

Signature

Date

RESOLUTION 21-25

A RESOLUTION ADOPTING AND APPROVING THE APPOINTMENT OF CLARK CROOK AS THE UAMPS ALTERNATE MEMBER REPRESENTATIVE FOR MORGAN CITY.

BE IT RESOLVED BY THE CITY COUNCIL OF MORGAN, UTAH:

1. That Clark Crook, Power Supervisor, is hereby appointed as Morgan City's Alternate Member Representative to Utah Associated Municipal Power Systems ("UAMPS").
2. That this resolution shall remain in effect until repealed by another resolution appointing a different Alternate to UAMPS.

PASSED AND ADOPTED by the City Council of Morgan, Utah, this 23rd day of November, 2021.

RAY W. LITTLE, Mayor

ATTEST:

DENISE WOODS, City Recorder

CITY COUNCIL VOTE AS RECORDED:

	Aye	Nay	Excused
Councilmember London	___	___	___
Councilmember Wardell	___	___	___
Councilmember Turner	___	___	___
Councilmember Richins	___	___	___
Councilmember Alexander	___	___	___

(In the event of a tie vote of the Council):

Mayor Little	___	___
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ORDINANCE 21-13

AN ORDINANCE AMENDING TITLE 3, CHAPTER 3.04, SECTIONS 3.04.030 AND 3.04.050 OF THE MORGAN CITY CODE BY CHANGING THE NUMBER OF ALCOHOL LICENSES PERMITTED WITHIN MORGAN CITY; PROVIDING FOR REPEALER; PROVIDING FOR SEVERABILITY; AND PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, Morgan City has been authorized by the State of Utah to determine the number of licenses that may be issued within the City for the dispensing of alcoholic beverages; and

WHEREAS, in evaluating the current number of these licenses, the growth of the City, and the demand for these services, the City Council has determined that the appropriate number of licenses should be governed by the number of licenses issued by the State Liquor Commission, subject to the separation requirement of State Law; and

WHEREAS, the City Council of Morgan City deems it to be in the best interest of the citizens of Morgan City to amend Sections 3.04.030 and 3.04.050 of the Morgan City Code to reflect the change to the number of licenses for dispensing alcoholic beverages within the respective categories.

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF MORGAN, UTAH:

SECTION 1 **Repealer.** If any provisions of the Morgan City Code heretofore adopted are inconsistent herewith, they are hereby repealed.

SECTION 2. **Enactment.** Title 3, Chapter 3.04, Sections 3.04.030 and 3.04.050 of the Morgan City Code is hereby amended to read as follows:

3.04.030 PRIVATE CLUBS

. . .

- B. Number Limited; Distance to Existing Club: The number of these licenses shall be limited to the number issued by the Utah Liquor Commission, subject to the separation requirements and other provisions contained herein. ~~two (2) licensed private clubs or two (2) licensed beer retailer on premises establishments, or a combination thereof not to exceed two (2), within the corporate limits of the City. Further, n~~ No new private club licenses shall be located closer than six hundred feet (600') to an existing private club or beer retailer on premises licensee. The six hundred feet (600') shall be measured in a straight line between the nearest property lines of the subject properties.

. . . .

3.04.050 BEER RETAILER LICENSES

. . .

- ~~C. Number Limited: The location of these licensees shall be limited to two (2) licensed beer retailer on premises establishments or two (2) licensed private clubs, or a combination thereof not to exceed two (2), within the corporate limits of the city.~~

- ~~D.~~ Distance Regulations; Exception:

1. Further, no new beer retailer on premises licensee shall be located closer than six hundred feet (600') to an existing beer retailer on premises licensee or private club. The six hundred feet (600') shall be measured in a straight line between the nearest property lines of the subject properties.
2. A beer retailer on/off premises may not be established within six hundred feet (600') of any public or private school, church, public library, public playground or park, measured from the nearest entrance of the on/off premises beer retailer by following the shortest route of either ordinary pedestrian traffic, or where applicable, vehicle travel along public thoroughfares, whichever is the closer.
3. A beer retailer licensed premises may not be established within two hundred feet (200') of any public or private school, church, public library, public playground or park measured in a straight line from the nearest entrance of the proposed outlet to the nearest property boundary of the above named.
4. The restrictions contained in subsections ~~DC~~2 and ~~DC~~3 of this section govern unless the city council finds after a full investigation, by the enforcement official, that compliance with the distance requirements would result in peculiar and exceptional practical difficulties or exception and undue hardships in the granting of a beer retailer license. Additional circumstances may be considered and include topography, existing permanent physical barriers, sight distance, land use issues, compatibility, travel distance, etc. In that event, the city council may, after giving full consideration to all the attending circumstances, following a public hearing, authorize a variance from the distance requirements to relieve the difficulties or hardships if the variance may be granted without substantial detriment to the public good and without substantially impairing the intent and purpose of this chapter. If such a variance is granted, the city council may impose additional restrictions upon the licensee to ensure the purpose of the intended restrictions.

ED. Qualifications:

1. The city council may not grant a beer retailer license to an outlet whose proprietor has been convicted of:
 - a. A felony under federal or state laws.
 - b. Convicted of any violation of any federal or state law or local ordinance concerning the sale, manufacture, distribution, warehousing, adulteration or transportation of alcoholic beverages.
 - c. Driving under the influence of alcohol and/or drugs, or reckless driving, reduced from such a charge, within three (3) years prior to application.
 - d. Convicted of any crime involving moral turpitude.
2. In the case of any partnership or corporation, the offenses in subsection ED1 of this section applies, if any partner, managing agent, officer, director or stockholder who holds at least twenty percent (20%) of the total issued and outstanding stock of an applicant corporation has been convicted of any offense as provided in this chapter.
3. If any such person is convicted of such an offense subsequent to the issuance of the license, the license shall be surrendered immediately. The licensee may request a hearing

on the matter, in writing and within ten (10) days of a conviction by a trial court. Any such hearing shall be pursuant to the provisions of the business license ordinance.

4. Retailers must sell and store beer in accordance with state law. On premises beer retailers may sell beer in open containers, in any size not exceeding two (2) liters, and on draft. Liquor may not be stored or sold on the premises.
5. Beer retailers can only sell beer during hours as stated below:
 - a. Off premises; between the hours of six o'clock (6:00) A.M. and one o'clock (1:00) A.M.
 - b. On Premises; between the hours of ten o'clock (10:00) A.M. and one o'clock (1:00) A.M.
6. The enforcement official will conduct quarterly inspections of the on premises retailer and furnish a written report to the city council and the sheriff's office to ensure compliance.

FE. Application; Fee: A person seeking a beer retailer license under this chapter shall file a written application with the city, in a form prescribed by the licensing department. The beer retailer license fee and the nonrefundable application fee are as set forth in the city fee schedule. (2003 Code)

SECTION 3. Severability. If any section, subsection, sentence, clause, or phrase of this ordinance is declared invalid or unconstitutional by a court of competent jurisdiction, said portion shall be severed and such declaration shall not affect the validity of the remainder of this ordinance.

SECTION 4. Effective Date. This ordinance shall go into effect at the expiration of the 20th day after publication or posting or the 30th day after final passage as noted below or whichever of said days is the most remote from the date of passage thereof.

PASSED AND ADOPTED by the City Council of Morgan, Utah, this 9th day of November 2021.

RAY W. LITTLE, Mayor

ATTEST:

DENISE WOODS, City Recorder

CITY COUNCIL VOTE AS RECORDED:

	Aye	Nay	Excused
Councilmember London	_____	_____	_____
Councilmember Wardell	_____	_____	_____
Councilmember Turner	_____	_____	_____
Councilmember Richins	_____	_____	_____
Councilmember Alexander	_____	_____	_____

(In the event of a tie vote of the Council):

Mayor Little

