



NIBLEY CITY COUNCIL MEETING AGENDA

Thursday, July 14, 2022 – 6:30 p.m.

In accordance with Utah Code Annotated 52-4-207 and Nibley City Resolution 12-04, this meeting may be conducted electronically. The anchor location for the meeting will be Nibley City Hall, 455 West 3200 South, Nibley, Utah. The public may also participate in the meeting via the Zoom meeting link provided at www.nibleycity.com. Public comment should be submitted to cheryl@nibleycity.com by 6:30 p.m. and will be read into the public record.

1. Opening Ceremonies (Councilmember Beus)
2. Call to Order and Roll Call (Chair)
3. Approval of the June 23, 2022, Meeting Minutes and the Current Agenda (Chair)
4. Planning Commission Report
5. Public Comment Period¹ (Chair)
6. **Discussion and Consideration** – Recommendation for Hawk Hollow Subdivision Preliminary Plat, located at approximately 1150 West 3200 South (Applicant: Bryce Goodin)
7. **Discussion and Consideration** – Ordinance 22-13: Rezone a portion of Parcel 03-026-0014 and 03-026-0006, located at 35 West 3200 South from R-2 (Residential) to C (Commercial)(Applicant: Shane Johnson) (First Reading)
8. **Discussion and Consideration** – Recommendation for Resolution 22-20: Future Land Use Map Amendments (First Reading)
9. **Discussion & Consideration** – Resolution 22-18: A Resolution Establishing Rules and Regulations Concerning Practices Associated with Safety and Adopting the Nibley City Safety Policy Manual (Second Reading)
10. **Discussion & Consideration** – Resolution 22-19: A Resolution Amending and Updating Certain Portions of the Nibley City Personnel Policy (Second Reading)
11. Council and Staff Report

In compliance with the Americans With Disabilities Act, reasonable accommodations for individuals with disabilities will be provided upon request. For assistance, please call (435) 752-0431.

¹ Public input is welcomed at all City Council Meetings. 15 minutes have been allotted to receive verbal public comment. Verbal comments shall be limited to 3 minutes per person. A sign-up sheet is available at the entrance to the Council Chambers starting 15 minutes prior to each council meeting and at the rostrum for the duration of the public comment period. Commenters shall identify themselves by name and address on the comment form and verbally for inclusion in the record. Comment will be taken in the order shown on the sign-up sheet. Written comment will also be accepted and entered into the record for the meeting if received prior to the conclusion of the meeting. Comments determined by the presiding officer to be in violation of Council meeting rules shall be ruled out of order.



Agenda Item #6

Description	Discussion & Consideration – Recommendation for Hawk Hollow Subdivision Preliminary Plat, located at approximately 1150 West and 3200 South (Applicant: Bryce Goodin)
Presenter	Levi Roberts, City Planner
Recommendation	Approval of Hawk Hollow Subdivision Preliminary Plat, located at approximately 1150 West and 3200 South with the following conditions: 1. The proposed Open Space to be dedicated to Nibley City and be improved with Sod grass and trees. 2. The following to be addressed with the Final Plat application for the subdivision. The results may impact the plat layout and the City reserves the right to require changes to the Plat based upon the results. a. The development will be responsible to contribute to building half of the paved trail in the 1100 W alignment. To be included in the development agreement. b. Documentation of the existing stormwater discharge location must be presented. c. If approval is not granted by Nibley-BSF for discharging pre and post construction stormwater, the difference in stormwater will need to be stored and released according to standard stormwater management standards. d. All construction plans showing improvements to canal facilities, locations and discharge details of stormwater into canals, will need to be approved by signature of Nibley-Blacksmith Fork Irrigation Company.

	e. A geotechnical report shall be provided to the City in regard to the subdivision improvements that addresses foundation / footing design and construction standards, roadway structural sections – residential street and 3200 South, historic high groundwater surface elevations, and finish floor elevations. f. Swale volume calculations need to show adequate retention. g. The curb along 3200 South should stop at the existing asphalt edge as the asphalt acts as a driveway for the property to the west. h. If grading for the lots is not planned to be included in the design, the City will require a note on the Final Plat indicating that the lots will either need to retain the full 100-year event on their property or drain all stormwater to the street swale.
Reviewed By	City Manager, City Planner, City Engineer, Planning Commission

Update for July 14

During the June 23 City Council meeting, this item was continued. Specifically, the Council directed staff to investigate how the addition of the development's open space would impact the overall park, including a concept of how the City would use the extra space and how we would be able to accommodate this with adequate parking. In addition it was expressed to improve the shape of the open space area to be more squared off on the edges.

The applicant has submitted an updated Preliminary Plat which includes a minor improvement to the shape of the park space. Specifically, the northwest corner of the park is slightly more squared-off compared to the previous version.

Staff consulted with the Parks and Recreation Department heads and Committee regarding the future park space. Through these discussions, it was determined that the City's acquisition of this park space would be valuable and present needed recreational opportunities that could not be realized with the smaller space included in the adjacent Nibley Meadows R-PUD. Specifically, Parks and Recreation see an opportunity to develop a large multi-use field, in addition to 2-3 smaller fields with the addition of the Hawk Hollow 3 acre open space. Without this addition, only 2-3 smaller fields would be possible within the Nibley Meadows Park. There is currently an unmet need for fields that accommodate sports for 13-18 year-old children and adults, including for soccer, football and ultimate frisbee. Accommodating this need would be possible with the

addition of this park space. Adequate parking for the space could be provided in two locations: on the south end of the Nibley Meadows Park Space and in the old 1200 West Right-of-way and remnant approximately 1 acre piece of property to the west of the old 1200 West. This area is immediately adjacent to the Hawk Hollow Open Space and couldn't be utilized without the dedication of this open space.

In addition to this consideration, the Parks Superintendent expressed that maintenance for this open space could be more efficiently provided than if open space were provided in a less contiguous location. Another benefit of dedicating this park space is the improvement of access to the park from the Hawk Hollow development and other existing and future neighborhoods to the north of this area, as pedestrian access would be provided through the development.

Based upon this feedback, Staff affirms its recommendation to approve this Preliminary Plat with the conditions noted above, including the requirement to dedicate the proposed open space as a City park.

Previous Background Information

Bryce Goodin has applied for Preliminary Plat for Hawk Hollow Subdivision. Hawk Hollow is a proposed Open Space Subdivision, located near 1150 West 3200 South within an R-2 zone. Below is a summary of the development and associated requirements:

	NCC Requirements	Hawk Hollow
Total Gross Acres	N/A	9.91
Total Net Acres	N/A	8.47
Open Space Ratio	N/A	0.354
Incentive Multiplier	N/A	1.3
Maximum Lots	22	21
Minimum Lot Size	9,000 sq. ft.	9,078 sq. ft.
Average Lot Size (less open space area)	10,200 sq. ft.	11,335 sq. ft.
Minimum street frontage	85 ft.	85 ft.

Zoning and space requirements

NCC 21.10.020(E)(1) provides lot standards within an open space subdivision. As noted in the chart above, developments that dedicate greater than 35% of open space may include up to 30% more lots than in a standard subdivision. The proposed plat complies with Nibley City Code with respect to lot size, maximum lots, and street frontage for the amount of open space that is proposed to be dedicated. The minimum setbacks noted on the plat conform with NCC 19.22.

Open Space

NCC 21.10.020(D) requires that the applicant submit a sensitive area designation plan map and a maintenance plan for preserved open space. The only sensitive lands that the provided sensitive areas designation plan map designates for this property are irrigation canals on the northern and southern border of the development. The remainder of the property is pasture/farmland.

The applicant has proposed that open space be provided in 4 conservancy lots on the southern portion of the development and that they be improved and maintained by individual property owners. The landscape plan shows trees to be planted in the park strip swale.

The applicant also proposes to build an 8' wide trail in an easement on the border of lots 9 & 10 (including the open space on lot 10), which connects to the planned trail on the 1100 West Right-of-Way.

NCC 21.10.020(I) provides design standards for open space. In particular, it provides that open space land shall meet 3 or more of the listed standards. Staff has determined that the open space meets the following 2 standards.

Contiguous Land: Open Space Land within a Rural Conservation Subdivision shall be contiguous within the subdivision, or to other Open Space Land in adjacent subdivisions or developments to provide for large and integrated Open Space Land areas within the City.

Agricultural Land: Privately held Open Space Land that is used for agricultural purposes as defined in this Ordinance and is 0.5 acre or greater in size.

With some modifications, the applicant may be able to meet an additional design standard.

NCC 21.10.020(K)(3) provides:

Nibley City may at its sole discretion opt to take ownership of Open Space Land at the subdivision approval stage. The developer shall landscape the property with sod, grass, trees and an irrigation system or other natural landscape features as appropriate as determined by the City Council.

As the proposed open space is immediately adjacent to the planned Nibley Meadows Park and in close proximity to other City-owned planned park space (see below), the City should consider taking ownership of the open space. If the City opted to take ownership of the open space, the land was landscaped with sod grass and trees, the development would meet the minimum 3 design standards noted above.

It is Staff's and the Planning Commission's Recommendation to take ownership of this space. This will allow for improved incorporation into the surrounding open spaces, which would be more in line with the purposes of the open space subdivision. Although the applicant has submitted a design that maintains the open space on private conservancy parcels, he has agreed to dedication if the City Council opts to take

ownership. Nonetheless, the ongoing cost of maintaining the space should be considered prior to taking on this open space. The Parks Department estimates the annual maintenance cost of this park space to be \$4,500/year.



Utilities

The applicant has provided approximate locations for connecting utilities to Nibley City's utility system, including locations of sewer, water lines and stormwater management. Public utility easements are also provided for planned utilities.

Nibley City Engineer and Public Works Director have reviewed the plans to ensure feasibility and compliance with City standards. There are some pending issues with the plans in regards to stormwater that need to be addressed during the final plat stage of approving the subdivision that the City Engineer has identified, including the following:

1. Documentation of the existing stormwater discharge location has not been presented. The development will be required to obtain specific approval from BSF to discharge into the Canal at the proposed locations.
2. Discharging the difference between pre and post construction stormwater from 3200 S improvements directly into the BSF canal requires specific approval from BSF. Generally, this is not allowed without cleaning the water first by means of a basin or a special device. If approval is not granted by BSF, the difference in stormwater will need to be stored and released according to standard stormwater management standards.
3. The park strip swale volume could not be confirmed. City staff calculations show a lesser volume. Calculations will be reviewed with construction plans submittal,

but it should be noted that this could affect the layout of the development if adequate retention has not been provided.

4. All construction plans showing improvements to BSF facilities will need to be approved by signature.
5. If grading for the lots is not planned to be included in the design, the City will require a note on the Final Plat indicating that the lots will either need to retain the full 100-year event on their property or drain all stormwater to the street swale. I can send language if this is the path chosen.

Canals

The applicant proposes to pipe the existing canal along 3200 South and leave the canal on the south border of the property undisturbed. The applicant has provided a letter from Nibley-BSF Irrigation acknowledging that they have seen the plans and have 30 days to comment to the City, in accordance with NCC 21.08.010(C)(6)(a).

Transportation

The proposed development is adjacent to 3200 South and proposes a modified TS-2 cross section with a 10' wide roadside trail/sidewalk and buffered bike lanes and an 8.5' wide park strip. Deceleration lanes are provided to access both access inlets to the development. The City Engineer has determined that these right turn lanes are adequate to mitigate traffic impacts of the development and a Traffic Impact Study is not required. The City Engineer identified one issue that will need to be addressed at the Final Plat stage with regards to how the improvements tie in to the roundabout project. The curb should stop at the existing asphalt edge as the asphalt acts as a driveway for the property to the west. Improvements here will be completed at a later date.

The proposed cross section of the access street in the subdivision is a modified TS-14, which includes 29' of pavement, a widened 14' swale and provides sidewalks in a sidewalk easement. This is a similar cross section that was provided in the Apple Creek Subdivision.

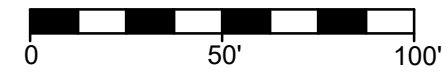
Regarding the intersection spacing along 3200 S, in reviewing this application, absent a specific City-adopted standard on intersection spacing, the City Engineer referenced a UDOT standard, which allows for 265' distance between intersections (center to center). The spacing between each local street and the roundabout is approximately 325'. Therefore, the proposed roadway configuration meets this standard. This standard was also applied during the recently approved Heritage Crossing Subdivision, which has 280' intersection spacing on the same classification of roadway (1200 West).

It should be noted that Staff did explore with the applicant the possibility of connecting to 1200 West to the south via the old 1200 West alignment. Making this connection is not ideal as it may encourage cut-through traffic for those traveling between east 3200 S and south 1200 W. In addition, it would likely create the need for cul-de-sacs within the development, which are also not preferred from the perspective of maintenance and access. In short, the proposed loop street meets the City's standard and is the best option for traffic circulation given the site's constraints.

The development also borders a planned 8' trail along the 1100 West right-of-way. Hawk Hollow will be required to contribute half the cost of improving this trail for the section adjacent to the development. This may be provided for by either installing half of the trail or contributing half the cost of the trail. This will be incorporated into the development agreement at the final plat stage.



SOUTH EAST QUARTER OF SECTION 20, TOWNSHIP 11 NORTH, RANGE 1 EAST, SALT LAKE BASE & MERIDIAN



PROJECT CONTACTS:

1. DEVELOPER:
BRYCE GOODIN
BRYCE.GOODIN@GMAIL.COM

2. CIVIL ENGINEER:

TYSON GLOVER
498 WEST 100 SOUTH
PROVIDENCE, UT 84332
TGLOVER@CSG.WORK
P. 435.237.2030

3. SURVEYOR:

DENNIS CARLISLE
669 NORTH 1890 WEST SUITE 47B
PROVO, UT 84601
DCARLISLE@CSG.WORK
P. 801.874.4132 EXT. 712

GENERAL NOTES:

1. NUMBER OF RESIDENTIAL LOTS ALLOWED: 22
2. PROPOSED NUMBER OF RESIDENTIAL LOTS: 21
3. ZONE: R-2
4. TYPE: 35% OPEN SPACE SUBDIVISION
5. MINIMUM ALLOWABLE FRONTAGE: 85'
6. MINIMUM ALLOWABLE LOT SIZE: 10,000 SF
7. AVERAGE LOT SIZE PROVIDED: 17,569 SF
8. 3.00 AC TOTAL (FROM LOTS 5, LOT 6, LOT 8, AND LOT 9) WILL BE PROVIDED TO THE CITY AS OPEN SPACE.
9. PROPOSED NUMBER OF PHASES: 1
10. ALL LOTS HAVE AN ADEQUATE SUITABLE ENVELOPE. THERE ARE NO STEEP SLOPES OR NON-DEVELOPABLE SENSITIVE AREAS
11. SEE PUE AND SETBACK DETAIL FOR SETBACK REQUIREMENTS

CODE REQUIREMENTS FOR 35% OPEN SPACE:

1. MIN. ALLOWABLE LOT SIZE: 9,000 SF
2. MIN. ALLOWABLE FRONTAGE: 85.0'
3. MIN ALLOWABLE AVERAGE LOT SIZE: 10,200 SF

SITE NOTES:

1. TOTAL AREA: 9.91-AC
2. ROADS: 1.44-AC
3. NET DEVELOPABLE LAND: 8.47-AC
4. BASE DENSITY: 16.94 LOTS
5. LOTS ALLOWED W/ 1.30 MULTIPLIER: 22
6. LOTS PROVIDED: 21
7. OPEN SPACE REQUIRED: 2.96-AC
8. OPEN SPACE PROVIDED: 2.99-AC

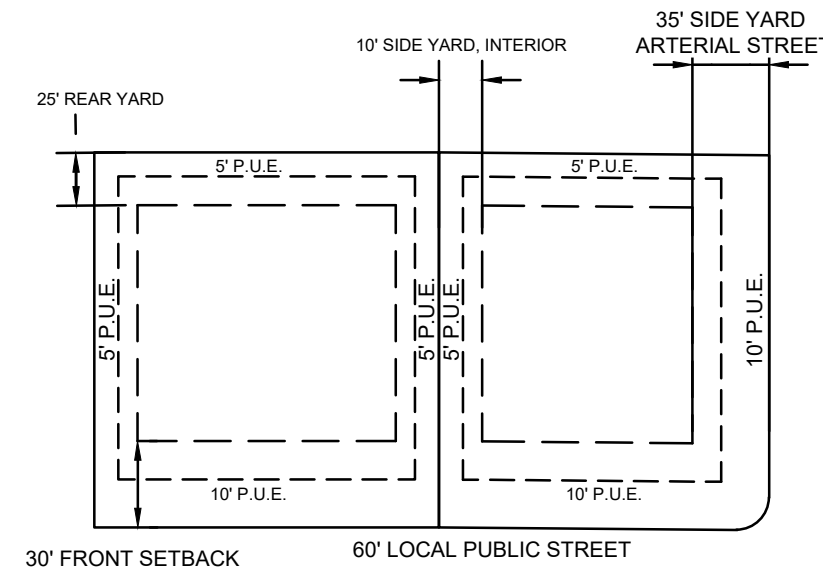
Curve Table				
CURVE #	LENGTH	RADIUS	DELTA	CHORD
C1	110.34'	70.00	99°18'59"	S43°34'2"E 99.27'
C2	109.57'	70.00	99°41'01"	N46°17'23"E 98.72'
C3	55.23'	130.00	24°20'34"	N10°43'25"W 54.82'
C4	103.41'	130.00	45°33'48"	S45°41'01"E 100.71'
C5	46.28'	130.00	20°23'47"	N78°40'14"W 46.03'
C6	28.74'	130.00	12°40'03"	S84°47'52"E 28.68'
C7	81.88'	130.00	36°05'17"	S60°25'12"W 80.53'
C8	63.31'	130.00	27°54'11"	S28°25'28"W 62.49'
C9	29.55'	130.00	13°01'30"	S07°57'37"W 29.69'

SURVEY DESCRIPTION:

A PORTION OF LOT 10, BLOCK 15, J. FOXES SURVEY OF MILLVILLE WEST FERRY SURVEY LOCATED IN THE SE1/4 OF SECTION 20, TOWNSHIP 11 NORTH, RANGE 1 EAST, SALT LAKE BASE & MERIDIAN, NIBLEY, UTAH, MORE PARTICULARLY DESCRIBED AS FOLLOWS:

BEGINNING AT A POINT ON THE NORTH LINE OF LOT 10, BLOCK 15, J. FOXES SURVEY OF MILLVILLE WEST FERRY SURVEY, AND THE NORTHWEST CORNER OF THAT REAL PROPERTY, RECORDED IN DEED BOOK 2262 PAGE 855 OF THE OFFICIAL RECORDS OF CACHUPA COUNTY LOCATED N89°51'19"W ALONG THE SECTION LINE 1841.55 FEET AND SOUTH 1237.51 FEET FROM THE EAST 1/4 CORNER OF SECTION 20, T11N, R1E, THENCE ALONG SAID DEED THE FOLLOWING 2 (TWO) COURSES S1°26'52"W (RECORD: NORTH)132.00 FEET; THENCE S82°02'56"E (RECORD: WEST) 120.00 FEET TO THE SOUTHEAST CORNER OF SAID DEED AND THE EAST LINE OF SAID LOT 10, THENCE ALONG SAID LOT THE FOLLOWING 3 (THREE) COURSES S82°02'56"E 669.70 FEET; THENCE S82°02'56"E 55.95 FEET TO THE POINT OF BEGINNING.

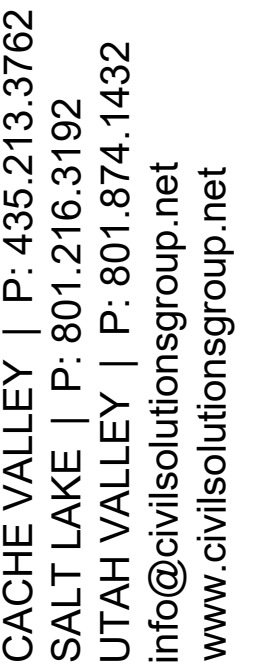
CONTAINS: 9.91+/- ACRES



PUE & SETBACK DETAIL
NTS



THESE PLANS AND SPECIFICATIONS ARE THE PROPERTY OF CIVIL SOLUTIONS GROUP, INC. AND SHALL NOT BE PHOTOCOPIED, RE-DRAWN, OR USED ON ANY OTHER PROJECT OTHER THAN THAT FOR WHICH SPECIFICALLY DESIGNED. WITHOUT WRITTEN PERMISSION, THE OWNERS AND ENGINEERS OF CIVIL SOLUTIONS GROUP, INC. DISCLAIM ANY LIABILITY FOR ANY CHANGES OR MODIFICATIONS MADE TO THESE PLANS OR THE DESIGN THEREON WITHOUT THEIR CONSENT. THESE PLANS ARE DRAWN TO SCALE WHEN PLOTTED ON A 24" X 36" SHEET OF PAPER. THESE PLANS ARE PRODUCED IN COLOR AND SHOULD BE PLOTTED AS SUCH.



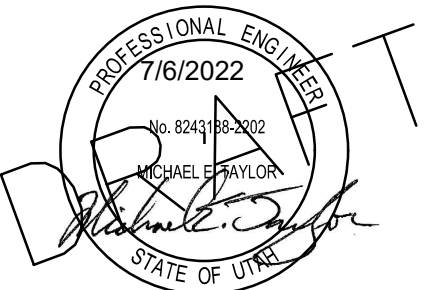
civilsolutionsgroup inc.

HAWK HOLLOW SUBDIVISION

3200 S 1150 W
NIBLEY, UTAH 84321

[illegible]

PROJECT #: 21-292
DRAWN BY: H. BARTH
PROJECT MANAGER: T. GLOVER
ISSUED: 7/6/2022



PRELIMINARY SURVEY PLAN

C100



DESIGNING OUR FUTURE

MAINTENANCE NOTES:

1. PARK STRIP SWALE TO BE LANDSCAPED AND MAINTAINED BY THE HOMEOWNER.
2. STREET TREES ARE TO BE INSTALLED BY THE DEVELOPER IN ACCORDANCE WITH NIBLEY CITY CODE.
3. HOMEOWNER TO LANDSCAPE PARK STRIP. SWALE IS TO REMAIN AND NOT BE FILLED IN BY THE HOMEOWNER (SEE REFERENCE NOTE 1).

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CACHE VALLEY | P: 435.213.3762
SALT LAKE | P: 801.216.3192
UTAH VALLEY | P: 801.874.1432
info@civilsolutionsgroup.net
www.civilsolutionsgroup.net

3200 S & 1200 W Park/Open Space



Acreage		
Nibley Farms	10	Recycle Site 13
Nibley Meadows	6	Hawk Hollow 3
Total	32	

Approved
 Existing
 Proposed

0 250 500 1,000 Feet



Agenda Item #7

Description	Discussion & Consideration – Ordinance 22-13 – Rezone a Portion of Parcel 03-026-0014 and 03-025-0006, located at 35 West 3200 South from R-2 (Residential) to C (Commercial) (Applicant: Shane Johnson) (First Reading)
Presenter	Levi Roberts, City Planner
Recommendation	Move to approve Ordinance 22-13 – Rezone a Portion of Parcel 03-026-0014 and 03-025-0006, located at 35 West 3200 South from R-2 (Residential) to C (Commercial) (Applicant: Shane Johnson) (First Reading), waiving second reading with the following condition: - The zoning for parcel 03-026-0014 will revert back to R-2 zoning if it is not subdivided and assigned a separate tax ID # prior to March 1, 2023
Reviewed By	City Planner, City Manager, City Engineer, Planning Commission

Background

Shane Johnson, owner of parcel 03-026-0014, located at 35 W 3200 S, has submitted a rezone application for a 1 acre portion of the property. The entire property is 7.3 acres and stretches to the north of the proposed rezone area. The current zoning on the property is residential (R-2). The applicant has proposed to rezone the southern 1 acre section of the property, which fronts 3200 South, to commercial (C). The applicant would like to rezone the property to allow for the operation of a landscape products sales business. The use is not permitted in the R-2 zone in which the property is located, so a rezone is necessary to operate the business. 'Construction Sales and Service' is listed as a conditional use in the commercial zone.

The applicant has justified this rezone stating that it is in support of the general plan, specifically the objective to “promote small scale neighborhood retail development along Hwy 165 & at appropriate locations throughout the city in order to better meet residents’ needs.” They have also justified the benefit of “providing citizens of Nibley and surrounding communities access to products to manicure and beautify properties.”

Site Context

The site currently sits vacant and is immediately east of the recently constructed Dominion Energy regulator station and west of Ginny’s Pit Stop Soda Shop and a UDOT stormwater basin, which the City maintains. It is approximately 200 feet from the corner of Hwy 165 and 3200 South. There are a few lower density single family residences in the vicinity with Little Wonders Daycare across the street on 3200 South.

General Plan Guidance

The property is located within the 'Town Center' area of the Future Land Use Map. Although there is currently no specific zoning designation for the Town Center, the 'Nibley Town Center Design Study and Guidelines Supplement' designates the area near 3200 South & Main Street as a 'Commercial Activity Node' and "one of the most significant development opportunities in Nibley." A commercial designation of this property is in support of this Plan. Although the proposed business isn't necessarily emblematic of the Town Center in regard to promoting walkability and community gathering spaces, it is a necessary use as the City continues to grow with good transportation access. It is likely that other economic development opportunities will be presented in the area as businesses continue to locate to this node of the City. In general, a rezone of commercial in this area would be supportive of the General Plan and the Town Center concept.

Other Considerations

As noted above, the applicant has proposed to divide the zoning on a single larger property. While dividing the property into different zones is technically legal and there are several parcels in Nibley City that are divided into different zones, Staff does not recommend this practice. In addition to use regulations, a zoning designation dictates the setback requirements, design standards, and City standards. In many cases, these standards are difficult to enforce and administer if the parcel has more than one zoning designation. Staff recommended to the Planning Commission that the rezone be approved conditional upon subdividing this portion of the property, so that it is a separate lot. However, the applicant requested that the rezone be effective upon approval and be given some time to subdivide the lot. Otherwise, the zoning would revert back to the original zoning and the business would not be compliant. The Planning Commission agreed with this compromise and recommended that the rezone of Parcel 03-026-0014 revert back to R-2 zoning effective March 1, 2023 if the property is not subdivided by this date.

The proposed rezone area is immediately adjacent to Parcel 03-026-0006, where Ginny's Pit Stop is located. Although the building is located in a Commercial Zone, a portion of the property, which includes a parking lot, is currently designated as R-2(Residential). Staff recommends rezoning the remainder of 03-026-0006 at this time. The property owner of 03-026-0006 has expressed support for rezoning this remainder piece.

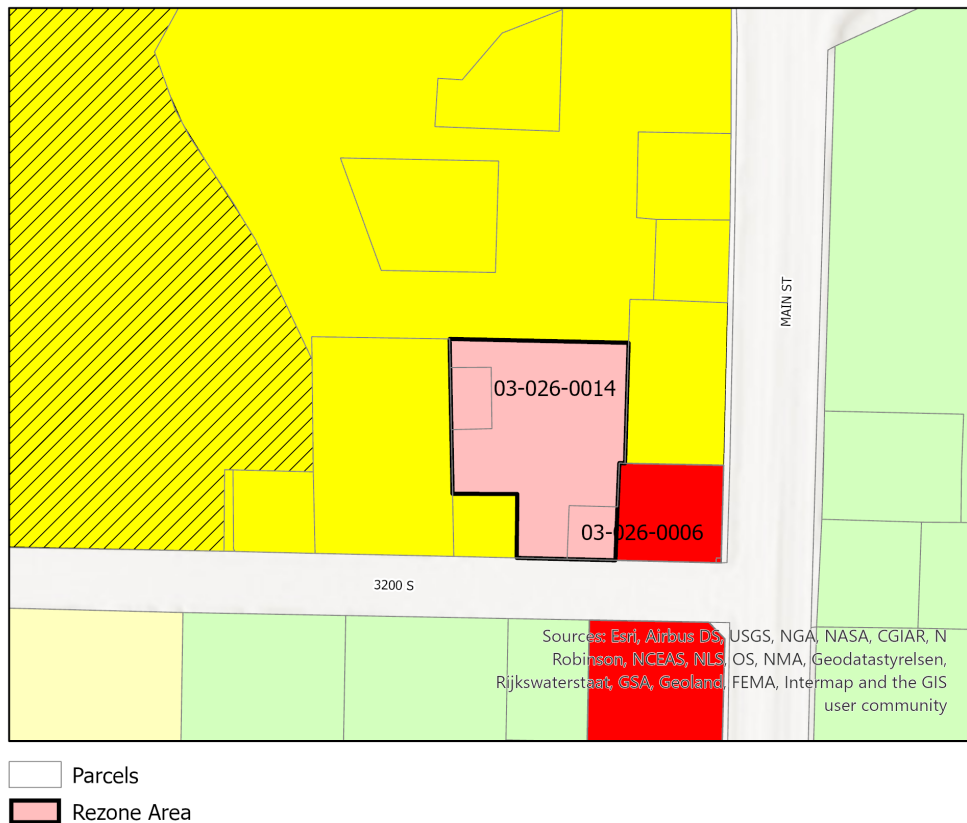


ORDINANCE 22-13

AN ORDINANCE Rezoning a portion of Parcel 03-026-0014 and the remainder of 03-026-0006, located at 35 West 3200 South from R-2 (Residential) to C (Commercial)

BE IT ORDAINED BY THE NIBLEY CITY COUNCIL LOCATED AT NIBLEY, UTAH, THAT:

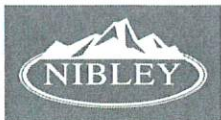
The southern approximately 1 acre portion of Parcel 03-026-0014 and the remaining portion of Parcel 03-026-0006 which is not currently zoned Commercial, as shown in the exhibit below, is hereby rezoned from Residential- R-2 to Commercial- C. The Rezone of the portion of Parcel 03-026-0014 described below will revert back to R-2 zoning, as currently designated if the area is not subdivided and assigned a separate Tax ID.



PASSED BY THE NIBLEY CITY COUNCIL THIS _____ day of _____, 2022.

Larry Jacobsen, Mayor

ATTEST: _____
Cheryl Bodily, City Recorder



APPLICATION FOR REZONE

PROPERTY OWNER INFORMATION

Name SHANE JOHNSON
Address 135 N. 200 E. MILLVILLE UT. 84326
Phone (435) 764-1560
Email shane90210@yahoo.com quinnjohns@hotmail.com

OFFICE USE ONLY

Date Received:

Application

Fee Paid: \$

PROPERTY OWNER REPRESENTATIVE (If Applicable)

Name _____
Address _____
Phone _____
Email _____

PROJECT INFORMATION:

Project Address: 35 WEST 3200 SOUTH NIBLEY
Tax I.D. Number(s): 03-026-0014
Project Size (Acres): 7.65 AC
Current Zoning: RESIDENTIAL Proposed Zoning: COMMERCIAL

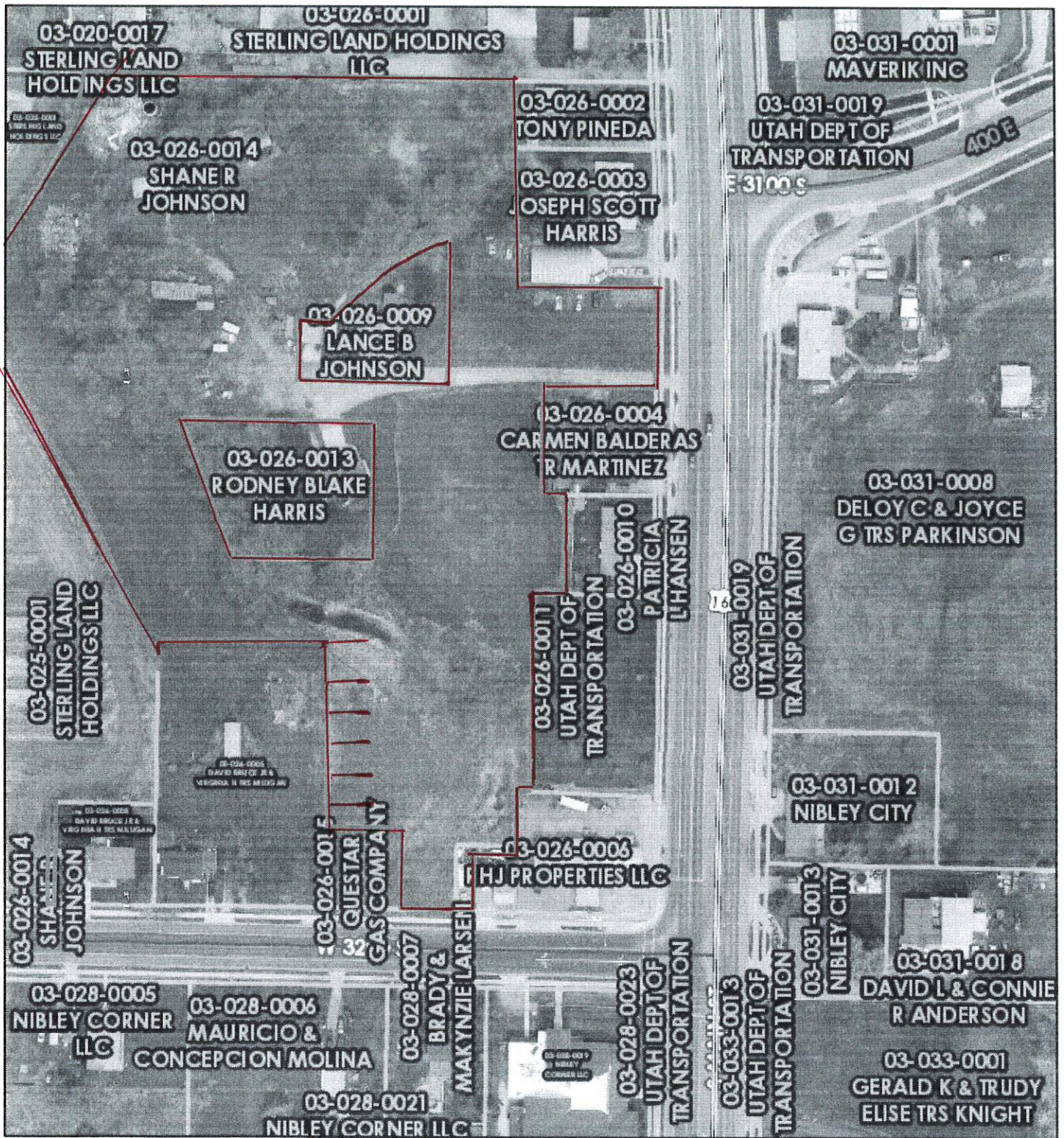
SUPPORTING MATERIALS:

The following materials **must** be submitted with this Rezone Application, or the application will not be accepted by Nibley City.

 Site Plan and Map. The applicant shall submit a site plan and map of the land area proposed to be rezoned. The site plan and map shall show the following:

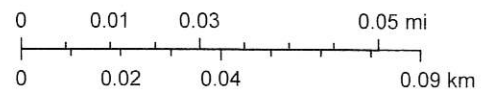
Identification of area proposed for rezone	
Total acreage of land proposed for rezone	
Total acreage and dimensions of individuals lots and parcels proposed for rezone	
Adjacent land uses	
Existing zoning of property	
Existing structures on the property with dimensions and setbacks	
Vicinity map	
Proposed project conceptual plan (if applicable)	

Parcel Map



6/20/2022, 9:26:10 PM

1:2,257



Source: Esri, Maxar, Earthstar Geographics, and the GIS User Community

Rezone Request for parcel 03-026-0014

Acreage 7.05

Rezone from Residential to Commercial

Application Statement

1. Rezone is needed in order to obtain a business license. This will allow us to provide to the citizens of Nibley and surrounding communities access to products to manicure and beautify their properties.
2. In Nibley City's general plan document it states in objective 3 that the city wants to "promote small scale neighborhood retail development along hwy 165 & at appropriate locations throughout the city in order to better meet residents needs." We feel that our business proposal meets the requirements for this objective as well as others.
3. Several factors lend to this rezone being appropriate for the surrounding area. First being direct access to 3200 South. Existing commercial use of adjacent property is an additional factor in making this land use appropriate for the area.

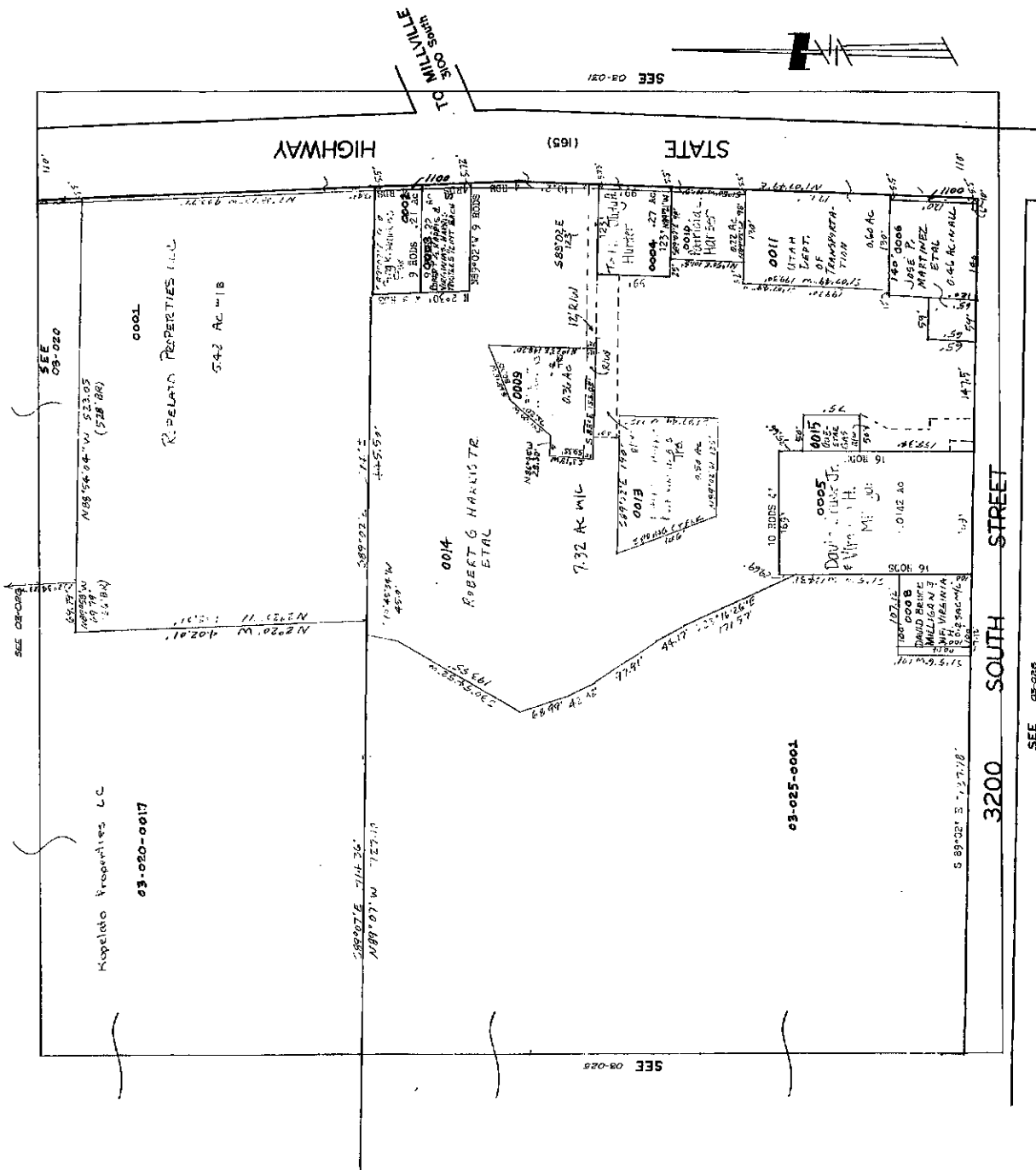
03-026

Section 2 | Township 11 | North Range | East

NE 4 OF SE 4

TAX UNIT 08

Scale 1 Inch = 100 FEET



SEE 03-026



Cache County
1857

www.cachecounty.org/treasurer

Website is updated nightly to reflect payments.

Additional answers and resources are available online.

Cache County Treasurer's Office
Craig McAllister - Treasurer
179 North Main Street, Room 201
Logan, Utah 84321
(435) 755-1500

(877) 690-3729 Phone Payments
USE JURISDICTION CODE: 3412

2021 TAX NOTICE

DUE Tuesday, November 30, 2021

Parcel Number: 03-026-0014



Tax Area: 008

PROPERTY ADDRESS / LEGAL DESCRIPTION

BEG 432.83 FT S & 1157.0 FT E OF NW COR OF SW/4 OF SEC 21 T 11N R 1E & TH S 89°02' E 727.10 FT TO TRUE POB TH S 10°45'34" W 45.0 FT TH S 30°54'52" W 193.55 FT TH SE'LY ALG FENCE IN 5 COURSES: S 17°34'41" E 68.99 FT S 25°04'55" E 42.82 FT S 32°36'34" E 97.91 FT S 29°08'22" E 44.17 FT S 23°16'26" E 171.57 FT TH N 29.69 FT TO NW COR PARCEL 0005 TH E 10 RDS 4 FT TH S 35.66 FT TH E 50 FT TH S 75 FT TH W 50 FT TH S 0°58' W 155.34 FT TO N LN OF 3200 S ST TH E 147.5 FT TO PT N 89°02' W 199 FT OF W LN OF ST HWY TH N
THIS MAY NOT BE A COMPLETE LEGAL DESCRIPTION

Printed Thursday, June 9, 2022

TAXES HEREIN ENUMERATED FOR THE CURRENT YEAR ARE DUE AND PAYABLE IN TREASURER'S OFFICE, LAST NOTICE REQUIRED BY LAW.

PROPERTY TYPE	ACRES/COUNT	MARKET VALUE	TAXABLE VALUE	TAX AMOUNT
BUILDING AGRICULTURE		15,200	15,200	158.95
LAND AGRICULTURE	7.32	190,400	190,400	1,991.01
*** NEW PAYMENT OPTIONS ON BACK OF NOTICE ***				
TOTALS	7.32	205,600	205,600	2,149.96

ENTITY	TAXING UNIT	TAX RATE	TAX AMOUNT - BREAKDOWN
28	CACHE CO GENERAL FUND	<RETAINED BY COUNTY>	0.001420 291.95
38	CACHE CO HEALTH FUND	<RETAINED BY COUNTY>	0.000083 17.06
58	CACHE CO A & C	<RETAINED BY COUNTY>	0.000288 59.21
30	CACHE SCHOOL DISTRICT		0.005130 1,054.73
67	CACHE SCHOOL CHARTER LEVY		0.000050 10.28
60	CACHE SCHOOL STATE LEVY		0.001661 341.50
48	MULTI-CO A & C	<SENT TO STATE>	0.000012 2.47
70	CACHE MOSQUITO ABATE. DISTRICT		0.000055 11.31
36	CACHE WATER DISTRICT		0.000026 5.35
06	MILLVILLE/NIBLEY CEMETERY		0.000065 13.36
08	NIBLEY CITY		0.001667 342.74

Please see reverse side of this notice for additional information - Thank you for your timely payment.

PAID IN FULL

SUBJECT TO FUNDING FROM YOUR BANK

2021 TOTAL TAXES	0.010457	\$	2,149.96
2021 Last Payment Date: 11/29/2021	PREPAYMENTS		2,149.96
	ADJUSTMENTS TO TAXES		0.00
	2021 TAX DUE	\$	0.00
	TOTAL DUE	\$	0.00

PLEASE BRING ENTIRE NOTICE WHEN PAYING IN PERSON IF MAILING IN PAYMENT, DETACH AND KEEP ABOVE PORTION FOR YOUR RECORDS.

Property Address:

Property Owner/Address: HARRIS, VIRGINIA S TR
PO BOX 281
MILLVILLE, UT 84326-0281

☐ **Yes, I am interested in a coupon book.**

Please include parcel number on all checks or correspondence.
Make check payable to: Cache County Treasurer

Parcel Number: 03-026-0014



☐ **PLEASE NOTE ONLY A CHANGE OF MAILING ADDRESS BELOW:**

HARRIS, VIRGINIA S TR

Address _____

City _____ State _____ Zip _____

THIS PROPERTY MAY BE RE-APPRAISED

PARCEL NUMBER	03-026-0014
TOTAL DUE	\$0.00

**Taxes are delinquent at 5:00 p.m.
Tuesday, November 30, 2021**

Printed Thursday, June 9, 2022

The Treasurer's website is updated nightly reflecting all posted payments.



2022 TAX YEAR

RECORDER

179 North Main St. Suite 101 • Logan, UT 84321 • (435) 755-1530

6/9/2022

03-026-0014

Parcel Number

Owner's Name & Address

Owner(s) List (1/1/2022)

Parcel 03-026-0014 Entry 1296464

Name JOHNSON, SHANE R

C/O Name

Address PO BOX 281

City, ST Zip MILLVILLE, UT 84326-0281

District 008 NIBLEY CITY W/CEM

Year 2022 Status TX

1 JOHNSON, SHANE R

1296464 2278/1326

2 JOHNSON, LANCE B

1296464 2278/1326

Property Address

Address

City

Assr. Review 11/15/2021

PARCEL HISTORY

REM PT 03-025-0001 9/00; REM 11/08-0006; REM 12/09-0015; SUBJ TO BLA W/ 0015 6/21; REALIGN BNDRY W/ 0003 01/22

LEGAL DESCRIPTION FOR 2022

EGINNING 432.83 FEET SOUTH AND 1157.0 FEET EAST OF THE NORTHWEST CORNER OF SOUTHWEST QUARTER OF SECTION 21 TOWNSHIP 11 NORTH RANGE 1 EAST AND THENCE SOUTH 89°02' EAST 727.10 FEET TO THE TRUE POINT OF BEGINNING THENCE SOUTH 10°45'34" WEST 45.0 FEET THENCE SOUTH 30°54'52" WEST 193.55 FEET THENCE SOUTHEASTERLY ALONG FENCE IN 5 COURSES: SOUTH 17°3'41" EAST 68.99 FEET SOUTH 25°04'55" EAST 42.82 SOUTH 32°36'34" EAST 97.91 FEET SOUTH 29°08'22" EAST 44.17 FEET SOUTH 23°16'26" EAST 171.57 FEET THENCE NORTH 29.69 FEET TO THE NORTHWEST CORNER OF PARCEL 0005, THENCE EAST 10 RODS 4 FEET, THENCE SOUTH 186.00 FEET TO THE NORTHWEST CORNER OF PARCEL 03-026-0015, THENCE SOUTH 89°02'00" EAST 75.00 FEET ALONG THE NORTH LINE OF SAID PARCEL, THENCE SOUTH 00°58'00" WEST ALONG THE EAST LINE OF SAID PARCEL TO THE NORTH LINE OF 3200 SOUTH, THENCE SOUTH 89°02'00" EAST 72.5 FEET ALONG THE NORTH LINE OF 3200 SOUTH TO THE POINT NORTH 89°02' WEST 199 FEET OF THE WEST LINE OF STATE HIGHWAY [THENCE N 1° 50' EAST 65 FEET; THENCE S 89°02' EAST 59 FEET] THENCE NORTH 1°50' EAST 55 FEET THENCE SOUTH 89°02' EAST 10 FEET THENCE NORTH 1°07'49" EAST 199.30 FEET THENCE EAST 32 FEET NORTH 1°50' EAST 101.5 FEET THENCE NORTH 89°21' WEST 25 FEET NORTH 1°50' EAST 99 FEET SOUTH 89°02' EAST 123 FEET NORTH 1°50' EAST 110.2 FEET NORTH 2°30' WEST 4 RODS NORTH 89°02' WEST 9 RODS NORTH 2°30' WEST 8 RODS NORTH 89°02' WEST 455.5 FEET TO TRUE POINT OF BEGINNING.

ALSO: BEGINNING 18.78 CHAINS SOUTH AND 31.61 CHAINS SOUTH 89°02' EAST AND NORTH 89°02' EAST AND NORTH 89°02' WEST 100 FEET OF NORTHWEST CORNER OF THE SOUTHEAST QUARTER OF SECTION 21 TOWNSHIP 11 NORTH RANGE 1 EAST AND THENCE NORTH 100 FEET THENCE NORTH 89°02' WEST 7.12 FEET, THENCE SOUTH 100 FEET THENCE SOUTH 89°02' EAST 7.12 FEET TO BEGINNING.

LESS PARCEL 03-026-0009 AS FOLLOWS: BEGINNING NORTH 88° WEST 225.1 FEET FROM A POINT NORTH 1°50' EAST 99 FEET OF A POINT BEARING SOUTH 859.46 FEET AND EAST 2433.02 FEET FROM THE NORTHWEST CORNER OF THE



2022 TAX YEAR
RECORDER

179 North Main St. Suite 101 • Logan, UT 84321 • (435) 755-1530

6/9/2022

03-026-0014
Parcel Number

LEGAL DESCRIPTION FOR 2022 (Continued)

SOUTHEAST CORNER OF SECTION 21 TOWNSHIP 11 NORTH RANGE 1 EAST AND
THENCE NORTH 1°23' EAST 148.2 FEET THENCE SOUTH 69°16' WEST 80.7 FEET,
THENCE SOUTH 41°04' WEST 75.2 FEET THENCE NORTH 86°44' WEST 28.3 FEET
THENCE SOUTH 3°19' WEST 59.35 FEET THENCE SOUTH 88° EAST 153.05 FEET TO
BEGINNING.
CONT 0.36 AC

SUBJECT TO 12 FOOT RIGHT OF WAY OVER THE SOUTH 12 FEET OF PARCEL WITH
A 12 FOOT RIGHT OF WAY BEGINNING AT THE SOUTHEAST CORNER OF SAID
PARCEL AND THENCE EAST 219.37 FEET TO THE WEST RIGHT OF WAY STATE
HIGHWAY THENCE NORTHERLY 12 FEET ALONG RIGHT OF WAY THENCE
WESTERLY 219.32 FEET IN LINE PARELLEL TO AND NORTH 12 FEET FROM THE
SOUTH LINE OF RIGHT OF WAY THENCE SOUTH 1°23' WEST 12 FEET TO
BEGINNING.

LESS PARCEL 03-026-0013 AS FOLLOWS: BEGINNING 783.43 FEET SOUTH AND
2118.21 FEET EAST OF THE NORTHWEST CORNER OF THE SOUTHEAST QUARTER
OF SECTION 21 TOWNSHIP 11 NORTH RANGE 1 EAST AND THENCE SOUTH 1°07'49"
WEST 135 FEET, THENCE NORTH 89°02' WEST 135 FEET TO CENTER OF SPRING
CREEK, THENCE NORTHWESTERLY ALONG CREEK 146 FEET TO A POINT WEST OF
BEGINNING, THENCE SOUTH 89°02' EAST 190 FEET TO BEGINNING WITH RIGHT OF
WAY.
CONT 0.50 AC
LESS LAND DEEDED TO UDOT FOR HIGHWAY 165 (0011)
CONT 7.27 AC (CCR)

NOTE: THE BRACHETED PART OF THE DESCRIPTION USED IN ENTRY 1296464 APPEARS TO BE IN ERROR

PROPERTY INFORMATION

		2021		2022	
	Acres	Market	Taxable	Acres	Market
BA BUILDING AGRICULTURE		15,200	15,200		15,200
LA LAND AGRICULTURE		190,400	190,400	7.27	189,650
TOTALS	7.32	205,600	205,600	7.27	204,850

BUILDING & TAX INFORMATION

Square Footage: 2,400	2021	(Final Tax Rate: 0.000000)	2022	(Proposed Tax Rate: 0.010108)
Year Built: 1991		Taxes:		2,070.62
Building Type: Ag Bldg		Special: +		0.00
		Rollback: +		0.00
		Penalty: +		0.00
		Abatements: -		0.00
		Payments: -		0.00
		Balance Due:	*DRAFT TOTAL:	2,070.62
	Last Payment Date:	10/19/2021	Last Payment Date:	

The 2022 levied amounts (taxes) are
approximations based on the previous year tax
rates and are subject to change.

*Estimate only. Tax rates not set.



2022 TAX YEAR

RECORDER

179 North Main St. Suite 101 • Logan, UT 84321 • (435) 755-1530

6/9/2022

03-026-0014

Parcel Number

BACK TAX SUMMARY

NO BACK TAXES

Agenda Item #8

Description	Discussion & Consideration – Resolution 22-20: Future Land Use Map Amendments (First Reading)
Presenter	Levi Roberts, City Planner
Recommendation	Move to approve Resolution 22-20: Future Land Use Map Amendments, for first reading.
Reviewed By	City Planner, City Manager, Planning Commission

Background

One of the Planning Commission Goals for 2022 is to review future land use for future annexation areas. This goal was created in anticipation of the development of areas that face development pressure and are located near the border of Nibley City's existing boundaries. In some cases, these areas abut Logan City and may also annex or otherwise be incorporated into Logan City. In 2021, a 40 acre property located directly north of Clear Creek Park was sold. Nibley City attempted to plan for this area, given the interface with Logan and developed a new Mixed Residential (R-M) ordinance for the area. However, the applicant ultimately annexed into Logan City.

The following areas were discussed and considered by the Planning Commission:

1. SW quadrant of 800 W/2200 S: This unincorporated area is adjacent to Heritage and Clear Creek Park and was recently sold to K holdings. Currently designated as 'medium density residential.'
2. SE quadrant of Hwy 89/91/2200 S: This is incorporated into Logan and was recently rezoned to Commercial. This may be better served by Nibley and was included as a potential annexation area to Nibley with Logan City. Currently designated as 'medium density residential.'
3. 3000 S Hwy 89/91: This is a relatively small isolated incorporated area of Logan City that faces some development pressure. Currently designated as 'commercial.'
4. Area surrounding 3200 S/Hwy 89/91: This area faces development pressure with a changing dynamic as Malouf develops expansion plans and UDOT realignment of the intersection/signal is underway. The area is currently designated as a mix of 'commercial,' 'commercial and medium to high density residential,' and 'medium density residential.'

Based upon the discussion and other considerations, the following changes are being proposed:

For Area 1, the designation is proposed to be changed to 'Commercial' near the corner of 800 West and 2200 and 'Commercial or Medium to High Density Residential' for the remaining area. This is a more appropriate designation given the anticipated higher intensity land uses in the area, including significant high density residential development across the street in Logan.

For Area 4, an area near the corner of 3200 South and Hwy 89/91 is proposed to be changed from 'Commercial and Medium to High Density Residential' to 'Commercial' for a large portion near the intersection and 'Agricultural' for a southern portion which immediately borders the USU Farm property on two sides. The Planning Commission expressed the desire to expand the commercial designation for this intersection to capture the potential of this area as a signal is installed and future road improvements, including the extension of Heritage Drive, are made. There are relatively limited opportunities for viable commercial development to thrive in Nibley and this will help preserve this area for these opportunities.

On the south portion, Staff and the Planning Commission recommends an Agricultural Designation. This area has limited access and is immediately adjacent to the USU Animal Science Farm. This area includes high-intensity agricultural activities that are planned to continue, and which could be buffered with agricultural uses in the immediate vicinity. This designation will help ensure that productive farmland with viewsheds of the area are maintained.



RESOLUTION 22-20

A RESOLUTION ESTABLISHING AN AMENDMENT TO THE NIBLEY CITY GENERAL PLAN, ADDING THE PROPOSED FUTURE LAND USE MAP

WHEREAS, Utah law allows Nibley City to create land use laws within its boundary to benefit its residents; and

WHEREAS, Nibley City has established zoning and land use laws, standards, and requirements; and

WHEREAS, large areas of land around Nibley City are unincorporated and will likely annex and develop in the future; and

WHEREAS, Nibley City wishes to accept annexation petitions in areas surrounding Nibley City for the benefit of property owners and residents in and around Nibley City; and

WHEREAS, Nibley City wishes to update the Future Land Use Map to help plan for uses within Nibley City boundaries and for future annexations and developments.

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF NIBLEY CITY,
STATE OF UTAH, AS FOLLOWS:

1. That the attached Future Land Use Map is accepted and adopted by the Nibley City Council.
2. That the attached Future Land Use Map shall be attached as an appendix to the Nibley City General Plan and replace the previously adopted Future Land Use Map.

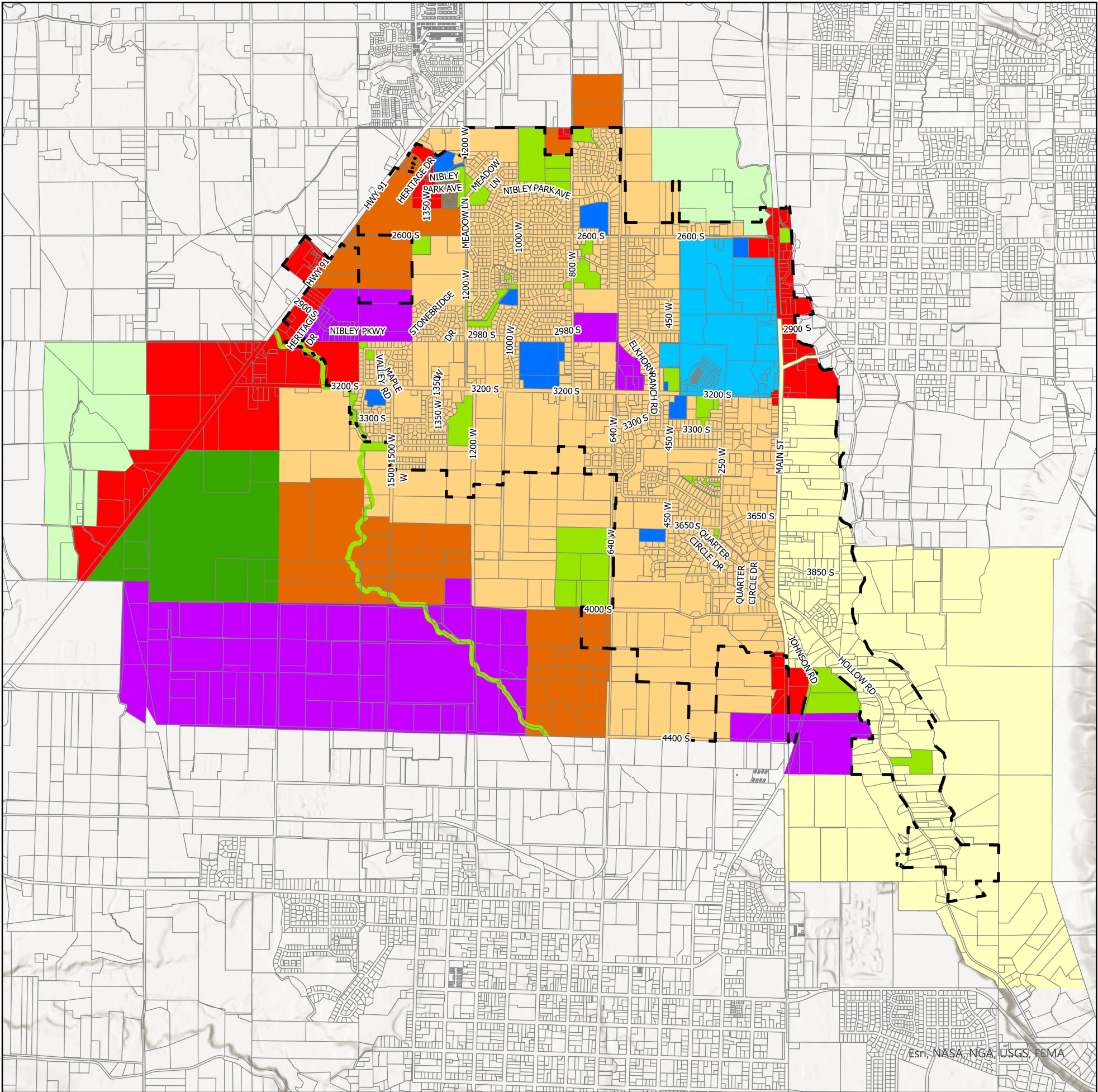
Dated this 14 day of July, 2022.

Larry Jacobsen, Mayor

ATTEST

Cheryl Bodily, City Recorder

Nibley Future Land Use Map- July 2022



Legend

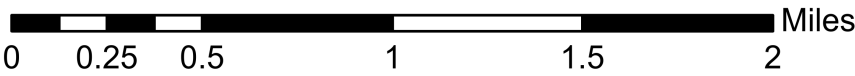
Nibley Municipal Boundaries

Parcels

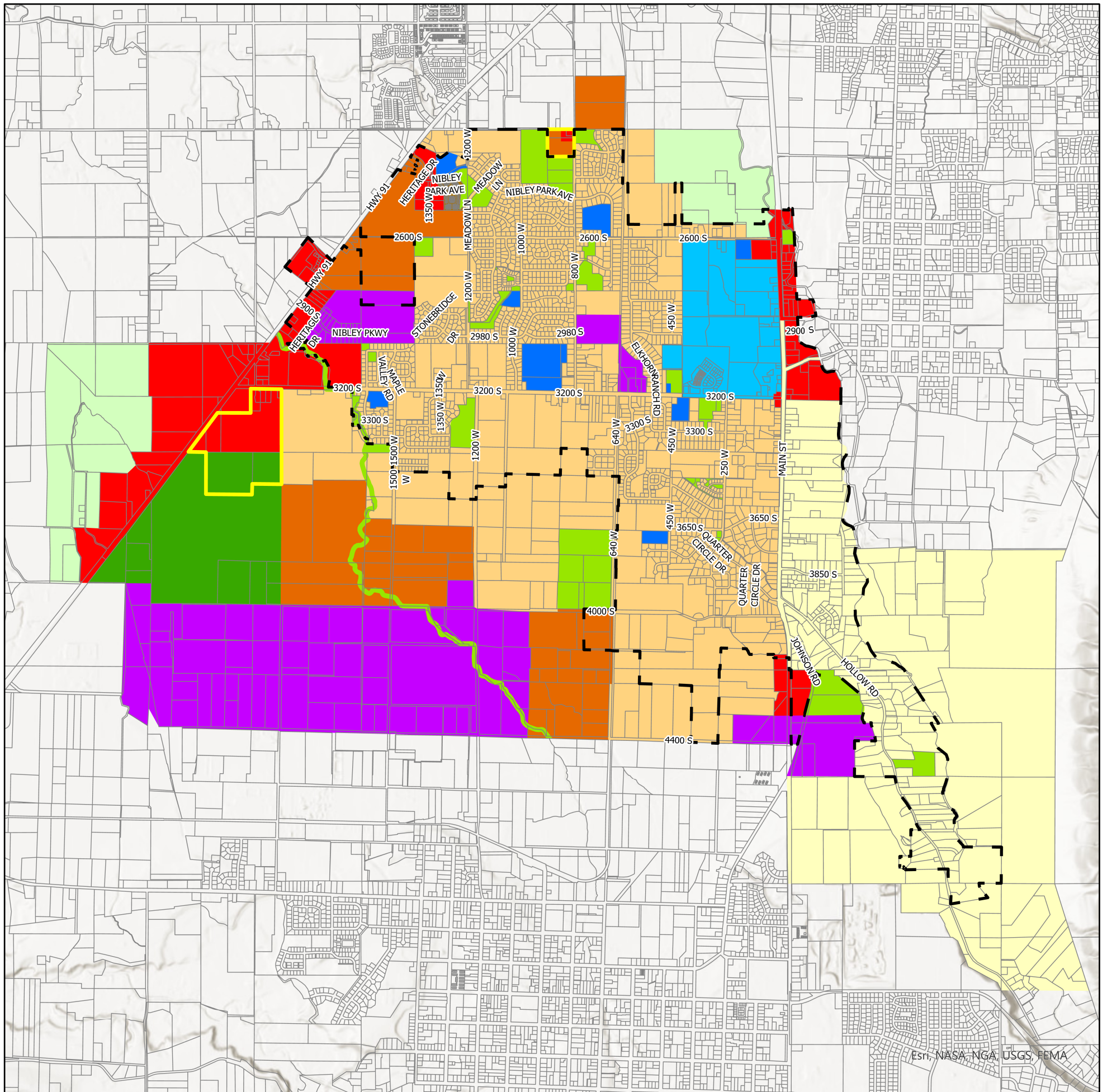
Future Land Use

- Commercial
- Commercial and Medium to High Density Residential
- Industrial
- Town Center
- High Density Residential
- Medium Density Residential
- Low Density Residential
- Open Space, Agriculture, and Low Density Residential
- Agriculture
- Parks, Open Space, and Trails
- Municipal, Schools, and Churches

*The Future Land Use Map is a guiding document for future zoning decisions and does not represent existing zoning which regulates Land Use within Nibley City.



DRAFT- Nibley Future Land Use Amendments- June 2022



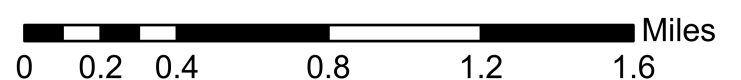
Legend

-  Nibley_Municipal_Boundaries
 DRAFT change areas
 Parcels

Future Land Use

-  Commercial
-  Commercial and Medium to High Density Residential
-  Industrial
-  Town Center
-  High Density Residential
-  Medium Density Residential
-  Low Density Residential
-  Open Space, Agriculture, and Low Density Residential
-  Agriculture
-  Parks, Open Space, and Trails
-  Municipal, Schools, and Churches

*The Future Land Use Map is a guiding document for future zoning decisions and does not represent existing zoning which regulates Land Use within Nibley City.



Agenda Item #9

Description	Discussion & Consideration – Resolution 22-18: A Resolution Establishing Rules and Regulations Concerning Practices Associated with Safety and Adopting the Nibley City Safety Policy Manual (First Reading)
Presenter	Justin Maughan, City Manager
Recommendation	Move to approve Resolution 22-18: A Resolution Establishing Rules and Regulations Concerning Practices Associated with Safety and Adopting the Nibley City Safety Policy Manual, for first reading.
Reviewed By	City Manager, Public Works Director, Nibley City Safety Committee

Background

Safety is an important part of what we do here in Nibley, and we strive to make it a priority at all times. When Steve Eliason was hired as the Public Works Director, he took it upon himself to improve the safety program at Nibley. A safety Committee was formed at that time. The committee meets monthly to discuss accidents, near misses and general safety issues, with the mission to make Nibley City as safe a place as possible to work. The committee is made up of: Justin Maughan, City Manager, Cheryl Bodily, City Recorder, Chad Wright, Rec Director, Steve Eliason, Public Works Director, Braxton Jensen, Parks, and Austen Kimball, Water. One of the first items the committee undertook was to update and revamp the Safety Policy Manual. The policy outlines standard practices and policies throughout the City. The group has been working on this for about six months, and is ready to present the document to the City Council for their review and approval.



Nibley City Safety Policy Manual

Guidelines to Safe Work Practices

Approved by Nibley City Safety Committee June 2022

City of Nibley

Table of Contents

GENERAL SAFETY POLICY GUIDELINES

1.01	Administrative Policy	8
1.02	Amendments	8
1.03	Enforcement	8
1.04	Education	9
1.05	Knowledge	9
1.06	Interpretation	9
1.07	Supplementary Information	9
1.08	Governmental Safety Standards	9
1.09	Limitations for Access to City Facilities and Properties	10
1.10	Locking Restricted Areas	10
1.11	Division Manager's Responsibilities with Accident Prevention	10
	OHSA General Duty Clause of the OSH Act of 1970 Duties-5	10
	Nibley City Requirements	10
1.12	Employee Responsibility	11
	OSHA General Duty Clause of the OSH Act of 1970 Duties-5	11
	Employee Requirements	11
1.13	Employee Qualifications	12
1.14	Smoking	12
	Nibley City Employee Policy Guidebook Section 6, Article VII.D.1	12
1.15	Intoxicants and Controlled Substances	12
	Nibley City Employee Policy Guidebook Section 6, Article VII. A	12
	Nibley City Intoxicants and Controlled Substances Requirements	13
1.16	Housekeeping	13
	OSHA Housekeeping Requirements, 1910.141 and 1926.25	13
	Nibley City Housekeeping Requirements	13

1.17	First Aid	14
1.18	What to do When an Accident Occurs	14
	Nibley City Employee Policy Guidebook Section 5, Article VI A.9.1	14
	Nibley City Accident Requirements	15
1.19	Reporting Hazardous Conditions	17
1.20	Emergencies	17
1.21	Private Property Safety	17
1.22	Personal Protective Equipment	18
	OSHA Personal Protective Equipment General Requirements	
	1910.132 and 1926.28	18
	Nibley City Personal Protective Equipment Requirements	18
1.23	Safe-Work Dress	19
1.24	Safety Hard Hats	19
	OSHA Requirements for Head Protection – 1910.135 and 1926.100	19
	Nibley City Head Protection Requirements	19
1.25	Eye and Face Protection	21
	OSHA Requirements for Eye and Face protection – 1910.133 and 1926.102	21
	Nibley City Eye Protection Requirements	21
1.26	Safety Vests	22
	OSHA Requirements for Flagmen – 1926.201	22
	OSHA Requirements for Working Around Water – 1926.106	22
	ANSI Standard for Visibility Apparel, 107-1999	22
	Nibley City Safety Vest Requirements	24
1.27	Protective Footwear	24
	OSHA Protective Footwear Requirements, 1910.136 and 1926.96	24
	Nibley City Protective Footwear Requirements	24
1.28	Hearing Conservation	24
	OSHA Hearing Conservation Requirements, 1910.95, 1926.101, and 1926.52	24
	Nibley City Hearing Conservation Requirements	25
1.29	Hand Protection (Gloves)	25
	OSHA Hand Protection Requirements 1910.138	25
	Nibley City Hand Protection Requirements	25
1.30	Respiratory Protection	26
	OSHA Respiratory Protection Requirements, 1910.134 and 1926.103	26
	Nibley City Respiratory Requirements	26

1.31	Confined Space	27
	OSHA Confined Space Requirements, 1910.146	27
	Nibley City Confined Space Requirements	27
1.32	Bloodborne Pathogens	29
	OSHA Bloodborne Pathogens Requirements 1910.1030	29
	Nibley City Bloodborne Pathogens Requirements	29

TOOLS, HEAVY MACHINERY AND HAZARDOUS OPERATIONS SAFETY

2.01	Tools and Equipment	31
	OSHA Tools and Equipment Requirements, 1910.242 and 1926.300	31
	Nibley City Tools and Equipment Requirements	31
2.02	Removing Safeguards	31
	OSHA Safeguards Requirements, 1926.300, 1910.212 and 1910.243	31
	Nibley City Safeguards Requirements	31
2.03	Lights	32
	OSHA Illumination Requirements, 1926.56, and American National Standard A11.101965, R1970	32
	Nibley City Illumination Requirements	32
2.04	Gasoline	32
	OSHA Flammable and Combustible Materials Requirements 1910.106 and 1926.152	32
	Nibley City Gasoline Requirements	33
2.05	Explosives	33
	OSHA Explosives Requirements 1910.109 and 1926.900	33
	Nibley City Explosives Requirements	33
2.06	Fire Protection	33
	OSHA Fire Protection Requirements, 1910.155-.165 and 1926.150-.159	33
	Nibley City Fire Protection Requirements	33
2.07	Compressed Air	34
2.08	Compressed Gases	34
	OSHA Compressed Gases Requirements, 1910.101-.105 and .111	34
	Nibley City Compressed Gases Requirements	34
2.09	Chemical Handling and Exposure	35
	OSHA Chemical Handling and Exposure. 1910.1200, 1926/55 and 1926.55, App A	35
	Nibley City Chemical Handling and Exposure	35

2.10 Welding and Cutting	36
OSHA Welding, cutting, and Brazing Requirements 1910.251-.255 and 1926.350-.351	36
Nibley City Welding and Cutting Requirements	37
2.11 Warning Signs, Guards and Barriers	38
OSHA Signs, Signals, and Barricade Requirements, 1926.200-.203	38
Nibley City Warning Signs, Guards and Barriers	38
2.12 Flagging Introduction	39
OSHA Flagging Requirements, 1926.201 and .651;ANSI 107-1999 (see Safety Vest in Section #1); Manual on Uniform Traffic Control Devices Part VI (6E-2 & 3)	39
Nibley City Flagging Requirements	39
2.13 Night-time Flagging	40
Manual on Uniform Traffic Control Devices Part VI (6E-3,6)	40
Nibley City Night-time Flagging Requirements	40
2.14 Advance Flagger	40
Manual on Uniform Traffic Control Devices Part VI (6E-6)	40
Nibley City Advance Flagger Requirements	40
2.15 Pilot Car	41
Manual on Uniform Traffic Control Devices Part VI (6C-5C)	41
Nibley City Pilot Car Requirements	41
2.16 Flagger Safety Procedures	41
Manual on Uniform Traffic Control Devices Part VI (6E-4 & 5)	41
Nibley City Safety Procedures	41
2.17 Use of Safety Devices	42
2.18 Safety Belts, Lifelines, Railings, Etc.	42
OSHA Safety Belts, Lifelines, and Railings Requirements, 1926.502 and 1910.66 (j)	42
Nibley City Safety Belts, Lifelines, and Railings Requirements	42
2.19 Safe Suspension Supports	43
OSHA Suspension Requirements, 1926.451	43
Nibley City Suspension Supports Requirements	43
2.20 Forklift	43
OSHA Fork-lift Requirements, 1910.178 and 1926.602(c)	43
Nibley City Fork-lift Requirements	44
2.21 Ladders	44

OSHA Ladder Requirements 1926.1053 and 1910.25-27	46
Nibley City Ladder Requirements	44
2.22 Material Handling and Lifting	46
OSHA Material Handling and Lifting Requirements	
1910.176, 1926.250 and 1926.251	46
Nibley City Requirements for Material Handling and Lifting	46
2.23 Loading and Unloading Material Safely	46
2.24 Cranes, Hoists and Derricks	47
OSHA Cranes, Hoist, and Derricks Requirements 1910.179-.181 and 1926.550	47
Nibley City Cranes, Hoist, and Derricks Requirements	47
2.25 Aerial-Lift Equipment	49
OSHA Aerial-Lift Requirements 1926.453 and 1910.67	49
Nibley City Requirements	49
2.26 Stairways, Doors, Landings, Halls	51
2.27 Office and Clerical Safety/Ergonomics	51
2.28 Hazardous Communication	52
OSHA Hazardous Communication Requirements 1910.1200	52
Nibley City Hazardous Communication Requirements	52
2.29 Excavation, Trenching, and Shoring	53
OSHA Excavation, Trenching, and Shoring Requirements,	
1926.650-.652 and 1926 Subpart P	53
Nibley City Excavation, Trenching, and Shoring Requirements	53
2.30 Pole/Pipe Handling	55
2.31 Gravel Pit/Surface Mining Safety	56
MSHA Gravel Pit/Surface Mining Safety Requirements 30 CFR part 46	56
Nibley City Gravel Pit/Surface Mine Safety	56

TRAFFIC AND MOTOR VEHICLE OPERATION

3.01 Administrative Policy	57
3.02 Knowledge and Compliance with Laws	57
3.03 License and Permits	57
3.04 Defensive Driving	57

3.05	Speed Laws	57
3.06	Physical Condition of Driver	58
3.07	Unauthorized Drivers	58
3.08	Alcoholic Beverages and Controlled Substances	58
3.09	Safe Operations	58
3.10	Vehicle Safety Inspection (Pre-trip Inspection)	58
3.11	Movement of Vehicles	59
3.12	Backing	59
3.13	Transporting Employees	59
3.14	Seat Belts	59
3.15	Parking on a Hill	60
3.16	Coasting Prohibited	60
3.17	Approach of Emergency Vehicles	60
3.18	Truck and Heavy Equipment Operation	61
	Nibley City Organization Chart	62

GENERAL POLICY GUIDELINES

1.01 Administrative Policy

- (a) The accident prevention policies herein set forth are for the purpose of preventing accidents to employees, persons and property. These policies shall be effective as of the date of issuance here of and shall be complied with by every employee of the City under every circumstance where they are applicable. Their violation may lead to immediate disciplinary action.
- (b) When an employee of one department is assigned to work on equipment or facilities subject to the jurisdiction of another department such employee shall follow the established procedures or policies of the latter. Such employees shall contact responsible supervisors of the department in which they are going to work, and determine the hazards that they may encounter in their work in that particular department

1.02 Amendments

- (a) Alterations, revisions or amendments hereto may only be made in the manner in which these policies were originally issued and shall be effective on the date of their issuance.

1.03 Enforcement

- (a) Employees acting in a supervisory capacity, either regularly or temporarily, shall require all employees working under their jurisdiction to comply with all applicable safety policies and safe practices. Failure to enforce safety rules can result in disciplinary action up to and including termination. Employees reporting unsafe conditions cannot and will not be disciplined for legitimate concerns by any supervisor. Supervisors retaliating for any report of unsafe conditions by an employee will be disciplined. Supervisors condoning and/or permitting unsafe practices or violations of the safety policies of Nibley City will be subject to disciplinary action along with the offending subordinate(s).
- (b) If a difference arises in the application or interpretation of these rules, the decision of the employee in charge of the job shall be followed and this employee will be held responsible for their decision. Subsequent appeal may be made through established channels (see Nibley City Employment Guidebook; Section 6, Article V: Appeals Procedures)
- (c) Employees involved in excessive numbers of minor or major accidents, or activities causing excessive number of accidents will be subject to review by the City Manager. The City Manager will recommend to the Division Managers changes to correct situation or address the safety of employees. Employees found to be hazardous to them or others may be considered for reassignment or removal from hazardous conditions or may be subject to termination.

- (d) When an employee observes a hazardous condition or an unsafe action by another employee (including any level of supervision) that may cause injury or property damage or interfere with service, regardless of the department in which such condition exists, the employee shall report it promptly to their Division Manager or designated supervisor, and when necessary, guard it temporarily until it can be corrected.
- (e) When any employee receives a report of any hazardous emergency condition, the employee shall obtain the informant's name, the exact location, and the nature of the trouble. The employee shall then contact immediately their Division Manager or designated supervisor so appropriate steps can be taken to correct the condition.

1.04 Education

- (a) Each Division Manager shall assure that all employees under their jurisdiction are instructed and advised concerning these policies and their application.

1.05 Knowledge

- (a) Each employee of the city shall be required to know and understand each of the policies that apply to the work they are performing for the city. Employees shall be subject, at any time, to an examination on the policies herein contained, which apply to their duties.

1.06 Interpretation

- (a) These policies shall be strictly interpreted to bring about maximum compliance and safe conduct and shall have precedence over any conflicting instructions elsewhere given. However, if lawful and applicable governmental regulations are contrary to these policies, such governmental regulations shall have precedence.

1.07 Supplementary Information

- (a) Additional instructions and information relating to safe performance of work as issued through the medium of circular letters, operating instruction, bulletins, etc., by the Division Manager or designated supervisor and/or Safety Committee shall be used to supplement these fundamental safety policies as necessary and shall be made available by Division Managers and shall be read by all affected employees.

1.08 Governmental Safety Standards

- (a) In addition to its own safety policies and practices, the City and its employees, in the performance of their work, are subject to the regulations of various governmental agencies including Federal, State, and County. Division Managers shall make certain that all applicable provisions of governmental regulations are complied with on their jobs

1.09 Limitations for Access to City Facilities and Properties

- (a) Minors, visitors or uninstructed workers shall be accompanied by a qualified employee in jobsites and around city properties where life, service, or property might be endangered.

1.10 Locking Restricted Areas

- (a) All city properties where public access is restricted shall be kept closed and locked at all times except when a qualified employee has such areas or structures under direct observation.

1.11 Division Manager's Responsibilities with Accident Prevention

OSHA General Duty Clause of the OSH Act of 1970 Duties – 5

Each employer shall furnish to each of their employee's employment and a place of employment, which are free from recognized hazards that are likely to cause death or serious physical harm to their employees. Each employer shall also comply with occupational safety and health standards promulgated under this Act.

Nibley City Requirements

- (a) For the purpose of these policies, the term supervisor shall mean any person directly in charge of the work.
- (b) The Division Manager shall have the following responsibilities:
 - (1) Make certain that all employees under his/her jurisdiction are instructed and advised concerning these accident prevention policies and make periodic checks to see that his other instructions are carried out.
 - (2) Insure that all employees working under his/her jurisdiction use the proper protective equipment and suitable tools for the job. Any safety device, tool or equipment that, upon inspection, is found defective or unsafe shall not be used, but immediately replaced or repaired.
 - (3) Be constantly on the alert for unsafe work practices and unsafe conditions and take immediate corrective action.
 - (4) There shall be a tailgate briefing, which means pre-job discussion, before starting to work, so that each employee involved thoroughly understands the work to be done.

Every Division Manager or Designated supervisor shall call their crew together and briefly outline the proper work procedures, the crewmember's part in it, and the safety policies that apply. Under no circumstance shall safety be sacrificed for speed.

- (5) Issue definite and specific instructions regarding work of an unusual nature.
- (6) Assign employees to work on the basis of their physical fitness, training and

- experience.
- (7) Any Division Manager or designated supervisor having reasonable grounds to suspect an employee under their jurisdiction is either mentally or physically unfit for the work assigned, shall prohibit such employee from working until satisfactory medical or other evidence indicating their fitness is secured.
 - (8) Require the employees under their supervision to report all accidents when reasonably possible. All unreported accidents will be reviewed and responsible parties will be subject to disciplinary action for not reporting the accident. In case of injury, employees insure that the injured employee receives medical attention if the injury warrants medical attention. Employees should make the injured employee comfortable and may render "Good Samaritan" first aid to those injured.
 - (9) Investigate each accident in which an employee under their supervision is involved, to determine the unsafe act and/or the conditions contributing to the accident and take immediate action to eliminate such unsafe acts or conditions.
 - (10) Insure that all necessary reports are completed promptly after an accident. Accident reports should include injuries, damages, and the possible cause.
 - (11) Insure that appropriate action is taken on all safety hazards called to their attention by employees under their supervision or by their Division Manager or the Public Works Director.
 - (12) Shall be familiar with the first aid principles for which they have been trained. Insure that first aid kits are regularly inspected and properly equipped.

1.12 Employee Responsibility

OSHA General Duty Clause of the OSH Act of 1970 Duties – 5

Each employee shall comply with occupational safety and health standards and all rules, regulations, and orders issued pursuant to this Act which are applicable to their own actions and conduct.

Employee Requirements

- (a) The employee shall have the following responsibilities:
 - (1) Be responsible for performing his/her work in a safe manner and do everything possible to prevent injury to themselves, to his/her fellow employees, to the public, as well as prevent damage to city equipment or property of others.
 - (2) Use only those tools and material which have been approved for city use, and employ them only for the purpose for which they were designed.
 - (3) Avoid engaging in practical jokes, scuffling, horseplay, and urging persons to take unnecessary chances.
 - (4) Correct or report promptly all city property which appears to be unsafe or defective and which might be, or become, hazardous to employees or to the public.
 - (5) Promptly report to Division Manager or designated supervisor all injuries or

- accidents, regardless of how minor.
- (6) Be familiar with the first-aid principles received in training.

1.13 Employees Qualifications

- (a) All employees shall be qualified by reasons of training, experience or knowledge, having complied with specific requirements in the installation, maintenance and/or operation of apparatus and the hazards involved.
- (b) Unqualified or inexperienced employees working on or about unfamiliar equipment shall work under the direct supervision of an experienced and qualified person at the site.
- (c) Employees who do not normally work on or about hazardous equipment but whose work brings them into these areas for certain tasks shall proceed with this work only when authorized by a qualified person.
- (d) If an employee is in doubt as to the safe performance of any work assigned to them, they shall request instructions from their supervisor or another qualified person.
- (e) Knowledge. Each employee shall carefully study this Safety Policy manual applicable to their duties. Accident Prevention Policies shall be obeyed and ignorance will not be accepted as an excuse for their violation. Employees may be periodically examined on their knowledge of the policies that apply to their duties.
- (f) Ability. Before proceeding with a job, the employee shall be satisfied that they can perform the work without injury. If they are assigned work they are not qualified to perform, they shall call this to the attention of his/her supervisor.
- (g) Understanding. Before starting a job, each employee shall thoroughly understand the work to be done, his/her part in it, and the safety policies that will apply.

1.14 Smoking

Nibley City Employee Policy Guidebook; Section 6, Article VII, D.1.

The City of Nibley is committed to providing a safe and healthful work environment. Smoking is prohibited throughout the workplace including all city owned buildings, vehicles, and equipment.

1.15 Intoxicants and Controlled Substances

Nibley City Employee Policy Guidebook; Section 6, Article VII D.2

While on City premises and while conducting business related activities off City premises, no employee may use, possess, distribute, manufacture, sell, or be under the influence of alcohol or

illegal drugs (NCEPG; Section 6, Article VII D.2.a).

- (a) The legal use of prescribed drugs is permitted on the job only if it does not impair an employee's ability to perform the essential functions of the job effectively and in a safe manner that does not endanger other individuals in the workplace. (NCEPG; Section 6, Article VII D.6.).
- (b) Further, the legal use of prescribed drugs is permitted on the job when being used in accordance with a doctor's prescription.
- (c) All limitations, cautions, and warnings on the label or prescribed by the doctor must be reported to the Division Manager.. (NCEPG; Section 6, Article VII D.6.).

Nibley City Intoxicants and Controlled Substances Requirements

- (a) The uses of intoxicating beverages, controlled substances and/or their derivatives by an employee during his/her working hours or while in pay status is strictly forbidden, and any violation thereof will be sufficient cause for disciplinary action up to and including dismissal. Any supervisor or having reasonable grounds to suspect an employee reporting for work, or within the course of their work, of being under the influence of intoxicating beverages or controlled substances shall prohibit such employee from working until satisfactory medical or other evidence indicating his/her fitness is secured. (See NCEGP Section 6, Article VII, D.3.)

1.16 Housekeeping

OSHA Housekeeping Requirements, [1910.141](#) and [1926.25](#)

All places of employment shall be kept clean to the extent that the nature of the work allows.

Nibley City Housekeeping Requirements

- (a) Good housekeeping conditions shall be maintained at all work locations and in all vehicles.
- (b) Permanent floors and platforms shall be free of dangerous projections or obstructions and shall be maintained in good repair, and free from oil, grease and water. Where the type of operation necessitates working on slippery floor areas, such surfaces shall be protected against slipping by the use of mats, grates, cleats or other methods employed to provide adequate protection.
- (c) Stairways, aisles, exits, roadways, and walkways and material storage areas in yards shall be kept clear and free from obstructions, depressions, and debris.

- (d) Material and supplies shall be stored in an orderly manner to prevent their falling or spreading and to eliminate tripping and stumbling hazards.
- (e) Flammable materials, such as oil-soaked and paint covered rags, waste, shavings, packing and rubbish, shall be kept in approved metal containers with self-closing lids. Containers shall be emptied as soon as practical.
- (f) No clothing shall be allowed to hang behind the switchboards. Rubbish and unused clothing shall not be allowed to accumulate in lockers.
- (g) Paper and other combustible material shall not be allowed to needlessly accumulate or be stored improperly. Weeds or other vegetation shall not be permitted to grow without proper maintenance in or around storage sheds, buildings or other structures.
- (h) Containers for hazardous materials such as caustics, acids, harmful dusts, etc., shall be equipped with approved covers.
- (i) Waste debris at construction sites shall be removed as they accumulate or at frequent intervals.
- (j) Air, water lines, and hoses shall be coiled up or stored in racks when not in use.

1.17 First Aid

- (a) Employees should familiarize themselves with, and become reasonably proficient in, basic life support and the treatment of injuries such as CPR and general first aid.
- (b) Immediate first-aid treatment must be secured for every injury, however trivial it may appear.
- (c) Properly equipped and approved first aid kits must be maintained on vehicles, shops, offices, attended plants or stations and such other locations as may be considered necessary.

1.18 What to do when an Accident Occurs

Nibley City Employee Policy Guidebook Section 5; Article VI

Employees must immediately report to their Division Manager or designated supervisor regarding any accidents, incidents, or potential hazards which may cause a possible liability for the City. Employees involved in an incident or accident should not admit or sign statements of liability nor accept or submit an offer of settlement.

Nibley City Accident Requirements

The following policies regarding the reporting of all accidents and the preliminary investigations thereof shall be strictly observed:

(a) Accidents to Employees

- (1) All accidents resulting in injury or death to an employee on duty shall immediately be reported by the first available employee at the scene of the accident (in person, by radio or telephone) to one or more of the following:
 - (i) The immediate supervisor.
 - (ii) The Division Manager.
 - (iii) The Public Works Director.
 - (iv) The police or highway patrol, where appropriate.
- (2) Each employee shall thoroughly familiarize themselves with these instructions.
- (3) All accidents to employees resulting in personal injury or death shall be reported in writing and on [Form 122 E; Worker's Compensation Employer's First Report of Injury or Illness](#).



(b) Accidents to Non-Employees

- (1) All accidents in which the city may be involved resulting in property damage, personal injury or death of persons not employed by the city, shall immediately be reported by the first employee having knowledge thereof (in person, by radio, or telephone) to city personnel designated in subparagraph a-1 of this section and the safety and legal departments.
- (2) It is particularly important to procure names and addresses of all witnesses to the accidents.
- (3) It is important in automobile accidents to ascertain positively if any non-employee has been injured. Report the slightest injury or suspicion thereof.
- (4) If there is any doubt as to the action that should be taken regarding medical or hospital treatment, communicate at once with the Division Manager or Public Works Director.

- (5) Do not assume responsibility for any accident. Do not obligate the city to pay for ambulance, doctor, or hospital services rendered to non-employees. Do not make statements admitting liability or indicating that the city will make settlement. Do not discuss any accident in the presence of anyone without the proper authority present.
- (6) The written report of accidents involving property damage, personal injury or death to non-employees shall be made immediately on the proper Form 122E.

(c) Automobile Accidents

In any accidents involving the operation of a city vehicle, the employee *driving* shall:

- (1) Stop at once, turn on overhead lights of the vehicle if so equipped, secure the scene, determine if anyone was injured, determine the nature and extent thereof, and if anyone is injured, call for medical attention. Employees should make the injured employee comfortable and may render first aid on the Samaritan basis. The employee shall not obligate the city for any medical expenses or claims for non-employees.
- (2) Obtain the names and addresses of all witnesses before they leave the scene of the accident.
- (3) Obtain the name and address of the driver of each automobile involved and the names and addresses of all passengers.
- (4) Secure all available data from the registration certificate, including license number, make, type, model and year of each automobile involved.
- (5) Secure all available data from the operator's license of the driver of each automobile involved.
- (6) Note the time and place of the accident.
- (7) Immediately notify the city personnel designated in subparagraph (a) (1) hereof, giving all pertinent information concerning the accident.
- (8) Avoid discussing the accident and make no admissions of responsibility to anyone except authorized city representatives. No unauthorized employee shall give statements to the media. Necessary data given to a law enforcement officer should be given in private.
- (9) Carefully indicate obvious damages to each car involved.
- (10) Exchange names, addresses, driver's license and registration certificate numbers with other person involved in the accident.
- (11) If a parked car is hit, or property damage sustained, and the owner is not present, try to locate such owner and give your name and address, or leave a notice containing such information in a conspicuous place on or in the car or damaged property. Notify Supervisor, Division Manager, and Public Works Director as soon as practical.
- (12) If the accident results in injury or death of any person, file a written report with the local law enforcement agency within 24 hours after such accident.
- (13) Secure name and badge number of the police officer that investigates the accident.
- (14) All **accidents are reportable no matter how minor**. Failure to report an accident is grounds for disciplinary action up to and including termination.

(d) **Decisions for Handling Accidents**

- (1) All decisions as to city liability, investigation, adjustment of claims and related policy decisions, which must be made regarding the handling of accidents, settlement and adjustment, shall be referred to the Nibley City Attorney. Such decisions will be made after consideration of the reports from managers and Division Managers involved or other city officials whose activities are affected.

1.19 Reporting Hazardous Conditions

- (a) When an employee observes a hazardous condition that may cause injury or property damage or interfere with service, regardless of the department in which such condition exists, the employee shall report it promptly to the department or supervisor involved, and when necessary, guard it temporarily until it can be corrected.
- (b) When an employee receives a report of any hazardous emergency condition, the employee shall obtain the informant's name, the exact location and the nature of the trouble. The employee shall then take immediate appropriate steps to correct the condition and report it to the supervisor.

1.20 Emergencies

- (a) Emergencies involving hazard to lives or property, a Division Manager or employee in charge of affected work may modify or suspend any of these policies as they may consider temporarily necessary, in order to permit proper handling of the specific emergency. The person so acting shall be fully accountable for the reasonableness of his/her actions and for any accident or interruption resulting therefrom.

1.21 Private Property Safety

- (a) An approved-type ladder or other safe support shall be used when it is necessary to reach an elevation.
- (b) Upon entering a cellar, basement, and stairway or through gates, the opening must be closed after entering or exiting.
- (c) Regularly used walkways and gates should be used in order to prevent damage to customer property and to minimize employee exposure to slipping and tripping hazards.
- (d) If unfriendly animals are encountered, their locations shall be noted in city records and, where necessary, arrangements shall be made with the resident to remove or restrain the animal during the time the employee is required to perform his/her duties and from that portion of the premises where the employee is required to perform his/her duties.

- (e) When entering customer's premises, make your presence known and be alert for dogs. Do not make unexpected or loud noises. Do not try to slip in without arousing the dog. Dogs are resentful in both cases. If you are confronted with a vicious dog, stand still facing the dog. Do not try to make friends. Call the owner and wait. If the owner does not come, back slowly away to safety. Do not try to pet any strange dog unless he is obviously friendly. Watch for places such as under steps, in corners, etc., where small dogs may lurk and wait for you to turn your back. Do not turn your back on any dog that is not obviously friendly. In case you are bitten by a dog, and the skin is broken, and if there is a delay in seeing a doctor, wash the bite thoroughly with soap and water, bandage, and see doctor as soon as possible. If the dog is wearing a tag, he should be reported to the Animal Control Shelter so the dog can be placed under observation.
- (f) Be alert to hazards such as slippery walks or steps. When walking or working close to buildings, watch out for building projections such as low eaves, awnings, or open windows, in order to prevent injuries to the head. Do not write meter readings while walking, as numerous injuries occur to the head and body due to inattention.
- (g) Whenever an employee is operating a city-owned vehicle, a rental, or a vehicle the employee is being compensated for on a mileage or salary basis, he shall be responsible for its proper and safe operation.
- (h) When defective city or customer owned service equipment is found which creates a dangerous condition such as broken meters, bypass jumpers, back feed conditions, immediate and necessary steps shall be taken to protect the customer, public and our employees.
- (i) The greatest of care should be taken to prevent damage to the customer's property. Fences, lawns, walks, shrubbery, driveways, etc., must be respected. If, however, in spite of the greatest of care you find damage has been done, notify the owner, Division Manager and designated supervisor, and as soon as practical.

1.22 Personal Protective Equipment

OSHA Personal Protective Equipment General Requirements 1910.132 and 1926.28

Protective equipment, including personal protective equipment for eyes, face, head, and extremities, protective clothing, respiratory devices, and protective shields, and barriers, shall be provided, used, and maintained in a sanitary and reliable condition wherever it is necessary by reason of hazards of processes or environment, chemical hazards, radiological hazards, or mechanical irritants encountered in a manner capable of causing injury or impairment in the function of any part of the body through absorption, inhalation or physical contact.

Nibley City Personal Protective Equipment Requirements (See Nibley City Employment Policy Guidebook; Appendix E)

- (a) Protective equipment, including personal protective equipment for the eyes, face, head and extremities, protective clothing, respiratory devices and protective shields and barriers that

are provided shall be used and maintained in a clean and reliable condition. Where employees provide their own protective equipment, the supervisor shall be responsible to assure its adequacy, including proper maintenance and care of such equipment.

1.23 Safe-Work Dress

- (a) Each employee shall wear suitable clothing, at all times, to minimize danger from hazardous or environmental exposure, moving machinery, hot or injurious substances, toxic chemicals, open flames, explosions, etc.
- (b) A good quality work shoe or boot with steel toes is considered essential. The safety-shoe is strongly recommended to minimize injuries to the feet. Open toed, canvas, or tennis shoes are not acceptable work foot apparel. When safety work boots are supplied by the city, they shall be worn all times while working. Some departments may require steel shanks in boots for puncture hazards.
- (c) When there is a risk of injury by hair entanglement from moving parts of rotating machinery (such as drive shafts, pumps, stringing equipment, etc.) employees shall confine their hair to eliminate the hazard. Confinement can be accomplished by rubber bands, hair nets, snoods or hard hats with chinstraps (if a hard hat is worn, make sure it sits down on the head properly to give maximum protection). The apache headband will not be acceptable. Nothing shall be misconstrued as stating that the hair will have to be cut. Where employees wear respirators, they shall ensure a good face seal. Such conditions, as a growth of a beard or sideburns will inhibit a good face seal.
- (d) Watch chains, metal wristwatch bands, key chains, rings or metal bracelets shall not be worn when working on or adjacent to exposed energized equipment or machinery.
- (e) Contact lenses shall be permitted, unless a potential eye injury exists from electrical flash, arc from welding, chemical splash, and exposure to toxic fumes. Approved safety eyewear shall be worn when hazardous eye exposure exists.

1.24 Safety Hard Hats

OSHA Requirements for Head Protection – 1910.135 and 1926.100

The employer shall ensure that each affected employee wears a protective helmet when working in areas where there is a potential for injury to the head from falling objects. Also, the employer shall ensure that a protective helmet designed to reduce electrical shock hazard is worn by each such affected employee when near exposed electrical conductors that could contact the head.

Nibley City Head Protection Requirements

- (a) The primary function of the safety hard hat is to provide protection against impact. The secondary function is to protect the wearer in the event of accidental contact with energized conditions or equipment. Hats shall comply with current OSHA standards. The

following instructions shall be observed in the care and use of the safety hard hats.

- (b) Usage of safety hard hats shall be mandatory for all employees while engaged in work or supervising work of any phase of city operations involving field engineering, construction, maintenance, and operations within a construction site or work zone.
- (c) Hard hats shall be issued to all employees when required and made available for all visitors while on the work site.
- (d) Hats shall not be painted.
- (e) Non-approved objects shall not be inserted or attached to the hats such as decals.
- (f) Holes shall not be drilled in the hats.
- (g) For the purpose of identification, the *employee's name* may be placed on the hat shell.
- (h) Accessories (all parts except the shell) when replaced shall be manufacturers standards. (Sweatbands, chin straps and winter liners)
- (i) Hats shall not be marked or defaced by scratching or cutting by any method, which defaces the shell



- (j) The crown straps of the suspension system shall not be tampered with. The hat suspension system acts as a shock absorber and is nonadjustable.
- (k) Each employee is responsible for checking his/her safety hard hat for damage, such as cracking or chipping. When cracking or chipping is found, it shall be reported to their Division Manager who will determine if replacement is necessary.

1.25 Eye and Face Protection

Requirements for Eye and Face protection – 1910.133 and 1926.102

The employer shall ensure that each affected employee uses appropriate eye or face protection when exposed to eye or face hazards from flying particles, molten metal, liquid chemicals, acids or caustic liquids, chemical gases or vapors, or potentially injurious light radiation. The employer shall ensure that each affected employee uses eye protection that provides side protection when there is a hazard from flying objects. Detachable side protectors (e.g. clip-on or slide-on side shields) meeting the pertinent requirements of this section are acceptable. The employer shall ensure that each affected employee who wears prescription lenses while engaged in operations that involve eye hazards wears eye protection that incorporates the prescription in its design, or wears eye protection that can be worn over the prescription lenses without disturbing the proper position of the prescription lenses or the protective lenses. Eye and face PPE shall be distinctly marked to facilitate identification of the manufacturer.

Nibley City Eye Protection Requirements

- (a) Protective eye and face equipment shall be required where there is a reasonable probability of injury that can be prevented by such equipment. They shall provide adequate protection against the particular hazards for which they are designed. No unprotected employee shall knowingly be subjected to hazardous environmental conditions. Suitable eye protectors shall be worn where machines or operations present the hazard of flying objects, glare, liquids, injurious radiation or a combination of these hazards.
- (b) Employees whose vision requires the use of corrective contact or prescription lenses in glasses (spectacles) and who are required to wear eye protection, shall wear goggles and/or face shield covering the lenses. However, prescription safety glasses are permitted.
- (c) Eyeglasses of non-safety type are not a substitute. Safety glasses or full cover goggles or face shields which fit properly and are kept clean at all times, shall be worn when an employee is engaged in or close to work involving:
 - (1) Drilling or chipping stone, brick, concrete, paint, pipe coatings or metal.
 - (2) Power grinding, buffing or wire brushing, whether there is a built-in eye shield or not.
 - (3) Dust and flying articles (such as using compressed air to clean materials or machinery).
 - (4) Flame welding, cutting or burning. (Approved colored lenses shall be used.)
 - (5) Drilling with hand or electric drill overhead.
 - (6) Pouring hot compounds or the use of other hot or injurious substances.
 - (7) Handling acids, caustics, toxicants, or other similar liquids or gases, except when approved complete head coverings are worn.
 - (8) Exposures to electrical arc or flash.
 - (9) Cleaning or scalding pipe.
 - (10) Thermite (Caldwell) type welder.
 - (11) Flying particles caused by other workmen if employee is within the range of

- particles. (A suitable screen around the work may be used instead.)
- (12) Injurious light or heat rays or any other danger or injury to eyes.
 - (13) Any situation where the supervisor in charge considers that the use of eye protection is necessary.
 - (14) Eye protection must be worn when wearing contact lenses.

1.26 Safety Vests

OSHA Requirements for Flagmen – 1926.201

Flagmen shall be provided with and shall wear a red or orange warning garment while flagging. Warning garments worn at night shall be or reflectorized material.

OSHA Requirements for Working Around Water – 1926.106

Employees working over or near water, where the danger of drowning exists, shall be provided with U.S. Coast Guard-approved life jacket or buoyant work vests.

ANSI Standard for Visibility Apparel, 107-2004

The scope of ANSI standard 107-2004 is to specify the requirements for high visibility apparel to be worn during any hazardous situations and under any lighting conditions.

These requirements are broken down into three classes on conspicuity. The classes are broken down as follows:

Conspicuity Class 1

Conspicuity level for use in occupational activities which:

- (1) permit full and undivided attention to approaching traffic;
- (2) roadside “right-of-way” or sidewalk maintenance workers; and
- (3) delivery vehicle drivers.

Conspicuity Class 2

Conspicuity risk levels exceeding those in Class 1, such as where:

- (1) greater visibility is desired during inclement weather conditions;
- (2) complex backgrounds are present;
- (3) employees are performing tasks that divert attention from approaching vehicle traffic;
- (4) vehicle or moving equipment speeds exceed 25 mph; or
- (5) work activities take place in or in near proximity to vehicle traffic.

Examples of workers in this class may include:

- (1) roadway construction workers;
- (2) utility workers;

- (3) survey crews;
- (4) railway workers;
- (5) school crossing guards;
- (6) high-volume parking and/or toll gate personnel;
- (7) airport baggage handlers/ground crew;
- (8) emergency response personnel;
- (9) law enforcement personnel; and
- (10) accident site investigators.

Conspicuity Class 3

Conspicuity level for use in occupational activities where risks exceed those in Class 2, such as where:

- (1) workers are exposed to traffic exceeding 50 mph;
- (2) the pedestrian worker and vehicle operator have high task loads, clearly placing the pedestrian worker in danger; or
- (3) the wearer must be conspicuous through the full range of body motions at a minimum of 390 m (1280 feet), and must be identifiable as a person.

Example of workers in this class may include:

- (1) roadway construction personnel;
- (2) utility workers;
- (3) survey crews; and
- (4) emergency response personnel.

The following lists the size requirements for each class of conspicuity.

Conspicuity Class 1

- 1. 0.14m² of background material.
- 2. 0.10m² of retro reflective combined with background material.
- 3. 0.20m² of combined performance material used without background material.
- 4. Photometric performance Level 2 and Level 1.

Conspicuity Class 2

- 1. 0.50m² of background material.
- 2. 0.13m² of retro reflective combined with background material.
- 3. Photometric performance Level 2 and Level 1.

Conspicuity Class 3

- 1. 0.8m² of back ground material.
- 2. 0.2m² of retro reflective combined with background material.
- 3. Photometric performance Level 2 and Level 1.

Nibley City Safety Vest Requirements

- (a) An orange or fluorescent green highly reflective safety vest and safety hard hat shall be worn when employees are engaged in flagging traffic, surveying with in right of way, and locating underground utilities or anytime when the employee is in the City right-of-way.
- (b) When working on/or over water where the danger of drowning exists, employees shall wear a U.S. Coast guard approved life jacket or buoyant work vest.

1.27 Protective Footwear

OSHA Protective Footwear Requirements, 1910.136 and 1926.996

The employer shall ensure that each affected employee uses protective footwear when working in areas where there is a danger of foot injuries due to falling or rolling objects, or objects piercing the sole, and where such employee's feet are exposed to electrical hazards.

Nibley City Protective Footwear Requirements

- (a) Safety shoes are encouraged and provide protection when handling heavy materials, or for protection of the feet from rolling or falling objects, and shall be worn when the extent of the hazard warrants their use.

1.28 Hearing Conservation

OSHA Hearing Conservation Requirements, 1910.95, and 1926.101, and 1926.52

When employees are subjected to sound exceeding those listed in Table 1, feasible administrative or engineering controls shall be utilized. If such controls fail to reduce sound levels within the levels of Table 1, personal protective equipment shall be provided and used to reduce sound levels within the levels of the table.

Duration per Sound Level

Day Hour Decibels	Scale In
8	90
6	92
4	95
3	96
2	100
1-½	102

1	105
1/2	110
1/4 or less	115

Nibley City Hearing Conservation Requirements

- (a) When employees work in areas with noise levels exceeding the OSHA Action Level of 85 decibels for 8 hours exposure, city approved personal protective equipment shall be provided and worn. Exposure time shall not exceed the duration indicated on Table 1

When the noise level is between numbers on the scale, then the next highest decibel number shall be used. Exposure to impulse or impact noise should not exceed 140-dB peak sound pressure level.

- (b) Hearing protection equipment shall be maintained in a sanitary and reliable condition.
- (c) Noise monitoring is conducted on new procedure if warranted or available upon request. Hearing tests will be conducted on employees who exceed the OSHA action level of 85 decibels for 8 hours.



1.29 Hand Protection (Gloves)

[OSHA Hand Protection Requirements 1910.138](#)

Employers shall select and require employees to use appropriate hand protection when employee's hands are exposed to hazards such as those from skin absorption of harmful substances; severe cuts or lacerations; severe abrasions; punctures; chemical burns; thermal burns; and harmful temperature extremes.

Nibley City Hand Protection Requirements

- (a) When necessary to protect the hands from cuts, bruises, abrasions, contact from

chemicals, electrical contact, and heat, suitable hand protection shall be worn to minimize or eliminate injury.

- (b) Gloves should not be used while working on moving machinery such as drill presses, lathes, tablesaws or other such rotating or moving equipment that might catch on the glove and pull it and the employees' hand into a hazardous area.

1.30 Respiratory Protection

OSHA Respiratory Protection Requirements, 1910.134 and 1926.103

In the control of those occupational diseases caused by breathing air contaminated with harmful dusts, fogs, fumes, mists, gases, smokes, sprays, or vapors, the primary objective shall be to prevent atmospheric contamination. This shall be accomplished as far as feasible by accepted engineering control measures (for example, enclosure or confinement of the operation, general and local ventilation, and substitution of less toxic materials). When effective engineering controls are not feasible, or while they are being instituted, appropriate respirators shall be used pursuant to this section. The employer shall provide respirators when such equipment is necessary to protect the health of the employee. The employer shall provide the respirators, which are applicable and suitable for the purpose intended. The employer shall be responsible for the establishment and maintenance of a respiratory protection program, which shall include the requirements outlined in paragraph (c) of this section.

Nibley City Respiratory Requirements

- (a) Each employee is required to use provided respiratory protection in accordance with instructions and training received and  contained in city publications or established operating procedures. This requirement applies to those whose work environment risks exposure to occupational diseases caused by breathing air contaminated with harmful dust, fogs, fumes, mists, gases, sprays, or vapors, or who may have to work in oxygen-deficient atmospheres exceeding established threshold limits. Every effort should be made to reduce employee exposure to atmospheric contamination by enclosure or confinement of the operation, or general and local ventilation.
- (b) Each respirator or self-contained breathing apparatus shall be selected on the basis of hazards to which the employee is exposed.
- (c) Each employee shall be required to undergo a medical evaluation to determine physical fitness to wear a respirator. A yearly fit test of the selected respirator is required.
- (d) Respirators shall be clean and disinfected after each use and stored in a convenient, clean and sanitary container.

1.31 Confined Space

OSHA Confined Space Requirements, 1910.146

This regulation states the requirements, for practices and procedures, to protect employees from immediate danger to life and health hazards associated with confined space areas. Confined space is defined as a space that is large enough to be entered; has limited means of entry and exit; and is not designated for continuous employee occupancy. A permit-required confined space has one or more of the following characteristics:

- (1) Contains or has a potential to contain a hazardous atmosphere;
- (2) Contains a material such as grain or sawdust that has the potential for engulfing an entrant;
- (3) Has an internal configuration such that an entrant could be trapped or asphyxiated by inwardly converging walls or by a floor, which slopes downward and tapers to a smaller cross-section;
- (4) Contains any other recognized serious safety or health hazard.



Nibley City Confined Space Requirements

- (a) Nibley City Crews must be trained and supervised before ever entering a confined space. All Confined Spaces in Nibley will be considered *Permit Required* unless otherwise evaluated by the Hyrum Fire Chief. Hyrum City Fire Department must be informed prior to entering a confined space and the Fire Department Rescue are the only personnel permitted to perform an entry rescue. Other City crews may perform a non-entry rescue using the required harness, lifeline and tripod retrieval. While working under confined space situations the following safety procedures will be followed throughout the job.
 - I. a) Upon reaching a confined space (manhole, etc.) air quality shall be tested before removing the lid if possible.
 - b) Upon removal of the lid the air quality should be tested from the top to the bottom of the confined space area.
 - c) If a visual inspection reveals a problem, every effort should be made to resolve

the problem from above ground. The use of clam shell type picker, vactor truck, and various improvising shall be used in resolving the problem.

- d) If all methods of correction fail then preparations shall be made to allow for the trained worker to enter the confined space.

- II. a) Before entering a permit-required confined space a permit must be obtained with the following items:

1. The location of space to be entered.
2. The purpose of the entry.
3. The date and duration of entry permit.
4. The authorized entrants by name and department.
5. The personnel serving as attendants.
6. The hazards of the permit space to be entered.
7. The measures used to lockout or purge or make safe the permit space.
8. The results of initial and periodic tests.
9. The rescue and emergency services to be summoned and the numbers to call.
10. Personal protective equipment and testing equipment used
11. Any other information necessary to ensure safety of the employee in the particular confined space.

- III. a) At each permit required confined space entry; Nibley City will have the following on the scene at all time:

1. At least two people. One trained entrant and one trained competent attendant/supervisor.
2. Hand held radio or cellular phone for communication with emergency services.
3. Safety personal protective equipment including:
 - a. Ventilation system.
 - b. Air monitoring/testing equipment (constant monitoring).
 - c. Tripod rescue retrieval device.
 - d. Full body harness with a retrieval line attached at the center of the entrant's back near shoulder level.
 - e. A copy of these procedures.

- IV. a) Once the above requirements have been met and preparations have been met and preparations are being made to enter the confined space the following will be done:

1. Proper precautions shall be taken to barricade and protect the area.
2. Entrant shall have all personal protective equipment listed above and be properly harnessed.
3. Attendant shall be positioned and able to give full attention to the entrant.



4. If problems arise, appropriate emergency help shall be notified or standing by.
5. When necessary the air will be purged.
6. The entrant shall be lowered and monitored while the problem is being fixed. Constant monitoring of air quality is of utmost concern.
7. Upon completion of the confined space job, the permit shall be filed and any special conditions encountered will be noted for future references.

1.32 Bloodborne Pathogens

OSHA Bloodborne Pathogens Requirements 1910.1030

This section applies to all occupational exposure to blood or other potentially infectious materials as defined by paragraph (b) of this section.  "Universal Precautions" shall be observed to prevent contact with blood or other potentially infectious materials. All body fluids shall be considered potentially infectious materials.

Nibley City Bloodborne Pathogens Requirements

- (a)  Each department should have a written "Standard Operating Procedure" (S.O.P.) in place. The S.O.P. should be specific for workers in the department for minimizing or preventing exposure to infectious materials.
- (b) Employees whose job descriptions do not specify them to render emergency medical response such as CPR and First Aid, Nibley City Policy will be as follows:
 - (1) First line care will consist of calling 911 for medical assistance.
 - (2) Then providing care until help arrives shall be on a "Good Samaritan" voluntary basis. "Universal Precautions" should be used to protect you while rendering voluntary first aid.
- (c) Where bio-medical hazards exist or are likely to exist the employee will receive training on the use of personal protective equipment.

- (d) Appropriate personal protective equipment will be available at the work site or issued individually to workers.
- (e) Employees will use the appropriate disinfecting agents and follow proper disposal procedures for contaminated equipment.
- (f) Infectious waste needing disposal shall be placed in a closeable, leak proof container or bag that is marked, color coded or labeled as prescribed by law.
- (g) As a **minimum** those employees acting as “Good Samaritans” shall protect themselves by wearing the following items:
 - (1) Disposable gloves of appropriate material and quality so as to provide protection for the worker shall be worn. All emergency response and clean up on all levels require the use of gloves. Donning of gloves must occur before any emergency care is given.
 - (2) Mask and protective eyewear will be worn where the potential for exposure via mucous membranes, eyes, mouth, and nose is likely to occur by splashes or aerosols.
 - (3) Hand washing is the single most important means of preventing the spread of infection. After removing gloves, hands and other skin surfaces will be washed thoroughly. Personnel should scrub hands briskly for 2 minutes with warm water and soap. When hand-washing facilities are not available waterless hand cleaner should be used; however, as soon as facilities are available hands should be washed as described above.
 - (4) Any clothing that has been spattered with blood and/or body fluids will be removed and cleaned as soon as possible.
- (h) An employee acting as a “Good Samaritan” will perform first aid to the degree of training, which they have received. Nibley City will provide training in basic first aid and CPR.
- (i) “Universal Precautions” is an approach to limit infection to blood borne pathogens. According to this concept all human blood and body fluids are treated as if they are infected with HIV, HBV, and other bloodborne pathogens.

TOOLS, HEAVY MACHINERY AND HAZARDOUS OPERATIONS SAFETY

2.01 Tools and Equipment

OSHA Tools and Equipment Requirements, 1910.242 and 1926.300

All hand and power tools and similar equipment, shall be maintained in a safe condition. When power operated tools are designed to accommodate guard, they shall be equipped with such guards when in use. One or more methods of machine guarding shall be provided to protect the operator and other employees in the machine area from hazards such as those created by point of operation, in going nip points, rotating parts, flying chips and sparks. Examples of guarding methods are – barrier guards, two-hand tripping devices, electronic safety devices, etc.

Nibley City Tools and Equipment Requirements

- (a) Any safety device, tool or equipment that is found unsafe upon first-hand knowledge or inspection by the employee or supervisor in charge of the job, shall not be used.
- (b) All employees shall use all tools and safety devices furnished by the city for the purpose intended. The tools and devices will be regularly inspected and/or tested, as required, and kept in good repair by appropriate departments within the city; but this will not relieve the employee of the responsibility of using only tools in good condition with all safety guards in place.
- (c) The city and/or employee shall be responsible for the good condition and thorough maintenance of each employee's personal tools.
- (d) The air shall be shut off at the air supply valve ahead of the hose before making adjustments or changing air tools, unless equipped with quick-change connectors. The hose shall be bled at the tool before breaking the connection.
- (e) Grinding machines should be inspected before use. Such inspections should include the end and tongue guards, the work rest and the wheel face.
- (f) Employees using explosive-actuated tools shall be properly trained by a qualified instructor.

2.02 Removing Safeguards

OSHA Safeguards Requirements, 1926.300, 1910.212 and 1910.243

When power operated tools are designed to accommodate guards, they shall be equipped with such guards when in use.

Nibley City Safeguards Requirements

- (a) Safeguards shall not be removed except on approval from the Division Manager or designated supervisor for the purpose of testing and maintenance.

- (b) When safeguards are removed from apparatus, they shall be replaced before the equipment is returned to service.
- (c) Safeguards provided such as a safety tire rack, cage, or equivalent protection shall be used when inflating, mounting, or dismounting all tires especially tires installed on split rims, or rims equipped with locking rings or similar devices.

2.03 Lights

OSHA Illumination Requirements, 1926.56, and American National Standard A11.1-1965, R1970

Construction areas, ramps, runways, corridors, offices, shops, and storage areas shall be lighted to no less than the minimum illumination intensities listed in Table D-3 of 29 CFR 1926.56. Walking, working, and climbing areas shall be illuminated. Employees shall not be permitted to enter dark holds, compartments, decks or other spaces without a flashlight or other portable light. The use of matches or open flames is prohibited.

Nibley City Illumination Requirements

- (a) No artificial light, except an approved explosion proof flashlight or an approved explosion proof extension cord and fixture, shall be used near escaping gas, gasoline or other flammable vapors, or when entering a room or enclosure suspected of containing gas or a combustible dust atmosphere.
- (b) Dark places such as basements, cellars, etc., on private/customer property, shall not be entered without proper light. The use of matches is strictly forbidden.
-  (c) The use of open flame illumination is prohibited at all Nibley City facilities.

2.04 Gasoline

OSHA Flammable and Combustible Materials Requirements 1910.106 and 1926.152

Only approved containers and portable tanks shall be used for storage and handling of flammable and combustible liquids. Approved safety cans or Department of Transportation (DOT) approved containers shall be used for the handling and use of flammable liquids in quantities of 5 gallons or less. For quantities of one gallon or less, the original container may be used, for storage, use and handling of flammable liquids.

Flammable or combustible liquids shall not be stored in areas used for exits, stairways, or normally used for the safe passage of people. No more than 25 gallons of flammable or combustible liquids shall be stored in a room outside of an approved storage cabinet. For storage of liquefied petroleum gas, see OSHA 1926.153.

Nibley City Gasoline Requirements

- (a) Gasoline shall be stored, handled and transported only in approved containers, and extreme care must be used at all times to prevent ignition. In addition, employees shall familiarize themselves with and observe local ordinances relative to such storage.
- (b) When pouring or pumping gasoline from one container into another, metal contact (electrically bonding) shall be maintained between the pouring and receiving containers.
- (c) Leaky gasoline furnaces or torches shall not be used.
- (d) Gasoline shall not be transported inside cabs or trunks of vehicles. This includes all fuel gases such as acetylene, propane, etc.
- (e) Gasoline shall not be used for cleaning parts. Approved cleaning solvent shall be used when cleaning parts.
- (f) Do not pour gasoline in the carburetor to prime motor while the engine is being turned over.

2.05 Explosives

[OSHA Explosives Requirements 1910.109 and 1926.900](#)

The employer shall permit only authorized and qualified persons to handle and use explosives.

Nibley City Explosives Requirements

- (a) The use of explosives is prohibited. For a special situation contact the  Safety Department.

2.06 Fire Protection

[OSHA Fire Protection Requirements, 1910.155-.165 and 1926.150-.159](#)

This subpart contains requirements for fire brigades, and all portable and fixed fire suppression equipment, fire detection systems, and fire or employee alarm systems installed to meet the fire protection requirements of 29 CFR Part 1910.

Nibley City Fire Protection Requirements

- (a) Employees must acquaint themselves with the instructions of the city covering fire prevention and suppression (Hyrum City), and with the location and care of all fire-fighting equipment in and about the buildings and premises occupied by the city.
- (b) All fire apparatus must be kept in operable condition and kept accessible at all times.
- (c) Fire-extinguishing substances, which are conductors of electricity such as water and acid

solutions, shall never be employed in fighting fires near exposed live electrical parts.

- (d) Fire extinguishers employing the following non-conductive substances may be used in fighting fires near or on exposed live electrical parts (class C fires): carbon dioxide gas (CO₂), dry powder and halon.

2.07 Compressed Air

- (a) Compressed air shall not be used to clean clothing or hair, or to be turned against any employee for any reason.
- (b) Vacuums shall be considered as a special type of air machinery and used with the same precautions.

2.08 Compressed Gases

OSHA Compressed Gases Requirements, 1910.101-.105, and .111

The above OSHA regulations cover the requirements for in-house use, storage, labeling, and handling of "compressed gases." The regulations cover compressed gases regardless of packaging or content.

Nibley City Compressed Gases Requirements

- (a) To avoid explosions, oil or greases shall not be allowed to come in contact with valves, regulators or any other portion of oxygen cylinders or apparatus.
- (b) Portable gas cylinders or containers shall be handled with extreme care and shall be stored in a suitable location. They shall be properly secured in a vertical position with valve cap in place, except when instructions dictate otherwise.
- (c) Oxygen and acetylene cylinders or containers shall be handled with extreme care. They shall be stored in safe places, with a minimum of 20' separation, or non-combustible barrier at least 5' high having a fire resistant rating of at least ½ hour, and so stored that they will not be knocked over. Oxygen cylinders or containers shall not be stored with acetylene gas tanks or generators, fuel gases, lubricants and flammable liquids.
- (d) Compressed gas cylinders or containers shall not be exposed to excessive heat or rough handling. Sparks and flames shall always be kept away from such cylinders or containers.
- (e) All connections to piping, regulators and other appliances shall be kept tight to prevent leakage. Should leaks develop, never test with an open flame. When cylinders or containers are not in use, always keep valves tightly closed and caps in place.
- (f) Compressed gas cylinders or containers shall always be stored in a well-ventilated

location, and assume of the gases are heavier than air (such as butane and propane), particular attention shall be given to venting the lower spaces of the room.

- (g) Compressed gases shall not be used from a cylinder, container or manifold unless an approved automatic pressure regulating device is installed on the cylinder of the container valve or manifold.
- (h) Compressed gas cylinders or containers should be inspected visually or by other methods to determine reliability and safety of container.
- (i) No attempt shall be made to repair a leaky cylinder. Such cylinders shall be removed from service and placed in an open area, away from any possible ignition source. Out-of-service will be marked or tagged and reported to the vendor.
- (j) Compressed gas cylinders shall not be lifted by their valve or protective caps.

2.09 Chemical Handling and Exposure

OSHA Chemical Handling and Exposure 1910.1200, 1926.55, and 1926.55 App A

The purpose of this section is to ensure that the hazards of all chemicals produced or imported are evaluated, and that information concerning their hazards is transmitted to employers and employees. This transmittal of information is to be accomplished by means of comprehensive hazard communication programs, which are to include container labeling and other forms of warning, material safety data sheets and employee training. Exposure of employees to inhalation, ingestion, skin absorption, or contact with any material or substance at a concentration above those specified in the  "Threshold Limit Values of Airborne Contaminants for 1970" of the American Conference of Governmental Industrial Hygienists, shall be avoided. See Appendix A to section 1926.55 App A.

Nibley City Chemical Handling and Exposure

- (a) Each employee whose work environment risks exposure to harmful chemicals, hazardous waste or irritants is required to become familiar with that chemical with which they are working, either by manufacturers data as labeled on the container of the product, city publications or written instructions or information furnished by the manufacturer. Precautionary information on labels such as normal handling, emergencies, fire and explosion, health hazards, personal protective equipment and first aid measures shall be noted.  Material safety data sheets that accompany the chemical and located in the area where the chemical is used should provide the information specified above.
- (b) It is mandatory that all employees, whose duties may risk a hazard by process of environment, utilize protective equipment. These hazards include those of chemical irritants or of mechanical nature encountered in a manner capable of causing injury or impairment to the function of any body part through absorption, inhalation or physical contact. Personal protective equipment such as shields and other devices for eyes, face, trunk and extremities shall be used.

- (c) The personal protective devices furnished shall be maintained in a sanitary and reliable condition and replaced as necessary to insure reliability.
- (d) Because of the toxic nature of some chemicals, hazardous waste, vegetation control products, rodenticides, solvents and insecticides and the potential hazards of handling them, it is imperative that extreme care be used at all times. Employees with known allergies to specific chemicals should be extremely cautious in handling that chemical.
- (e) Employees shall not handle or eat food, tobacco, etc., with such chemical substance on their hands without thoroughly washing.
- (f) In handling and storing, all containers shall be labeled or marked with proper identification of contents.
- (g) Employees shall also become familiar with the locations of eye wash fountains, emergency showers, and material safety data sheets.
- (h) Reasonable safeguards such as protection against earth tremors shall be taken in storing hazardous chemicals to prevent injury to persons or property. To prevent fire hazard, do not store containers of strong reducing agents next to containers of strong agents.
- (i) **First Aid:** When accidental contact with acids, caustics or harmful chemicals occurs, the most important factor in preventing permanent injury is speed in treatment. Immediate and prolonged (minimum of fifteen minutes) application of large quantities of running water should be used on any exposed area. Never attempt to neutralize or apply oils or ointments to burned areas. Acid or caustics in contact with eye should be treated immediately by washing with a steady, gently stream of water for a minimum of 15 minutes and in all cases shall be treated by a doctor.

2.10 Welding and Cutting

OSHA Welding, Cutting, and Brazing Requirements 1910.251-.255 and 1926.350-.351

Fire hazards. If the object to be welded or cut cannot readily be moved, all movable fire hazards in the vicinity shall be taken to a safe place. Firewatchers shall be required whenever welding or cutting is performed in locations where other than a minor fire might develop, or in the vicinity of "appreciable combustible" material that could ignite due to sparks, conduction, or radiation. Selection and specifications of personal protective equipment and proper ventilation of atmosphere is also addressed in this section.



Nibley City Welding and Cutting Requirements

(a) General

1. Respirators, adequate ventilation, or both shall be used during operations that produce toxic fumes.
2. Hard hats or caps shall be worn on all construction sites.
3. Adequate fire prevention measures shall be taken before welding or cutting near or above flammable material or personnel.
4. Welding in the field shall be performed in accordance with local fire prevention regulations.
5. No cutting or welding shall be done in the presence of flammable or explosive mixtures of vapors, gases or dust.
6. Fire extinguishers and a fire watch shall be maintained where a serious fire hazard is present.
7. When welding or cutting on engine driven equipment adjacent to fuel tanks or lines on the equipment, they shall be removed or adequately shielded.
8. All containers that have held flammable material capable of producing explosive vapors shall be thoroughly purged before welding or cutting them.

(b) Arc ([OSHA 1910.254](#) & [1926.351](#))

1. During electric welding, suitable eye protection such as hoods, goggles, or screens shall be used to protect personnel.
2. Welding leads and power cables shall be protected from mechanical damage.
3. When not welding, electrodes shall be removed from the holder and the holder placed so that electrical contact with persons or objects is prevented.
4. Welders and welder helpers, when welding or cutting, shall wear shirts having long sleeves buttoned at the cuff. Due to low flammability, shirts made of natural fibers are recommended.

(c) Gas ([OSHA 1910.253](#) & [1926.350](#))

1. Welding hose shall be easily identified by the use of a color code, and used only for the designated gas. The hose shall be protected against excessive wear or undue physical hazards such as cuts or burns.
2. Welding hose shall be protected from contact with flame or hot objects. Care shall be taken to avoid physical damage or excessive strain from pulling.
3. Cylinder valves shall be closed and hoses purged at the end of the work shift. Protective caps shall be reinstalled:
 - a. When not in use.
 - b. While being transported.
4. The purging of hose or equipment shall not be done in a confined space.
5. Torches shall not be placed where accidental contact could release gas.
6. Torches shall not be hung from regulators.

2.11 Warning Signs, Guards and Barriers

OSHA Signs, Signals, and Barricade Requirements, 1926.200-.203

Signs and symbols required by this subpart shall be visible at all times when work is being performed, and shall be removed or covered promptly when the hazards no longer exist. Barricades for protection of employees shall conform to the portions of the American National Standards Institute D6.1-1971, Manual on Uniform Traffic Control Devices for Streets and Highways, relating to barricades.

Nibley City Warning Signs, Guards and Barriers

- (a) Approved warning signs, barriers, guards, flags, work area protection signs and lights at night shall be installed and properly maintained whenever hazards exist due to moving or stationary machinery or vehicles, exposed energized parts, open excavations, construction operations, removal of manhole or hand hole covers and similar work. Reasonable inspection of such temporary lighting shall be made to ensure they are lighted and properly maintained.
- (b) Such warnings shall be placed immediately at the point excavations, obstructions or other hazards and, in addition, shall be placed sufficiently far in advance and to the rear as to provide adequate notice or warning to motorists that they are approaching said excavations, obstructions or other hazards. The distance which such advance warning traffic control devices should be placed from the excavations, obstructions or other hazards must, of course, vary according to the conditions. In lower-speed areas they should be closer, and in high-speed areas farther away, in some cases at least 500 feet. Such signs preclude the motoring public from disregarding the warning of our signs because of the absence of the obstructions or hazards which they are left to point out.
- (c) Where conditions warrant, an employee shall be stationed at the surface to guard open manholes, pits or vaults.
- (d) Flagmen shall be provided when operations are such that signs, signals and barricades do not provide the necessary traffic control.

- (e) All open excavations shall be promptly and adequately covered.
- (f) Employees shall not cross over or under barrier tape while it is barricading an area unless work in progress requires an employee to temporarily enter such area. In such event they shall be continuously watched by another qualified employee.

2.12 Flagging Introduction

[OSHA Flagging Requirements, 1926.201 and 1926.651; ANSI 107-1999](#) (see **Safety Vest in Section #1**); [Manual on Uniform Traffic Control Devices Part VI \(6E-2 & 3\)](#)

When operations are such that signs, signals, and barricades do not provide the necessary protection on or adjacent to a highway or street, flagmen or other appropriate traffic controls shall be provided. Flagmen shall be provided with and shall wear a fluorescent green or orange warning garment while flagging.

Warning garments worn at night shall be of reflectorized material. Signaling directions by flagmen shall conform to American National Standards Institute D6.1-1971, Manual on Uniform Traffic Control Devices for Streets and Highways. Employees exposed to public vehicular traffic shall be provided with, and shall wear; warning vests or other suitable garments marked with or made of reflectorized or high-visibility material.

Nibley City Flagging Requirements

- (a) The job of being a flagger is an important one. The lives of workmen and those of the traveling public can be in your hands. It is important that you be cautious in dealing with the traveling public yet be brief and to the point in your conversation with them. Do not leave your post unless you are properly relieved. It is expected that all flaggers will follow these instructions.
 - 1. Flagger must be courteous.
 - 2. Flagger must be intelligent.
 - 3. Flagger must be patient.
 - 4. Flagger, above all, must be in good physical condition (especially hearing and sight).
 - 5. Flagger shall wear an orange hard hat at all times.
 - 6. Flagger shall be fully clothed.
 - 7. Flagger shall wear orange/fluorescent green jacket, vest or shirt to comply with the new ANSI standard found in section 1.26 of this safety manual.
 - 8. Flagger shall wear full-length pants.
 - 9. Flagger shall wear a reflectorized hard hat and vest for night flagging operations.
 - 10. Flagger shall wear work type shoes.
- (b) Three (3) orange 16"X16" flags shall be required per sign.



- (c) Signing in advance of flaggers shall consist of three (3) signs at 500+ foot intervals. When feasible the flagger's cars shall be parked at least 100 feet from the flagging station.
- (d) All flagging shall conform to the current [Department of Safety Manual, Policies and Safety Orders, covering flaggers of the Industrial Commission of Utah](#).
- (e) This signing sequence shall be incorporated into all construction, maintenance and city projects.

2.13 Night-time flagging

[Manual on Uniform Traffic Control Devices Part VI \(6E-3, 6\) \(Pages 34-35\)](#)

For nighttime conditions similar outside garments shall be reflectorized. The flagger should stand either on the shoulder adjacent to the traffic being controlled or in the barricaded lane. Under no circumstances should the flagger stand in the lane being used by moving traffic.

Nibley City Night-time Flagging Requirements

- (a) Stand in a safe position on the shoulder facing traffic and wave the red wand flashlight back and forth over head. After the first vehicle has been stopped, move to a position near the centerline so that your signal may be seen by drivers approaching from the rear. The flagging station shall be illuminated and amber flasher light may be placed on advance signs.

2.14 Advance Flagger

[Manual on Uniform Traffic Control Devices Part VI \(6E-6\) \(Page 34-35\)](#)

Flaggers must be clearly visible to approaching traffic for a distance sufficient to permit proper response by the motorist to the flagging instructions, and to permit traffic to reduce speed before entering the worksite.

Nibley City Advance Flagger Requirements

- (a) Advanced flaggers are required where there is limited sight distance to the work area. You are to slow or stop each vehicle as it approaches and, if necessary, give drivers instructions about work being performed ahead, as instructed by the foreman.

2.15 Pilot Car

Manual on Uniform Traffic Control Devices Part VI (6C-5C) (Page 27)

The use of a pilot car for traffic control can be most effective where the route is particularly hazardous, or so involved or frequently altered as to preclude adequate signing.

Nibley City Pilot Car Requirements

- (a) When the flagger at the opposite end is not visible to you or there is but a single lane open for traffic, a pilot car is then used to escort vehicles through the work area. You are to stop vehicles in the approved manner as they approach and detain them until the pilot car arrives from the opposite direction. All pilot cars should be equipped with signs which identify them, and which instructs motorists to "Follow Me". When a pilot car is not available, alternating traffic is handled by using a special identified marker that is passed from flagger to the last car to the opposing flagger.

2.16 Flagger Safety Procedures

Manual on Uniform Traffic Control Devices Part VI (6E- 4 & 5)

Section 6E-5, of the Manual on Uniform Traffic Control Devices, describes safe and proper procedures for slowing, stopping, and releasing traffic while flagging.

Nibley City Flagger Safety Procedures

- (a) *To Stop Traffic.* Stand in a safe position on the shoulder facing the traffic. The Stop sign should be in the right hand. Look directly at the approaching driver, and with the free arm upraised and the palm of the hand exposed to the driver, bring him to a stop. After the first vehicle has been stopped, move to a conspicuous position near the centerline so as to be readily seen by the drivers approaching from the rear. Do not stand directly in front of the first car. Remain in this position with the Stop sign displayed until it becomes your turn to permit traffic to pass through the work area, and then move to the shoulder of the road to release the traffic.
- (b) *To Release Traffic.* While standing on the right of the traffic you have stopped, your position being on the shoulder of the road, show the Slow sign to stopped vehicles. Then motion them forward with the left hand.
- (c) Where it is desired to alert or slow traffic, hold slow sign in right hand and motion with left hand using downward sweeping motion.

2.17 Use of Safety Devices

- (a) All safety devices furnished by the city shall be properly used by all employees as required. These devices will be regularly inspected as required and kept in good repair by the city, but this will not relieve the employee of the responsibility of using only those devices that are clean and in good working condition.

2.18 Safety Belts, Lifelines, Railings, Etc.

OSHA Safety Belts, Lifelines, and Railings Requirements, 1926.502 and 1910.66 (i)

Employers shall provide and install all fall protection systems required by this subpart for an employee, and shall comply with all other pertinent requirements of this subpart, before employee begins the work that necessitates the fall protection. Guardrail systems and their use shall comply with the following provisions:

Top edge height of top rails, or equivalent guardrail system members, shall be 42 inches (1.1m) plus or minus 3 inches (8 cm) above the walking/working level.

Safety net systems and their use shall comply with the following provisions:

Safety nets shall be installed as close as practicable under the walking/working surface on which employees are working, but in no case more than 30 feet (9.1 m) below such level. When nets are used on bridges, the potential fall area from the walking/working surface to the net shall be unobstructed.

Personal fall arrest systems and their use shall comply with the provisions set forth in section D of 1926.502. Employees on working platforms shall be protected by a personal fall arrest system meeting the requirements of appendix C, Section 1, or 1910.66, and as otherwise provided by this standard.

Nibley City Safety Belts, Lifelines, and Railings Requirements

- (a) Employees shall use approved safety belts and straps, lifelines, or other adequate protection when working more than 4' above the ground unless adequate railings are provided.
- (b) It shall be the duty of each employee to inspect each safety device each time he uses it, whether furnished by the city or by him, and he shall only use those that are in good condition.
- (c) No employee shall be elevated in an aerial bucket or work platform without a safety strap or lanyard not exceeding 6' in length.
- (d) Employees shall visually make sure that the snap hook is properly engaged with snaps facing to the outside, in the "D" ring before the weight of the body is placed on the safety strap. When the strap is in use, both snap hooks shall not be attached to the same "D" ring.
- (e) Wire hooks shall not be used on body belts.

- (f) When working over or near water and the danger of drowning exists:
 - (1) Employees shall wear U.S. Coast Guard approved life jackets or buoyant work vests.
 - (2) Ring buoys with at least 90 feet of line shall be immediately available.
 - (3) At least one life saving skiff shall be immediately available.
- (g) Lifelines shall be of approved material and not less than the equivalent strength of ½-inch manila rope and durability.

2.19 Safe Suspension Supports

OSHA Suspension Requirements, 1926.451

Except as provided in paragraphs (a)(2), (a)(3), (a)(4), (a)(5) and (g) of this section, each scaffold and scaffold component shall be capable of supporting, without failure, its own weight and at least 4 times the maximum intended load applied or transmitted to it. All suspension scaffold support devices, such as outrigger beams, cornice hooks, parapet clamps, and similar devices, shall rest on surfaces capable of supporting at least 4 times the load imposed on them by the scaffold operating at the rated load of the hoist (or at least 1.5 times the load imposed on them by the scaffold at the stall capacity of the hoist, whichever is greater). In addition to wearing hardhats each employee on a scaffold shall be provided with additional protection from falling hand tools, debris, and other small objects through the installation of toe boards, screens, or guardrail systems, or through the erection of debris nets, catch platforms, or canopy structures that contain or deflect the falling objects.

Nibley City Suspension Supports Requirements

- (a) No employee or any material or equipment shall be suspended or permitted to be supported on any portion of a tree, pole structure, scaffold, ladder, walkway or other elevated structure, crane, or derrick etc., without it first being determined that such support is adequately strong and properly secured in place.
- (b) Scaffolding must be of sufficient strength and rigidity to support four times the weight of men and material to which it will be subjected.
- (c) Construction details of all scaffolding shall comply with such State and Federal safety orders as are applicable.
- (d) All scaffolds shall be equipped with railings and toe boards when 10' or more above the ground.

2.20 Forklift

OSHA Forklift Requirements, 1910.178 and 1926.602(c)

This section contains safety requirements relating to fire protection, design, maintenance, and use

of fork trucks, tractors, platform lift trucks, motorized hand trucks, and other specialized industrial trucks powered by electric motors or internal combustion engines. The employer shall ensure that each powered industrial truck operator is competent to operate a powered industrial truck safely, as demonstrated by the successful completion of the training and evaluation specified.

Nibley city Fork-lift Requirements

- (a) Forklifts shall be operated by qualified and authorized employees only.
- (b) Riding (horizontal movement) on forklift shall be restricted to the driver only. No one shall be permitted to ride on the load at any time.
- (c) When forklifts are used for scaffolding work, a safety platform with guardrails secured to the forks shall be used and the same precautions taken as for other scaffolding.
- (d) Operators shall not engage in horseplay or other activity that will cause the forklift to be driven at excessive speed.
- (e) A forklift shall not be driven close to anyone standing in front of a fixed object where they might be pinned. When backing up, the operator must look to the rear to be sure pedestrians are clear.
- (f) Any hazardous area with flammable dust or vapor shall not be entered unless the forklift is approved for such use.
- (g) Engines shall not be idled for long periods in semi-closed or enclosed areas.
- (h) When leaving a fork-lift unattended (unattended is defined as more than 25' from fork-lift), the load engaging means shall be fully lowered, the controls neutralized, power shut off, brakes set and key removed. Wheels shall be blocked if the forklift is parked on an incline.
- (i) No employee shall be permitted to stand or pass under the elevated portion of any forklift, whether loaded or empty.
- (j) No industrial forklift shall be used in excess of its rated capacity.

2.21 Ladders

OSHA Ladder Requirements, 1926.1053 and 1910.25-27

The above standards give requirements for the use, construction, material, and care of ladders.

Nibley City Ladder Requirements

- (a) Ladders should conform to ANSI A14.1-1982 (2), ANSI A14.2-1982 (3), ANSI A14.3-1984 (4) or ANSI A14.5-1982 (5).

- (b) When working from a portable ladder, the ladder must be securely placed, held, tied or other-wisemade secure to prevent slipping or falling.
- (c) Care shall be used in placing ladders. The bottom of the ladder should be away from the wall,never more than one-fourth of the vertical height of the ladder
- (d) Ladders shall not be placed in front of doors opening toward the ladder unless the door is open,locked or guarded.
- (e) The employee shall face the ladder when ascending or descending and shall use both hands.
- (f) When standing on a ladder, the employee shall not lean to one side while working unless the ladderis secured.
- (g) Employees shall not stand on the top platform of stepladders.
- (h) Ladders with weakened, broken or missing steps, broken side rails or otherwise defective shall notbe used. Repairs by nails or longitudinal reinforcements are prohibited on ladders.
- (i) All portable ladders shall be equipped with no-slip bases. However, care shall be exercised in placing and blocking, lashing or having the ladder held by someone, especially upon oil, metal orconcrete surfaces.
- (j) Portable metal ladders shall not be used in the construction or maintenance of electrical circuits.
- (k) Ladders shall be maintained in good condition at all times, the joint between the steps and side railsshall be tight, all hardware and fittings securely attached and the moveable parts shall operate freelywithout binding or undue play.
- (l) Ladders carried on vehicles should be adequately supported to avoid sagging and securely fastenedin position to minimize chafing and the effects of road shocks.
- (m) Ladders shall be inspected frequently, and those which have developed defects shall be withdrawnfrom service for repair or destruction and tagged or marked as "Dangerous, Do Not Use".
- (n) Only approved ladders owned by the city shall be used by employees.
- (o) Employees shall not work from the top step of a straight ladder. A minimum of 3' shall extendabove the landing or foothold.
- (p) While an employee is working on a stepladder at a point 10 feet or more above the ground

or floor, the ladder shall be held by at least one other person, or secured.

- (q) Stepladder legs shall be fully spread when ladder is in use.
- (r) Stepladders shall not be used as straight ladders.
- (s) When a fixed ladder has a climbing length of over 24' one of the following safety devices shall be used: self retracting lifelines and rest platforms with no greater than 150 feet between platforms, cage or well with multiple ladder sections not greater than 50'. A safety device shall be used when fixed ladders have a climbing length of less than 24', but have an overall height greater than 24'.

2.22 Material Handling and Lifting

OSHA Material Handling and Lifting Requirements 1910.176, 1926.250, and 1926.251

These standards listed above give requirements for the safe storage, housekeeping, and use of mechanical equipment in material handling.

Nibley City Requirements for Material Handling and Lifting

- (a) The right way to lift is easiest and safest. Take a firm grip, secure good footing, place the feet a comfortable distance apart, bend the knees, keep the back straight and lift with the leg muscles.
- (b) Secure help when needed. Use cranes, hoists, handcarts, etc. for lifting heavy loads if necessary. Do not stand or pass under loads that are suspended by ropes, chains or cables. Confirm that the rope, chain, or cable is capable of lifting the intended load.
- (c) Gloves or hand pads are required when handling rough or heavy materials.
- (d) Never carry a load that is so large that it will obstruct your view.
- (e) When two or more persons are carrying one object, each employee, if possible should face the direction in which the object is being carried.
- (f) When two or more persons carry a heavy object that is to be lowered or dropped, there shall be a prearranged signal when all are to let go.
- (g) Make sure that pathway is clear and unobstructed before moving materials.
- (h) Secure all stacks or storage of materials so that they do not pose a hazard. This would include orderly stacking, limiting the height of a stack, and blocking.

2.23 Loading and Unloading Material Safely

- (a) Nail points, ends of hoop or tie wires, etc., shall not be left exposed when packing and

unpacking boxes, crates, barrels, etc.

- (b) Nails shall be removed from loose lumber or the points shall be bent down. All such nails and lumber shall be disposed of in a location where they will not become a hazard.
- (c) Sharp or pointed articles shall be so stored as to prevent a person from coming in contact with the sharp edges and points.
- (d) Care shall be exercised when packing or unpacking glassware, porcelain and other fragile objects that have sharp edges when broken.
- (e) Loads shall not be handled from the street side of a vehicle if it can be avoided.
- (f) Special care and instructions governing the loading and unloading of transformers, poles, pipes, bulky materials, etc., shall be strictly observed in every case.
- (g) No materials or tools shall be carried on the shoulder when working around energized equipment. Long material, including lumber, shall be carried in a horizontal position. Caution shall be exercised to prevent any material or tools from accidentally contacting energized conductors or equipment.

2.24 Cranes, Hoists and Derricks

OSHA Cranes, Hoist, and Derricks Requirements, 1910.179-.181 and 1926.550

These sections apply to crane and derrick and to any other type of equipment performing the functions of a crane or derrick. Use of equipment should follow the manufacturer's limitations and specifications. Equipment should only be used by trained personnel.

Nibley city Cranes, Hoist, and Derricks Requirements

- (a) Only qualified and authorized persons shall operate cranes, hoists, and derricks.
- (b) Employees shall not ride on loads.
- (c) Rated load capacities and recommended operating speeds, special hazard warnings or instructions shall be followed. The crane shall not be loaded beyond its rated capacity or safe workload.
- (d) The operator shall inspect all machinery and equipment prior to each use and during use, to make sure it is in safe operating condition. Any deficiencies shall be repaired or defective parts replaced before continued use.
- (e) No employees shall be under a suspended load, inside the angle or winch line, nor shall he stand or work near a cable, chain or rope under tension unless the nature of his/her work requires it. Winch lines, ropes, and wires shall not be guided by hand

when standing within reach of the drum or sheave.

- (f) Operators shall not carry or move loads over heads of workmen or others. Operators shall never leave crane, hoist or derrick while load is suspended.
- (g) Crane, hoist, or derrick operators shall take signals from one person only during operations (except a stop signal). Only qualified employees shall give signals. No one shall give signals except employees who are specifically designated and authorized by the employee in charge of the work.
- (h) Uniform standard signals shall be used to signal the crane operator. A chart shall be conspicuously posted in the vicinity of hoisting operations (cage or cab if crane has one), depicting and explaining the system of signals used.
- (i) When two or more cranes are used to lift a load, one qualified responsible person shall be in charge of the operation. They shall analyze the operation and instruct all personnel involved in the proper positioning rigging of the load and the movements to be made.
- (k) Outdoor portable cranes, hoists and derricks shall be positioned, equipped, protected and/or operated so that no part comes closer to energized power lines than 10 feet. (Utah Crane Law)

Minimum Required Clearance Feet

1000 - 50,000 Volts 10'

- (l) Booms on mobile cranes, derrick, and man lifts shall be in the stored position when the chassis is moving.
- (m) These clearances do not apply to such equipment when used for authorized work on overhead or underground conductors, structures or appurtenances when supervised by a qualified electrical worker.
- (n) A warning bell shall be sounded when overhead traveling and gantry cranes are in motion or loads are being moved overhead.
- (o) Rigging equipment shall be carefully inspected before and after use. Defective equipment shall be repaired or discarded immediately.



2.25 Aerial-Lift Equipment

OSHA Aerial-Lift Requirements, 1926.453 and 1910.67

Unless otherwise provided in this section, aerial lifts acquired for use on or after January 22, 1973 shall be designed and constructed in conformance with the applicable requirements of the American National Standards for "Vehicle Mounted Elevating and Rotating Work Platforms," ANSI A92.2-1969, including appendix. Aerial lifts acquired before January 22, 1973 which do not meet the requirements of ANSI A92.2-1969, may not be used after January 1, 1976, unless they have been modified so as to conform with the applicable design and construction requirements of ANSI A92.2-1969. Aerial lifts include the following types of vehicle-mounted aerial devices used to elevate personnel to job-sites above ground: Extendible boom platforms; Aerial ladders, Articulating boom platforms, Vertical towers, and a combination of any such devices. Aerial equipment may be made of metal, wood, fiberglass reinforced plastic (FRP), or other material; may be powered or manually operated; and are deemed to be aerial lifts whether or not they are capable of rotating about a substantially vertical axis. Safety requirements for aerial-lift equipment are contained within this standard.

Nibley City Requirements

- (a) Only trained and authorized persons shall operate aerial equipment, including booms, cranes, and derricks.
- (b) Drivers of aerial lift trucks, when driving under structures or objects involving overhead clearances shall be constantly alert to the fact that the vehicle has exposed equipment above the cab.
- (c) Any backing of the truck shall be done slowly and under the direction of one man on the ground that has an unobstructed view of the intended path of the vehicle and its driver.
- (d) Upon arriving at the work area, the truck shall be legally parked while the appropriate

vehicle and pedestrian warning signs, lights, barricades, and traffic cones are being placed.

- (e) When working on an inclined road or street, check outrigger to make sure a stable set-up is arranged. The truck shall sit approximately level as viewed from the rear. The boom must be pointed uphill beyond the center of the truck. Wheel chocks shall be used when parked on an incline. When the outriggers are extended and set, the truck tires should not support the weight of the truck.
- (f) Every attempt shall be made to place the truck so that all work areas at the location may be reached by the boom without additional movement of the truck.
- (g) The operator shall follow the proper sequence prescribed by the manufacturer in raising and lowering the boom sections.
- (h) The operator shall note all obstructions so that the boom can be raised, lowered or rotated without danger of striking any of said obstructions.
- (i) When the boom is to be maneuvered over a street or highway, necessary precautions shall be taken to provide adequate safe clearance for traffic and pedestrians.
- (j) Before lowering the outriggers the operator shall be certain there is no one in a position where they can be injured. When so equipped, outriggers shall be locked down.
- (k) Only approved attachments shall be allowed on the aerial baskets.
- (l) Employees shall not belt on to an adjacent pole, structure, or equipment while performing work from an aerial basket.
- (m) The boom and bucket or ladder shall be secured in the lower travel position by a locking device before the truck is moved for highway travel.
- (n) Lift controls shall be tested prior to each day's use.
- (o) Employees shall stand on the floor of the bucket or ladder and wear a class III harness and lanyard attachment to the boom.
- (p) Boom load limits specified by the manufacturer shall not be exceeded.
- (q) When positioning outriggers, they shall be on pads or a solid surface before the aerial device is utilized.
- (r) An aerial-lift truck shall not be moved with men in the bucket or ladder or when the boom is elevated.

- (s) Articulating booms and extended boom platforms, primarily designated as personnel carriers, shall have upper and lower controls and the lower controls must be capable of overriding the upper controls in the event of an emergency.
- (t) When working near energized lines or equipment, the aerial lift shall be grounded or barricaded and tested before the work can be performed.

2.26 Stairways, Doors, Landings, Halls

- (a) Care shall be used when passing through swinging doors. Employees shall use extreme care in opening and closing doors with glass panels.
- (b) Employees shall keep to the right when using the hallways and when going around corners.
- (c) Handrails should be used when ascending or descending stairs. Most common falls or strains occur because of inattention such as when a person is talking, laughing or turning to friends while going downstairs. This is discouraged.
- (d) Materials such as pencils, paper clips, rubber bands, paper, etc, shall not be discarded on floors, landings, or stairs. Proper receptacles shall be used. Care shall be taken to wipe up spilled liquids quickly.
- (e) Employees shall not run up and down stairways or around corners. Handrails are provided and should be used when possible.

2.27 Office and Clerical Safety / Ergonomics

- (a) Chairs, wastebaskets, cords and other articles shall not be left in aisles or where they constitute a tripping hazard.
- (b) Desk drawers, cabinet doors, slides, and files shall not be left standing open.
- (c) Broken glass or other sharp-edged objects shall not be placed in waste baskets unless properly protected.
- (d) Approved type ladders, step stools, or other safe supports shall be used to reach material on high shelves or at other elevations.
- (e) Care shall be taken when using portable electrical equipment and hand tools such as heaters, electric pencil sharpeners. All defective equipment shall be removed from service and/or repaired. Electrical outlets shall not be overloaded with multiple appliances.
- (f) Where microwave ovens are used, care must be exercised for person with pacemaker heart units who may get too close to the microwave oven. All repairs to microwave ovens should be performed by the manufacturer's repairmen. Use of outdoor BBQ grills or burners require adequate ventilation.

- (g) When reaching, twisting, or bending down, sudden or awkward movements should be avoided.
- (h)  Until, the complete new ergonomic standard has been issued, Nibley City will address all ergonomic issues on a case by case basis. Affected employee, Division Manager, designated supervisor, and safety personnel will evaluate each case.

2.28 Hazardous Communication

OSHA Hazardous Communication Requirements 1910.1200

The purpose of this section is to ensure that the hazards of all chemicals produced or imported are evaluated, and that information concerning their hazards is transmitted to employers and employees. This transmittal of information is to be accomplished by means of comprehensive hazard communication programs, which are to include container labeling and other forms of warning, safety data sheets and employee training that conform with the  Globally Harmonized System.

Nibley City Hazardous Communication Requirements

- (a) All employees handling acids, caustics or harmful chemicals shall be instructed with regard to hazardous properties, proper protective clothing and safe handling procedures.
- (b) Protective equipment. When working with acids, caustics or harmful chemicals, the use of faceshields or goggles and rubber gloves shall be considered as minimum protective equipment.
- (c) Every container should be properly marked and labeled with the identity of the hazardous chemical, appropriate hazard warnings, and name and address of the chemical manufacturer.
- (d) Safety data sheet (SDS) will be present upon receiving any hazardous materials.

Upon receiving a new SDS, copies should be taken to the following locations:

1.  as where the material is being used,
2. N:\Safety Materials; Safety Data Sheets
3. Teams; Safety Committee; General; Files
4. and in the Public Works Directors workspace.

If an SDS does not accompany the shipment of the hazardous materials it is the responsibility of the employee receiving the hazardous material to obtain the appropriate SDS.

- (e) Each employee shall be familiar with the location and availability of SDS and the

Hazardous Communication Program. Also, each employee shall be aware of the hazardous materials use in their departments and where they are being used. Employees shall know the proper measures to protect themselves against chemical hazards.

- (f) Contractors working for the City of Nibley are responsible for informing their employees of the risk associated with the hazardous materials they are using. Contractors shall supply Nibley City Safety Department with the SDS for the materials they are using while working for the city.

2.29 Excavation, Trenching, and Shoring

OSHA Excavation, Trenching, and Shoring Requirements, 1926.650-.652 and 1926 Subpart P

This subpart applies to all open excavations made in the earth's surface. Excavations are defined to include trenches. The estimated location of utility installations, such as sewer, telephone, fuel, electric, water lines, or any other underground installations that reasonably may be expected to be encountered during excavation work, shall be determined prior to opening an excavation. Each employee in an excavation shall be protected from cave-ins by an adequate protective system designed in accordance with paragraph (b) or (c) of this section except when: excavations are made entirely in stable rock; or excavations are less than 5 feet (1.52 m) in depth and examination of the ground by a competent person provides no indication of a potential cave-in.

Nibley City Excavation, Trenching, and Shoring Requirements

- (a) Prior to opening an excavation, efforts shall be made to determine whether underground installations, (i.e., sewer, telephones, water, gas, electric lines, etc.), will be encountered and, if so, where such underground installations are located. On all excavations, BLUE-STAKE will be notified before beginning. When the excavation approaches the estimated location of such an installation, the exact location shall be determined and when it is uncovered, proper supports shall be provided for the existing installation. Other city companies shall be contacted and advised of proposed work prior to the start of actual excavation.
- (b) All employees shall be protected with personal protective equipment for the protection of the head, eyes, respiratory organs, hands, feet, and other parts of the body as appropriate.
- (c) Employees exposed to vehicular traffic (outside barricaded work areas) shall wear warning vests marked with or made of reflectorized or high visibility material and or approved high visibility clothing.



- (d) Employees subjected to hazardous dusts, gases, fumes, mists, or atmospheres deficient in oxygen shall wear approved respiratory protection.
- (e) In order to protect the public, walkways, driveways, and sidewalks shall be kept clear of excavated material or other obstructions. Open holes shall be barricaded or covered with proper warning devices in place.
- (f) Inspections of excavations shall be made by a qualified person. If evidence of possible cave-ins or slides is apparent, all work in the excavation shall cease until the necessary precautions have been taken to safeguard the employees.
- (g) Materials shall be effectively stored and retained at least two feet or more from the edge of excavations in which employees may be required to enter. Barriers or other efficient retaining devices may be used in order to prevent excavated or other materials from falling into the excavation.
- (h) Air in excavations shall be tested in locations where oxygen deficiency or gaseous conditions are suspected. When flammable gases are present, adequate ventilation shall be provided and/or sources of ignition shall be eliminated. Attended emergency rescue equipment, such as breathing apparatus, a safety line, fire extinguisher, etc., shall be readily available where adverse atmospheric conditions may exist or develop in an excavation.
- (i) Walkways or bridges with standard guardrails shall be provided where employees or equipment are required or permitted to cross over excavations 18" or more in depth.
- (j) Sides of trenches 5 feet or more in depth, shall be shored, sheeted, braced, or otherwise supported by means of sufficient strength to protect the employees working within them. In lieu of shoring, the sides of the trenches may be sloped to preclude collapse but shall not be steeper than a one-foot rise to each half-foot horizontal.
- (k) When employees are required to be in trenches 4 feet deep or more, an adequate

means of exitsuch as a ladder or steps shall be provided and located so as to require no more than 25 feet oflateral travel.

- (l) Employees entering shafts or deep holes shall be protected by the installations of a removable-type casing or shoring of sufficient strength to resist shifting of the surrounding earth. Such temporary protection shall be provided for the full depth of that part of the hole. A lifeline, suitable for instantrescue and securely fastened to a shoulder harness, shall be worn by each employee entering shafts or deep holes.
- (m) All holes, trenches, or excavations shall be guarded or covered in a manner that protects the publicand employees.
- (n) Employees shall stay in the clear of mechanical hole digging equipment or revolving augers.

2.30 Pole/Pipe Handling

- (a) The term “Pole/Pipe Handling” includes the loading and unloading of transporting equipment in places or storage and the transportation and unloading of poles/pipe in the field. It does not includesetting, removing, etc., which are treated separately.
- (b) Pole/Pipe handling methods shall follow a set procedure and each phase of each operation shallfollow in its proper sequence.
- (c) Only methods, tools, and equipment approved by the Division Manager or designated supervisor shall be used in pole/pipe-handling operations.
- (d) Employees shall not stand or pass under a suspended load.
- (e) Employees and equipment shall be placed so as to minimize the danger of injury or damage shoulda pole or poles get out of control.
- (f) Employees engaged in handling poles/pipe shall wear suitable gloves and shall wear a shirt orjacket with the sleeves rolled down.
- (g) Only employees who are specifically designated and authorized shall give signals.
- (h) Hoisting equipment operators shall accept signals only from employees specifically designated andauthorized (except a stop signal).
- (i) Poles/pipe shall be stored to make the pile stable, having each pile securely chocked or tied toprevent rolling.

2.31 Gravel Pit/Surface Mining Safety

MSHA Gravel Pit/Surface Mining Safety Requirements 30 CFR part 46

The provisions of this part set forth the mandatory requirements for training and retraining miners and other persons at shell dredging, sand, gravel, surface stone, surface clay, colloidal phosphate, and surfacelimestone mines.



Wiley city Gravel Pit/Surface Mine Safety

- (a) Each employee working at the gravel pit will need to have no less than 24 hours of mine safety training. Experienced miners need to receive mine safety training as outlined in CFR 30 part 46.6 of MSHA regulations. An experienced miner is defined as:
 - 1. a person who is employed as a miner on April 14, 1999;
 - 2. a person with 12 cumulative months of surface mining before October 2, 2000;
 - 3. a person who was hired after April 14, 1999 but before October 2, 2000 and has received the new miner training;
 - 4. or a person who employed as a miner after October 2, 2000, who has taken the 24 hour new miner training course.
- (b) Each year a miner must attend an annual refresher course. Miners must complete the 8-hour refresher course 12 months from starting the job and every 12 months following.
- (c) Each employee shall be aware of the following hazards at the mine site: electrical, traffic, mobile equipment, ground conditions, and machinery hazards.

TRAFFIC AND MOTOR VEHICLE OPERATION

3.01 **Administrative Policy**

- (a) Our vehicles are a familiar sight to the people we serve. If our drivers are courteous and considerate, our city will be judged to be the same. The customers we serve are the drivers you meet on the street. Be courteous to both. Policies contained in this section shall apply whenever an employee is operating city-owned motor vehicles, when operating privately-owned motor vehicles under contract to the city, or whenever the employee is being compensated for use of a vehicle on mileage or salary basis by the city. The purpose of these policies is to assist in avoiding traffic and equipment accidents by developing careful and courteous driving practices.

3.02 Knowledge and Compliance with Laws

- (a) Drivers of city vehicles shall be familiar with and obey all State Vehicle Codes, local traffic policies and ordinances, and all city policies and regulations governing vehicle operations. The omission of any of the Vehicle Code provisions from these policies does not relieve the driver of responsibility for complying with applicable State Vehicle Code provisions.

3.03 License and Permits

- (a) Drivers of vehicles shall have in their possession a valid operators or commercial drivers license with a current medical card, as required by the State Motor Vehicle Code.
- (b) Performance tests, as might be required or necessary, shall be given for special equipment.
- (c) Relief drivers shall be designated and trained as replacements for regular drivers during vacation, sickness, etc. Their qualifications shall meet those stated for a regular driver.
- (d) Special permits from the proper governmental agency must be obtained before any load is moved upon the road or highway when said load exceeds the normal limits with respect to weight, length, width, or height. The driver of the vehicle shall understand and abide by the conditions of the special permit. A copy of the permit shall be carried on the vehicle to which it refers and shall be available to any authorized agent.

3.04 Defensive Driving

- (a) Employees are urged to practice defensive driving at all times. Avoid accidents by anticipating that someone may step from between parked cars, that a car may pull out from the curb without warning, or that the driver ahead may turn or stop suddenly.
- (b) Employees shall drive courteously at all times and shall yield the right-of-way to other vehicles if there are any questions as to which vehicle has the right-of way.

3.05 Speed Laws

- (a) Drivers of vehicles shall comply with the posted speed limits at all times.

- (b) These limits are specific speeds established by code for certain situations such as school zones, business and residential districts, and other specialized zones established by the posting speed limitsigns. This also applies to open highway when speed limits are established by code and posted.

3.06 Physical Condition of Driver

- (a) No drivers shall drive a city vehicle while his/her physical condition is such as to impair his/her normal judgment and ability.

3.07 Unauthorized Drivers

- (a) No persons shall be allowed to drive city equipment unless he is an employee or authorized volunteer of the city and is authorized to use the vehicle. This rule shall apply to family members and friends of employees in charge of city vehicles

3.08 Alcoholic Beverages and Controlled Substances

- (a) Driving while intoxicated or under the influence of drugs is a misdemeanor in the eyes of the law and will be grounds for discipline or immediate discharge. Nibley City has a strict policy regarding Drug Testing in the event of an accident.

3.09 Safe Operations

- (a) Drivers shall not operate vehicles with inadequate brakes, faulty steering gear, horn, lights, etc., except to proceed to a place where repairs can be made, and then only at such reduced speed or in such manner as will enable the movement to be made safely.
- (b) When known, mechanical defects shall be reported to the Division Manager or designated supervisor.

3.10 Vehicle Safety Inspection (Pre-trip Inspection)

- (a) All vehicles in use shall be checked at the beginning of each shift to assure that the following parts, equipment and accessories are in safe operating condition and free of apparent damage that could cause failure while in use:
 - (1) Service brakes, including trailer brake connections
 - (2) Parking system (hand brake).
 - (3) Emergency stopping mechanism.
 - (4) Coupling devices.
 - (5) Seat belts.
 - (6) Operating controls.
 - (7) And safety devices.

- (b) All defects shall be corrected before the vehicle is placed in service.
- (c) These requirements also apply to equipment such as lights, reflectors, windshield wipers, first aidkits, fire extinguishers, etc., where such equipment is necessary.

3.11 Movement of Vehicles

- (a) Before starting to move a vehicle, either forward or backward, the driver shall determine that noperson or object is in the path of the vehicle. This shall be done by:
 - (1) Personal inspection if alone.
 - (2) Using a flagman if available.
- (b) Extraordinary precautions shall be taken when driving motor vehicles near children.

3.12 Backing

- (a) Backing into streets or roadways is prohibited except when impractical to proceed by other means. Extreme caution shall be used under these circumstances and flagmen used if available.
- (b) No vehicle equipment shall be operated having an obstructed view to the rear unless:
 - (1) The vehicle has a reverse signal alarm audible above the surrounding noise level; or
 - (2) The vehicle is backed up only when observer signals that it is safe to do so.
- (c) All bi-directional machines, such as hysters, front end loaders, trenchers, and similar equipment shall have in operation a reverse signal alarm distinguishable from the surrounding noise level or anemployee signaling that it is safe to do so.

3.13 Transporting Employees

- (a) Employees shall ride within the body of the vehicle in firmly secured seats that are provided with seat belts. Under no circumstances shall employees ride on fenders, running boards, tail gates, siderails, or tops of vehicle.
- (b) All sharp tools, such as saws, chisels, axes, knives, etc., carried on vehicles shall be so stored orguarded to prevent injury to workmen.
- (c) Before proceeding employee drivers shall make certain that all loads are properly secured, employees are so placed as to preclude being exposed to hazards from shifting loads, and employees are riding in seats provided.
- (d) Employee drivers shall not permit boarding or alighting from vehicles which they are operatingwhile such vehicles are in motion.

- (e) No passenger in a vehicle shall ride in such a position as to interfere with the driver view ahead, to the sides, or to interfere with his/her control over the driving mechanism of the vehicle.
- (f) This policy includes individuals who are actively participating in service of Nibley City and/or approved by a Division Manager.
- (g) Drivers or passengers shall not throw trash, waste paper, any burning material, or other objects from vehicles.
- (h) This policy includes individuals who are actively participating in service of Nibley City and/or approved by a Division Manager.

3.14 Seat Belts

- (a) When driving or riding in any city motor vehicle, the seat belts must be worn and fastened at all times.

3.15 Parking on a Hill

- (a) Park parallel, close to the curb or edge of the road, unless signs or pavement markings indicate angle parking. Turn on the emergency flashers unless legally parked off the highway.
- (b) Never park on the paved or traveled part of any highway outside of a business or residential district when it is possible to pull off the road.
- (c) If you have to make an emergency stop, get all four wheels off the hard surface. Turn on the emergency flashers and place warning devices.
- (d) Never park on a hill or curve unless it is impossible to move the vehicle. Take all emergency precautions available to warn other motorists.
- (e) If you park on a hill, wheels shall be chocked.

3.16 Coasting Prohibited

- (a) City vehicles must be operated in gear while in motion. Coasting on the highway and especially on a downgrade is prohibited.

3.17 Approach of Emergency Vehicles

- (a) Drivers shall yield the right-of-way to all emergency vehicles when they are approaching with red lights and/or siren in operation. City equipment will proceed immediately to a position parallel to, and as close as possible to, the right-hand edge of the curb of the roadway and shall stop and remain in such position until the emergency vehicle has passed.

3.18 Truck and Heavy Equipment Operation

- (a) Vehicles shall be loaded properly. The driver's view shall not be obstructed. Loads shall be properly fastened with ropes or binders. Material transported on the same truck with workmen shall be secured to prevent shifting.
- (b) Vehicles shall be kept free from accumulation of materials that constitute hazards from tripping, obstructions, or fires. Sufficient clearance shall be allowed for access to material and tools. All surfaces shall be kept free from protruding nails or bolts, splinters, loose boards, and unnecessary holes or openings.
- (c) Good housekeeping shall be maintained at frequent and regular intervals. All sweepings, solid, or liquid waste, refuse and garbage shall be removed and disposed of in proper receptacles as often as necessary or appropriate to maintain equipment in a sanitary condition.
- (d) A common drinking cup or other similar utensils are prohibited.
- (e) When winches on trucks or tractors are used to raise or lower poles or material, pull in wire, etc., the operator shall not leave the controls while the winch is in operation or is being used to hold aloft.
- (f) Drivers of city trucks and other vehicles equipped with booms or derricks, truck mounted ladders, mechanical or hydraulic lifts, hole diggers, or similar equipment, shall not drive with such equipment in an elevated or partially elevated position.
- (g) Proper precautions shall be taken at all times to prevent contact with overhead lines, trees, or structures.
- (h) Safety chains will be used on all trailed equipment except semi-trailers coupled with a standard fifth-wheel.
- (i) All haulage vehicles, whose payload is loaded by means of cranes, power shovels, loaders, or similar equipment, shall have a cab shield and/or canopy adequate to protect the operator from shifting or falling materials.
- (j) Whenever the equipment is parked, the parking brake shall be set. Equipment parked on incline shall have the wheels chocked and the parking brake set. Emergency flashers will be set when necessary.
- (k) No modifications or additions which affect the capacity or safe operation of the equipment shall be made without manufacturer's written approval. If such modifications or changes are made, the capacity, operation, and maintenance instruction plates, tags, or decals shall be changed accordingly. In no case shall the original safety factor of the equipment be reduced.

- (l) **Display of Red Lights, Flags on Loads.** The driver of every vehicle operating a half hour after sunset to a half hour before sunrise and carrying a load extending four feet or more beyond the end of the vehicle, shall attach at the end of the load two red lights plainly visible under normal atmospheric conditions from a distance of not less than 500 feet from the rear and sides. At any other time the driver shall attach at the extreme end of such load a red flag or cloth at least 16 inches square.
- (m) All equipment left unattended at night adjacent to a highway in normal use, or adjacent to construction area as where work is in progress, shall have appropriate lights or reflectors or barricades equipped with appropriate lights or reflectors to identify the location of the equipment.
- (n) Heavy machinery, equipment or parts thereof which are suspended or held aloft by use of a sling, hoists, or jacks shall be substantially blocked or cribbed to prevent falling or shifting before employees are permitted to work under or between them. Bulldozer and scraper blades, end-loader buckets, dump bodies, and similar equipment shall be either fully lowered or locked when being repaired or when not in use. All controls shall be in a neutral position with the motors stopped and brakes set, unless work being performed requires otherwise, and then only when other suitable precautions are installed.
- (o) When driving vehicles or equipment under the speed limit in a manner that may impede traffic flow, the emergency flashers will be set to warn on-coming traffic.



Agenda Item #10

Description	Discussion & Consideration – Resolution 22 -19: A Resolution Amending and Updating Certain Portions of the Nibley City Personnel Policy (First Reading)
Presenter	Justin Maughan, City Manager
Recommendation	Move to approve Ordinance 22 -11: An Ordinance Providing for the Compensation of Elected and Statutory Officers of Nibley City.
Reviewed By	City Manager, City Attorney, City Recorder, City Treasurer, City Engineer, and Joe Tate Director of HR Consulting at GBS and Principal

Background

Cheryl Bodily was given direction to review and revise the Nibley City Personnel Policy, which was last amended in February of 2018.

The revised policy was also reviewed by the following individuals:

Justin Maughan – City Manager
Robert Patterson – City Attorney (his revisions are in pink)
Joe Tate – Director of HR Consulting at GBS (Mr. Tate’s comments are denoted in the comment margin with –JT)
Amy Johnson – Nibley City Treasurer
Darren Farar – Nibley City Engineer; and
Steve Eliason – Nibley City Public Works Director

Items of note that were revised in the policy include:

- Compensation for on-call or standby time
- Bi-weekly compensation for all employees
- Calculation and accrual of holiday pay and HSA disbursements on a monthly basis starting January of 2023
- The addition of Juneteenth as a paid holiday
- Additional direction regarding suspension, causes for disciplinary action and conducting an investigation.
- Direction regarding marijuana and cannabis products and usage

At the 6-23-22 Council meeting, Councilmember Bernhardt discussed the following possible additions/amendments:

- Additional compensation for maternity/paternity leaves in cases of childbirth and adoption
- Employee’s accrual of leave time

RESOLUTION 22-19

A RESOLUTION AMENDING AND UPDATING CERTAIN PORTIONS OF THE NIBLEY CITY PERSONNEL POLICY

WHEREAS, in 2004 the Nibley City Council adopted a personnel policy for the employees of Nibley City; and

WHEREAS, the personnel policy was adopted to ensure the employees' rights and responsibilities that are conditions of their employment and outline various disciplinary measures; and

WHEREAS, in February of 2013 and November of 2018, the Nibley City Council amended the personnel policy for employees of Nibley City; and

WHEREAS, it has become necessary to amend certain portions of the personnel policy to ensure the continued protection of employee rights and responsibilities and to bring the policy in compliance with Nibley City practices, and various state and federal regulations.

NOW THEREFOR, BE IT RESOLVED BY THE NIBLEY CITY COUNCIL, NIBLEY, UTAH, AS FOLLOWS:

1. The attached document, entitled *Nibley City Employee Policy Guidebook* is adopted and incorporated.
2. This attachment is intended to replace the existing Nibley City Personnel Policy that was adopted and amended in November 2018.
3. The *Nibley City Employee Policy Guidebook* may be revised from time to time, as circumstances and resources change.

PASSED BY THE NIBLEY CITY COUNCIL THIS _____ DAY OF _____, 2022.

Larry Jacobsen, Mayor

ATTEST:

Cheryl Bodily, City Recorder



**Nibley City
Employee Policy Guidebook**
Updated June 2022

TABLE OF CONTENTS

Page	Section 1: Purpose of the Plan
Page	Section 2: Definitions
Page	Section 3: Hiring and Recruitment
Page	Section 4: Employee Compensation
Page	Section 5: Employee Benefits
Page	Section 6: Disciplinary Action
Page	Section 7: Appendices
Page	Appendix A – Nibley City Cell Phone Policy and Consent
Page	Appendix B – Nibley City Computer Usage Policy
Page	Appendix C – Nibley City Purchasing Policy
Page	Appendix D – Nibley City Employee Credit Card Use Agreement
Page	Appendix E – Nibley City Dress Code Policy (New)
Page	Appendix F – Nibley City Vehicle Use Policy and Driver Qualification & Consent
Page	Appendix G – Nibley City Employee Health & Wellness Incentive Policy
Page	Appendix H – Nibley City Work From Home Agreement
Page	Appendix I – Nibley City Ethics Statement & Agreement
Page	Appendix J – Receipt & Acknowledgement of Reading the Employee Policy Guidebook

Commented [CB1]: Suggested by Joe Tate (JT)
What should the name of the policy be? It is referred to in many ways throughout the document:

- Nibley City Handbook & Policies (original)
- Nibley City Guidebook (JT)
- Handbook & Policy Manual
- Human Resource Policies
- Nibley City Employee Handbook

Commented [CB2]: Page numbers will be added once revisions have been approved

Section 1: Purpose of the Plan

The Nibley City Council has delegated authority, pursuant to Nibley City Code ([NCC](#) 1.12, to the City Manager to provide direct supervision to and have direct responsibility over the offices of City Recorder, City treasurer, City Planner and the departments of Public Works, Recreation and other departments of the City as they may be created. This Employee Policy Guidebook is adopted to provide guidance in that supervision and direction for our employees.

Commented [CB3]: Additional departments added

Nibley City's ("the City") Employee Policy Guidebook is established to assure fair treatment of employees in employment interactions. It provides for hiring of new employees in order to assure the selection of the best-qualified candidate for employment. It establishes quality of performance as the basic consideration in determining compensation, advancements and promotions. It aims to provide equality of opportunity for qualified persons who wish to enter public employment.

Each employee will receive a copy of the Policy Guidebook or have access to it through their assigned department.

Commented [AJ4]: Policy Guidebook?

Each employee will read the Employee Policy Guidebook and submit an acknowledgement within thirty (30) days of being hired or, if already employed, within thirty (30) days of receiving

the policy. It is the responsibility of the employee to read the guidebook and submit the acknowledgment to the City Manager or Human Resource department. A copy of this policy, with a copy of the signed acknowledgement, will become part of the employee's file.

Commented [CB5]: Or City Recorder or City HR Director

It is the policy of Nibley City to follow all state and federal laws and regulations to apply to its employees. The Employee Policy Guidebook does not detail every rule, regulation, or law that applies to employment with Nibley City. Nibley City employees are expected to comply with all ethical, professional, and legal obligations imposed by state law. Any employee that has a question regarding their obligations and rights is encouraged to discuss the matter with their supervisor.

Commented [CB6]: Insert name of document here

Disclaimer

This document serves as set of general guidelines to provide and maintain a consistent system of equity and fairness in all personnel actions. Because the City may be required to change and/or discontinue certain policies and/or procedures with or without notice to employees, the City does not intend the policies and procedures to be contractual obligations of any kind.

Commented [AJ7]: Either Because or from time to time but not both

Section 2: Definitions

- A. **At-Will Employees:** Pursuant to the Utah At-Will Doctrine, all employees are at-will and employment may be terminated at any time without cause. This includes all Division Managers, the Public Works Director, any employee whose written job description or employment contract states that the person's position is at-will, and all other employees described in [Utah Code section 10-3-1105\(2\)](#). At-will employment also recognizes that the employee may end their employment at any time. For voluntary resignations, as a courtesy, we ask for a full two-week notice from the employee.
- B. **City Manager:** the employee appointed by resolution of the City Council to be responsible for the City's administrative affairs, according to city ordinance.
- C. **Department Head:** an employee appointed by the City Manager to be responsible for the activities of a specified department, including but not limited to, the following duties:
1. Prepare and assign job descriptions and duties,
 2. Prepare and perform employee evaluations,
 3. Receive and act on employee complaints and grievances,
 4. Prepare and hold regular staff meetings,
 5. Provide training opportunities for employees as needed,
 6. Prepare and maintain the department budget, as approved by the City Council,
 7. Create and maintain policies and procedures for department staff,
 8. Review all of the above with the City Manager,
 9. Review proposed projects with the City Manager and City Council,
 10. Other duties as assigned
- D. **Exempt Employee:** an employee as defined by the Fair Labor Standards Act (FLSA). Exempt status means the employee is exempt from the requirements of the FLSA and are not entitled to overtime compensation unless otherwise specified by contract. Exempt employees include the City Manager and department heads, such as the Public Works Director, City Engineer, City Planner, Recreation Director, Water and Sewer Division Manager, Streets Division Manager and Parks Division Manager. Exempt employees are paid on a salary basis and regularly receives a predetermined amount of compensation each pay period on a weekly, or less frequent, basis. The predetermined amount cannot be reduced because of variations in the quality or quantity of the employee's work.
- E. **Non-Exempt Employee:** an employee as defined by the [Fair Labor Standards Act](#). Nonexempt employees are entitled to overtime pursuant to the FLSA and this policy. Under this federal law overtime will be paid at 1.5 times the hourly rate of pay either by accrual of compensatory (comp) time or by payment of overtime.
- F. **Normal Work Hours:** the schedule determined by an employee's supervisor and given as an assignment to that employee for the employee's usual work week. Work hours may vary, based on department needs and at the discretion of the Division Manager. As a general rule, a fifteen (15) minute rest break may be taken once in the morning and once in the afternoon during an 8-hour schedule, and 20-minute breaks may be taken morning and afternoon for a schedule longer than 8 hours. Division Managers may establish a time

Commented [JM8]: Not sure I understand this? Is everyone at-will? If so, why do we have to make a list? I would like a list of who's employment contract says they are at-will in a file somewhere.

Commented [CB9R8]: This was suggested by Rob. I have inserted a hyperlink to the referenced code.

Commented [JM10]: Does this void existing contracts, because there are a few that say time may be banked as comp time on a 1 to 1 ratio for hours worked over 45 hours.

Commented [JM11]: Many of these are not salaried employee's

Commented [CB12R11]: I think we should either follow the policy or not list them.

Commented [CB13R11]: All positions are salaried with the exception of Streets Division Manager

Commented [CB14]: Note from JT: If breaks are done in this fashion, all breaks are paid time. Only breaks in excess of 30 minutes, uninterrupted may be unpaid.

frame for rest breaks. Employees shall work under a schedule determined by the Division Manager that will best fit department requirements. Hours worked shall be reported in quarter-hour increments.

- G. **Breaks:** Employees who work an 8-hour shift receive 1 (one) 15-minute, paid break during the first half of their shift and 1 (one) 15-minute, paid break during the second half of their shift. Breaks must be taken in the middle of each half of shift.

Commented [CB15]: Suggest this is deleted. We don't practice this and it seems to regulatory.

- H. Employees who work an 8-hour shift receive a 30-minute, unpaid lunch break.

- I. Employees who work less than an 8-hour shift receive 1 (one) 15-minute paid, break for every full four hours worked.

- J. **Normal Workweek:** The workweek shall begin at 12:00 a.m. (midnight) on Saturday morning and end at 11:59:59 p.m. on Friday night.

- K. **Public Works Director:** the person directly responsible for all public works employees, facilities and operations.

- L. **On-Call Standby Status:** a weeklong assignment given to employees which requires them to remain available to be called back to work outside of normal work hours within a 30-minute response time and for which special compensation is provided, but which may not include actual hours worked. While on-call, employees should not report back to work under the influence of alcohol or any controlled substance. (See Article VII- Tobacco, Drug and Alcohol Policy and Procedures).

Commented [DF16]: I recommend that we specifically include being sober. This has been a challenge I've had in the past.

- M. **On-Call Response:** actual hours worked by an employee during On-Call Standby Status after an employee is called back to work outside of normal work hours and for which special compensation is provided.

- N. **Regular Full-Time:** Permanent, non-salaried employees who work an average of 30 hours per week or more.

Regular Full-Time employees are subject to all employment rules and regulations and receive all benefits and rights as provided by this handbook (holiday, sick leave, annual leave, retirement, etc.).

Regular Full-Time employees are eligible for overtime/compensatory time compensation, as outlined in this policy.

Full-time status is not a right of an employee but is based on the need of the department. An employee may be changed from full-time to part-time status, or vice versa, based on the needs of the department.

Commented [AJ17]: Just checking, does this contradict our prior definition of non-exempt employees? Not sure

Commented [CB18R17]: Non exempt just means the employee is entitled to overtime pay.

Commented [CB19]: JT

- O. **Regular Part-Time:** Regular, non-salaried employees who work an average of less than 30 hours per week. The employee is subject to all employment rules and regulations.

Commented [CB20]: JT

Regular part-time employees are not eligible for benefits except as required by law or otherwise provided in this policy. Regular part-time employees are not eligible for vacation

pay, sick pay, holiday pay [other benefits], except participation in the Utah State retirement system and other benefits as required by law. It is the intent of the City to keep a clear separation of part-time and full-time employees. It is not the intent to provide benefits to part-time employees because doing so could trigger the requirement to add additional benefits, such as Utah Retirement System Benefits.

Regular part-time employees are not eligible for compensatory time, as outlined in this policy, and are not eligible for overtime compensation until the hours worked exceed forty (40) in a given week.

P. **Snowplow Callback:** a callback response during which an employee is called back to work outside of normal work hours to clear snow and for which special compensation is provided.

Q. **Temporary Employees:** Temporary employees work on a non-regular basis, usually within a limited time frame or according to a seasonal schedule. Full-time and part-time seasonal employees are included in this classification.

Temporary employees are not entitled to benefits such as retirement, health insurance, vacation pay, sick pay, holiday pay or other benefits, except as mandated by law.

Temporary employees are eligible for overtime, as outlined in this policy, when the hours worked in a given week exceed forty (40) hours, but are not eligible for compensatory time.

Commented [JM21]: need to clarify paid holidays, this has been a sore spot in the past.

Commented [JM22R21]: This was meant more for Temporary Employees, but the question applies to both? Do they get paid holidays?

Commented [CB23R21]: No. We cannot pay holiday pay. Holiday Pay is a qualifying benefit under URS. If we pay holiday pay we also HAVE to pay retirement benefits.

Commented [CB24]: JT

Commented [JM25]: Need to define somewhere what the compensation is. Currently it's 1.5x for anything between the hours of 5 PM and 7 AM.

Section 3: Hiring and Recruitment

Article I- Hiring:

A. Policy:

1. When a position opens in a department, or a need arises to create a new position, the Division Manager shall submit a request to fill a position to the City Manager. Requests shall include position title and a description of the duties and responsibilities, knowledge and skills, required education and experience necessary for the position, as well as compensation and the availability of funds in the budget.
2. The City shall cause the opening to be posted where all City employees will be made aware of the opportunity. First consideration will be given to current qualified City employees. We are proud of our history and commitment to promote from within.
3. The City shall also cause the opening to be posted with the Department of Workforce Services, as well as other locations and methods that would be likely to lead to the notification of qualified candidates.
4. The Division Manager shall review applications to see who does and does not meet the minimum qualifications. Applicants that meet the minimum qualifications may be interviewed.

Commented [CB26]: JT

Article II- Departmental Transfers:

A. Policy:

1. In the event that a position becomes vacated in one department of the City, employees from other departments of the City will be allowed to apply for said position providing they meet the minimum qualifications outlined in the job description.
2. Current employees shall be given consideration to such positions and shall meet minimum qualifications when said position is filled.
3. In the event of such departmental transfer, all accrued benefits will transfer with the employee.

Commented [CB27]: JT

Article III- Anti-Nepotism:

A. Policy:

1. It is the policy of Nibley City to comply with the anti-nepotism clause as established in [Utah Code 51-3-1](#).
2. No public officer may employ, appoint, or vote for or recommend the appointment of his or her father, mother, husband, wife, son, daughter, sister, brother, uncle, aunt, nephew, niece, first cousin, mother-in-law, father-in-law, brother-in-law, sister-in-law, son-in-law, or daughter-in-law, grandparent, or grandchild in or to any position or employment, whether regular, part-time, temporary, contracted or appointed, when the salary, wages, pay, or compensation of the appointee will be paid from public funds.

Commented [CB28]: Ask Rob for a code reference

Such employees may not be directly supervised by a relative, except as provided for in state law.

3. No individual shall be employed by the City within the same department as another relative without sound reason and without approval of the City Manager.

Article IV- Immigration Law Compliance:

A. Policy:

1. It is the policy of Nibley City to comply with [federal immigration laws](#). Therefore, the City is required to verify the identity and legal ability to work of all individuals before they can begin work.
2. Each applicant must produce documentation that shows their identity and legal authority to work.
3. Each applicant must also attest to his or her legal authority to work and identity on an I-9 Form provided by the federal government.
4. An employee must complete and return an I-9 Form within three business days after hire.
5. Failure to complete and return the I-9 Form may result in immediate suspension and possibly termination of employment if the documents cannot be produced.
6. If an employee has provided right-to-work documentation that has an expiration date (with the exception of a valid U.S. Passport), updated documentation must be given to the City before this expiration date.
7. All offers of hire and continued employment are conditioned on furnishing satisfactory evidence of identity and legal authority to work in the United States.

Commented [CB29]: Reference?

Commented [CB30]: JT

Article V- Background Checks and Orientation/Probationary Period:

A. Policy:

1. Depending on the position, and at the direction of the City Manager, new employees may be required to undergo background checks prior to or immediately after an offer of employment is made. Any offer of employment shall be contingent on receiving satisfactory results for background checks, including reference checks, verification of experience, education, licenses or other credentials, criminal history checks, driving record checks, determination of insurability or bond worthiness, or other verifications.
2. All full and part-time city employees are subject to a six-month orientation/probationary period. At the end of the orientation period, an evaluation shall be conducted by the Division Manager. The Division Manager shall give recommendation for appropriate action and this shall be communicated to the employee in writing. An employee who changes positions will restart a new 6-month orientation period. The six-month period is in no way a contractual agreement to a six-month term. Failure to meet company

expectations and standards during this initial period may result in termination of employment prior to the six-month mark.]

Commented [CB31]: JT

Article VI- Anti-Discrimination:

Commented [RP32]: The City doesn't actually adopt an affirmative action plan (and doesn't need to). I'd recommend just relabeling this as anti-discrimination.

A. Non-Discrimination Statement:

1. In accordance with the requirements and objectives set forth in [Equal Employment Opportunity Act of 1972](#), the [President's Executive Order 11246](#), and revised Order No. 4, published by the Office of Federal Contract Compliance, U.S. Department of Labor, Nibley City does hereby actively promote equal opportunity of employment in classification, development, upward mobility, job specifications, recruiting, selection and placement, and training of employees.

Nibley City will comply with all federal and state statutes relating to nondiscrimination. These include but are not limited to:

- a. [Title VI of the Civil Rights Act of 1964](#) (p.i. 88-352) which prohibits discrimination on the basis of race, color or national origin.
 - b. [Title IX of the Education Amendments of 1972](#), as amended (20 U.S.C. para. 1681-1683, and 1685-1686) which prohibits discrimination on the basis of sex.
 - c. [Section 504 of the Rehabilitation Act of 1973](#), as amended (29 U.S.C. para. 794), and the Americans with Disabilities Act, as amended (42 U.S.C. § 12101), which prohibit discrimination on the basis of disability.
 - d. [The Age Discrimination Act of 1975](#), as amended (42 U.S.C. para. 6101-6107), which prohibits discrimination on the basis of age.
 - e. [The Drug Abuse Office and Treatment Act of 1972](#) (p.i. 92-255), as amended, relating to nondiscrimination on the basis of drug abuse.
 - f. [The Uniformed Services Employment and Reemployment Rights Act of 1994](#) (38 U.S.C. § 4301), relating to nondiscrimination and reemployment rights of members of the uniformed services.
 - g. The Utah [Antidiscrimination Act, Title 34A](#), Chapter 5 of the Utah Code, prohibiting discrimination on the basis of race, color, sex, pregnancy, childbirth, age, religion, national origin, disability, sexual orientation, and gender identity
 - h. Any other nondiscrimination provisions applicable to the City which may apply.
2. The City's policy of nondiscrimination will be brought to the attention of City employees through the following means:
 - a. Through statement of policy in employee and supervisory handbooks.
 - b. In the introduction and orientation process of all employees.

c. Meetings will be held with all City employees who request additional information upon request. The primary purpose of these meetings will be to familiarize employees with the rules regarding nondiscrimination and further inform them of their specific and individual responsibilities and rights with regard to equal employment opportunities and anti-discrimination efforts, policies, and requirements.

3. All complaints, grievances, or other reports of discrimination, harassment, or retaliation shall comply with the procedures set forth in Section 6 of this Policy.

Commented [CB33]: JT

Section 4: Employee Compensation

Article I- Pay Day:

A. Policy:

1. All Nibley City employees shall be paid bi-weekly, unless otherwise specified by contract.
2. Paychecks will normally be issued a week following the end of the bi-weekly period, but no sooner than 2 business days and no more than two weeks after the end of the bi-weekly period.
3. All non-exempt employees shall keep a record of their time. This record will be provided to the Division Manager at the end of the pay period for approval. The record will then be submitted for payroll processing and payment.

Article II- Overtime Compensation:

A. Policy:

1. Employees covered by the overtime provisions of the FLSA are entitled to overtime compensation. Non-covered and exempt employees are not entitled to overtime compensation through the City unless specifically granted by contract.
2. Any time worked in excess of forty (40) hours in any one work week will be considered overtime.
3. Where possible, all overtime should be approved in advance by the employee's Division Manager, or if the Division Manager is unavailable, by the employee's supervisor.
4. Only active hours worked in any one week will be used in determining overtime. Holiday pay or other paid leave shall not be counted as time worked for the purposes of calculating overtime.
5. Complete and accurate records of all overtime worked must be kept by each department and submitted with the employee's time sheet for payroll processing.
6. Overtime is compensated either by payment of wages at one and one-half times the regular rate of pay or by the accrual of compensatory time at the rate of one and one-half times the number of hours worked, or a combination thereof. The City Manager, subject to budget limitations, has the option to either pay overtime or allow compensatory time; however, the standard practice is to provide compensatory time rather than overtime pay. The City Manager shall notify all full-time, regular employees that compensatory time is the default method for overtime payout and that such compensatory time may be preserved, used, and cashed out consistent with this policy and the FLSA. Part-time or seasonal employees are paid overtime for hours worked in excess of forty (40) hours in a workweek (Sat.-Sun.).

B. On Call Compensation:

Commented [CB34]: JT: I believe the state law changed on this item and employees must be paid at least twice a month. Here is the language from the statute: Employers must pay wages at least semimonthly and not more than 10 days after the close of a pay period. If a payday falls on a Saturday, Sunday, or legal holiday, an employer must pay wages earned during the pay period on the day before. If an employer hires employees on a yearly salary basis, the employer may pay the employee on a monthly basis by paying on or before the seventh of the month after the month when work was performed. Wages or compensation may be paid at more frequent intervals.

Commented [CB35R34]: RP: Cities are exempted from the requirements of this code under Utah Code 34-28-1. A lot of standard state code regarding payment of wages, including upon separation, don't apply to cities.

Commented [CB36R34]: 34-28-1. Public and certain other employments excepted.

None of the provisions of this chapter shall apply to the state, or to any county, incorporated city or town, or other political subdivision, or to employers and employees engaged in farm, dairy, agricultural, viticultural or horticultural pursuits or to stock or poultry raising, or to household domestic service, or to any other employment where an agreement exists between employer and employee providing for different terms of payment, except the provisions of Section 34-28-5 shall apply to employers or employees engaged in farm, dairy, agricultural, viticultural, horticultural or stock or poultry raising.

Commented [CB37]: JT

Commented [RP38]: FLSA requires an understanding between the employee and employer prior to giving comp time instead of wages. This can be handled with notice/time to object

Commented [AJ39]: Put a semi-colon instead of comma here

Commented [CB40]: See exception under definition of Regular Part-Time Employee. Overtime should be the policy for Seasonal employees.

1. **On-Call Standby Status** - Employees serving in on-call standby status will be paid a flat rate of \$200.00 for serving on standby status for a week (7-days), regardless of whether or not the employee is called back to work outside of normal work hours. In no case will these hours be counted toward the total hours worked in a week for overtime calculations. On-Call hours are independent of overtime provision and are not considered hours worked for the calculation of overtime.
2. **On-Call Response** - An employee who is called back to work outside of normal work hours for an On-Call Response will be compensated for a minimum of one (1) hour at one and one-half (1.5) times their regular rate of pay. These hours will be included in the employee's total hours worked for the week and calculated according to the overtime compensation policy, when applicable. If the on-call response hours exceed two hours, those hours should be included in the employee's total hours worked for the week and calculated according to the overtime compensation policy, when applicable. This callback provision does not apply to snowplow callback.
3. **Snowplow Callback Compensation** - Employees called back to work between the hours of 5:00 p.m. and 7 a.m. for snow removal from City streets will be compensated by the accrual of compensatory time at the rate of one and one-half times the number of hours worked. These hours will be compensated at one and one-half times the number of hours worked regardless of whether or not the employee has worked 40 hours in the week.

C. Compensatory Time:

1. The FLSA authorizes compensatory time off in lieu of monetary overtime compensation.
2. Compensatory time off must be approved by the Division Manager. No employee may carry more than eighty (80) hours of compensatory time from year to year, except as approved by the City Manager. If an employee accumulates more compensatory time than the limits provided for herein, payment for those hours shall be made at the end of each calendar year.
3. Employees covered under the overtime provisions of the FLSA who terminate their employment with the City will be compensated for compensatory time accrued as of the date of termination.
4. Compensatory time earned and used will be reported on the employee's time sheet for each pay period.

Article III- Garnishments:

A. Policy:

1. The City will follow applicable state and/or federal laws pertaining to garnishments.
2. The City will notify an employee of any garnishment it receives as soon as possible after receipt.

Article IV- Annual Reviews:

Commented [JM41]: I think this is confusing. If we are going to pay the \$1.50 per hour of phone watch, I think the minimum should be 1 hour. That hour should count towards your 40, and if you exceed 40, then you would start getting time and a half?

Commented [JM42R41]: I also think it could be easier, and just say they get \$200.00 for the week to watch the phone. Keeping track of hours on "on call standby" is just one more thing to track and put into a time sheet. If someone gets called in for two hours, the City saves \$3 for a lot of effort in tracking the actual hours not watching a phone? And what if they get called while they are already on another call? They still have to watch the phone? Math is hard :)

A. Policy:

1. Division Managers are committed to conducting annual reviews with employees in order to provide feedback to employees regarding their performance, including direction, correction and encouragement.
 - a. Supervisors should not wait until annual reviews to provide feedback but should instead provide feedback on a continual basis. The annual review should be a summary and review of feedback provided throughout the year.
2. The annual review should include a review of accomplishments and goals, training, and other needs.
3. Annual reviews should include a review of the employee's job description, including updates and revisions if necessary.
4. Upon receipt of a satisfactory review, an employee may receive a step advancement or increase in salary.

Commented [CB43]: JT

Commented [AJ44]: redundant-take out

Commented [AJ45]: redundant, replace with "it" or "observations"

Article V- Pay Rate Increases:

A. Policy:

1. Quality of performance is the basic consideration in determining salary, advancements and promotions. The financial state of the city may also be taken into consideration regarding overall increases in compensation.
2. Compensation is normally based on the City's pay grade scale, unless otherwise negotiated or by contract.
 - a. New hires should start at the beginning of the pay scale for their position, unless otherwise approved by the City Manager for reasons such as equity, previous experience, certifications, education, negotiation, parity, recruitment, and retention.
 - b. Existing employee pay should follow the pay scale for advancement but advancements may be approved otherwise by the City Manager for reasons such as equity, experience obtained, new certifications, new education, negotiation, parity, recruitment, and retention.
 - c. Employees should receive a step advancement after completion of the orientation/probationary period. Step advancements should then proceed at annual intervals on the anniversary of that advancement.
 - d. Employees may receive an annual step increases on their anniversary, based on the pay scale adopted by the City Council with the annual budget, and until they reach the top of their pay scale. This policy applies to regular part-time employees as well, including positions such as crossing guards and fitness instructors. Seasonal employees who return for additional seasons are also eligible for step increases as an incentive to retain already-trained seasonal employees.

Commented [CB46]: JT

Commented [CB47]: JT

Commented [AJ48]: take out comma

Commented [CB49]: JT

Article VI- Clothing and Uniform Allowances:

A. Policy:

1. It is the policy of the City to provide employees with certain articles of clothing that might be necessary for the safe completion and proper performance of their position. These needs relate to things such as safety, durability, comfort, visibility, weather, branding, and marketing.
2. Each department should determine uniform needs annually and budget for those expenses accordingly.
3. Whenever possible, clothing items should display the official City logo.
4. The City Manager, in coordination with Division Managers, may develop additional guidelines for uniforms.
5. Uniforms, clothing, or shoes may be taxable compensation and should be handled accordingly. Uniforms, clothing, or shoes may also qualify for reimbursement through the Accounts Payable process.

Commented [CB50]: JT

Article VII- Bonus Pay and Employee Appreciation:

A. Policy:

1. It is the policy of the City to provide incentives to employees to show the City's appreciation for their work. These include things such as summer and end-of-year parties for employees and families where food and prizes are provided, and holiday bonuses to employees each holiday season. The City, based on available budget, will often provide bonuses such as a turkey at Thanksgiving and a modest cash bonus at the end of the year.
2. Bonus pay may be taxable compensation and should be handled accordingly.

Commented [AJ51]: add hyphens between words

Commented [AJ52]: little t

Section 5: Employee Benefits

Article I- Leave:

A. Annual Vacation Leave:

1. Regular Full-Time employees will be entitled to annual leave based on the following schedule:

<u>Full-time City Service</u>	<u>Annual Leave</u>
1-5 years	80 Hours
6-9 years	104 Hours
10-14 years	120 Hours
15+ years	160 Hours

2. Employees will begin accruing annual leave immediately based on their work start date. Employees may not use vacation leave until day 91, unless authorized by the City Manager. If the employee leaves employment prior to 91 days, the employee is not eligible for the vacation accrual and will not be compensated for such accrual.
3. Beginning January 2023, annual leave will be accrued on a bi-weekly basis.
4. Employees are encouraged to use their annual leave on a year-to-year basis. However, they may carry a balance of a maximum of 150% of the leave to which they are entitled. If an employee has accrued more than 150% of their annual leave hours, the employee shall be paid for the excessive accumulated hours at the end of each calendar year.
5. If a paid holiday occurs while an employee is on annual leave, it is treated as a holiday and is not credited against annual leave.
6. Accumulated annual leave will be paid for by Nibley City when an employee terminates employment, and in those instances where, in the discretion of the City Manager, it would be in the best interest of the City to permit an employee to be paid for such time in lieu of employment.
7. All time off must be approved by the Division Manager in advance.
8. Accurate records concerning all used and accumulated annual leave will be maintained by the payroll clerk and made available, upon request, to the Division Manager and/or designee.
9. Annual leave is not accrued and holiday time is not paid if the employee is on worker's compensation leave.

- B. **Sick Leave:** As insurance against loss of income when an employee is unable to perform work because of illness or injury to the employee or employee's spouse or dependent children or elderly parent(s), sick leave is provided. Sick leave may be used to attend

Commented [JM53]: Do we need to add a COVID Leave policy?

Commented [JM54]: This name should match what it is in Cassel? Vacation?

Commented [JM55]: Need to clarify "Steve's Issue" or be clear on new hires that if we start them higher, when they will get bumps?

Commented [CB56]: Most organizations, guessing at 80%+ are allowing accrual from day one, but not allowing the "use" of leave until day 91. In addition, if the employee leaves the company prior to the 91 days, the employee is not eligible for the accrual. This can significantly reduce the administrative burden while recognizing and benefitting the employee who works through the initial 90-day period – JT

Commented [JM57R56]: I'm ok with that

Commented [DF58]: January or July?

Commented [JM59]: Would it be easier to do it the same every two weeks, instead of monthly?

Commented [JM60]: I would love to find a way to "incentivize" people to use it

Commented [CB61]: If FMLA is being used (companies with 50+ FT employees) simultaneously with the WC, then the leave must continue to accrue. However, holiday times does not need to be paid under the federal statute). - JT

Commented [CB62R61]: Nibley City does not participate in FMLA ... yet.

Commented [JM63]: I like Logan's policy on this.

Commented [JM64]: Health care appointments? Dentist?

medical, dental, or physical therapy appointments for the employee, or for the care of sick or injured dependents, spouse, or elderly parents.

1. For regular full-time employees, sick leave shall be accumulated at the rate of 8 hours for each full calendar month of service, up to a maximum of 960 hours.
2. Sick leave is accrued bi-weekly after the employee's hire date and may be used immediately upon accrual.
3. Each employee absent under this provision must arrange for a report, via telephone, text message, or email, to his/her Division Manager or designated supervisor within one (1) hour of the employee's start time on the morning of the first day of absence. If sick leave in excess of three (3) successive days is used, the Division Manager may require that the employee provide a written statement from the employee's physician.
4. After accrued sick leave is exhausted, annual leave accrued to date may be used by the sick or injured employee until accrued annual leave has been exhausted.
5. Except in the case of retirement, no employee shall be entitled to cash compensation for accrued sick leave upon separation of service from the City.
 - a. Employees will be paid at their current rate of pay for all unused sick leave upon retirement, up to a maximum of 240 hours.
6. If an employee is on worker's compensation leave, sick leave will be pro-rated on a bi-weekly basis, based on hours actually worked.
7. Employees may donate their sick leave to another employee on extended sick leave by making a written designation. However, the employee making the donation must retain at least 80 hours of sick leave after the donation.
8. Abuse of sick leave privileges may be considered grounds for dismissal.

C. Jury and Court Leave:

1. If an employee is called to jury duty or to testify as a witness in a case, the employee shall notify the City
2. If employee receives any remuneration for said jury duty or court appearance, then the City will pay the employee the difference between the remuneration and full compensation.
3. Employees must immediately return to work once jury duty is cancelled or completed.
4. Employees who are called to jury duty will not be required to use accrued annual leave to complete their service.

D. Family Leave:

1. **Introduction:**

Commented [CB65]: Someone, I'm not sure who, suggested a retired med trust. The small amount of research I was able to do indicated that this would have to be administered through a third party and there would be a cost associated with the benefit. I would like further direction before thoroughly researching this route.

Commented [RP66]: Just as a note, FMLA is a bit wonky in how it works. By law, it automatically applies to all government employers, so the City is not exempt. However, for an employee to be eligible for FMLA benefits, the employer must have at least 50 employees (ft/pt combined). So it applies to the City, but the City has no eligible employees. I suggest rewriting this to match this.

Also, make sure Nibley has signs posted about FMLA, even though the city doesn't have eligible employees.

Commented [JM67R66]: does this cover Maternity leave?

Commented [CB68R66]: Maternity leave is covered under our STD policy with Lincoln Financial.

a. The [Family and Medical Leave Act of 1993 \(FMLA\)](#) and the [January 28, 2008, Military Family Leave Provisions](#) allows eligible employees to take up to twelve (12) work weeks of unpaid leave for various family and medical reasons and up to 26 weeks for qualifying events connected to the Military Caregiver provisions of the law. FMLA provides up to 12 weeks of unpaid leave to eligible employees for certain reasons, such as serious health conditions, caring for a family member with serious health conditions, and the birth or adoption of a child. The caregiver provisions provide eligible employees who are the spouse, son, daughter, parent or “next of kin” of a military service member who is injured in the line of duty up to 26-weeks of unpaid leave in a rolling 12-month period to care for the injured family member.

Commented [RP69]: Since FMLA doesn’t necessarily apply, how do you want to handle this? This says we’re giving 26 weeks (as required by FMLA) but below we just say 12.

Do we want to grant similar military caregiver leave as part of City policy?

b. At this time, Nibley City employees are exempt from coverage under the FMLA and related amendments and provisions and are only eligible for leave under this policy. Employees will only be eligible for FMLA leave if they have worked with Nibley City for at least 12 months, have worked 1,250 hours during the 12 months prior to the start of the leave, and Nibley City employs 50 or more employees when the leave is requested.

c. In order to qualify for leave pursuant to the FMLA, an employee must comply with other provisions of the FMLA, including eligibility and notice requirements. Note, also, that if an employee requests FMLA leave to care for an injured service member and that employee has already taken FMLA leave in the past 12 months, the 26-week leave period will be reduced by the amount of leave previously taken. Any questions regarding an employee’s eligibility for FMLA leave may be directed to the City Manager.

Commented [RP70]: I feel it will be better to have a catch-all provision so we can grant FMLA leave just in case these policies aren’t reviewed and updated in a while.

2. **Family and Medical Leave Policy:**

a. Under Nibley City’s Family and Medical Leave policy, [qualifying, full-time staff members](#) may take up to twelve (12) weeks of unpaid leave for the birth or adoption of or placement of a foster child, to care for a parent, spouse or child with a serious medical condition, or when the employee has a serious medical condition. The staff member must have worked with Nibley City a minimum of 1250 hours during the 12 months prior to the start of leave.

Commented [CB71]: Nibley City has 49 employees if elected and appointed officials are not counted as employees.

Commented [CB72]: Suggestion by JT which answers the question posed in RP comment below.

Commented [RP73]: full time? part time? FMLA requires minimum of 1250 hours during 12 months prior to start of leave. I’d just incorporate that requirement.

Commented [RP74]: FMLA requires cities to allow intermittent/reduced leave (rather than 12 straight weeks of leave, the leave is broken up through a reduced or intermittent work schedule, e.g., take 6 weeks of leave then use remaining 6 weeks over 3 months by taking every other day off or working only half days) for certain reasons like ongoing medical issues, or ongoing caregiving responsibilities. But FMLA doesn’t require this kind of schedule adjustment for births/adoptions.

I would recommend leaving

Commented [RP75]: As-written, allows 12 weeks unpaid + sick/personal leave.

FMLA allows employers to require use of sick/personal leave as part of FMLA leave, without granting additional leave (total of 12 weeks from unpaid, sick, and personal leave).

City can choose to handle it as currently written or require use of leave. Just raising the issue for consideration.

b. Nibley City will maintain health coverage during the leave period at the rates that were in effect when the employee began the leave. Employees are responsible for paying their portion of health and other benefits.

c. Once the leave period is concluded, Nibley City will reinstate the employee to the same or equivalent job.

d. [The use of leave on intermittent or reduced leave schedules](#) for FMLA or Family and Medical Leave under this policy shall be within the discretion of Nibley City, except where required by law. The determination of whether to grant intermittent or reduced leave schedules shall be based on the staffing, workload, and other needs of Nibley City.

Commented [CB76]: Most organizations choose to force the use of accrued personal/sick leave. It is legal to allow the adding on of accrued time at the end of the unpaid FMLA leave. Of course, this can greatly extend the overall length of the leave and create negative impact on operations or the company in general. – JT

e. [Sick leave and annual leave must be used during the twelve weeks.](#)

- f. After the use of sick leave and annual leave, leave without pay shall be granted not to exceed a cumulative total of 12 weeks.

E. Military Leave: The following terms encompass what Nibley City determines as military leave.

1. Regular Military Leave:

- a. Military leave provides members of a National Guard or armed forces reserve unit time off- without charge to annual leave or loss of pay- to serve on active duty or active duty for training.
- b. An eligible employee is entitled to military leave without loss of pay or loss of accrued personal leave, not to exceed fifteen (15) working days per year, if ordered to annual training duty as a member of the National Guard or any armed forces reserve unit.
- c. Temporary or part-time employees are not eligible for military leave.
- d. Nibley City will pay the difference between what the eligible employee receives as the military compensation and the employee's regular city compensation for the military leave.

2. Emergency Military Leave:

- a. Employees may also use military leave when the employees' units are called upon to provide military aid in law enforcement or to assist civil authorities in the protection or preservation of life or property or to prevent injuries.

3. Long-Term Military Leave:

- a. Leave which exceeds fifteen (15) consecutive working days.

4. Short Term Military Leave:

- a. Leave which does not exceed fifteen (15) consecutive working days.
- 5. Military leave does not include periods of inactive duty training or an indefinite period of furlough without pay granted to employees for indefinite active military service. Indefinite military furlough is synonymous with leave without pay.
- 6. Employees who are entitled to military leave and who are ordered to report for military training or duty will be released from their civilian positions for the duration of their military commitment. Verbal orders calling an employee to military service will be recognized; however, application for military leave must be supported by a copy of the order directing the employee to report.
- 7. Upon the employee's return from military leave, the employee will submit a claim to the City if the military pay during the period of leave, not to exceed fifteen (15) days per

Commented [AJ77]: semicolon

year, is less than the amount he/she would have been paid by the City. The employee will not receive pay from both the military and the City during the military leave period that exceeds normal City pay.

8. Leave without pay shall be granted to an employee who voluntarily enlists, or is called into active service in any branch of the federal armed forces. An employee granted such leave of absence retains re-employment rights and other statutory benefits specified in Federal and State statutes.
9. Reemployment rights are retained during the period of active military duty and for an additional forty (40) calendar day period of time following the termination of military duty, provided the employee is honorably discharged and applies for reemployment in writing within the forty (40) day period and provided the leave does not exceed four (4) years unless involuntarily retained in military service.
10. Employees reemployed are restored to a position of like seniority, status and pay. If the employee declines two (2) consecutive offers for a position, reinstatement rights may be cancelled.
11. Employee benefits do not accrue during long term military leave except as referenced herein.
12. Federal law, under a defined benefit pension plan (Utah Retirement System), requires that individuals whose employment is interrupted by military service must be given benefit accruals for the period of military service.
13. Nibley City will pay both the employee and employer contributions to the Utah Retirement System if the employee is on active military duty on a non-voluntary basis as long as contributions for eligible employees are paid on the same basis.
14. There will not be any payment made by the City to a 401k plan while the employee is on active military duty.
15. If, due to a service-connected disability, an employee is not qualified to perform all the duties of their former position, a reasonable effort will be made to place them in the closest comparable position for which they are qualified.
16. Once these basic entitlements have been exhausted, employees requiring additional time for training or other military duty may elect to use annual leave or take leave without pay.

F. Emergency and Bereavement Leave with Pay:

1. Leave with pay, above and beyond vacation, compensatory time, and sick leave, may be granted to full-time employees for matters of an emergency nature, including bereavement.
2. The amount of time granted will be governed by the individual circumstances which will normally be one (1) day, but which may be up to five (5) days for the death of a spouse, child, or parent, three (3) days for the death of a sibling, (3) days in the event of

Commented [AJ78]: add hyphen

miscarriage or stillbirth if you are the expectant father or mother, and one (1) day may be taken for the death of a grandparent, aunt, or uncle.

Commented [CB79]: See S.B. 63 Bereavement Leave Amendments,

3. Emergency leave shall not exceed nine (9) days per year. Exceptions to this may be approved by the City Manager.

G. Personal Leave of Absence:

1. Full time employees that have completed twelve (12) months of service, may be eligible to take an unpaid personal leave of absence.
2. Personal leaves will be subject to management approval and will be based on the needs of the business.
3. Personal leaves of absence will generally be granted for a period of up to 30 days.
4. The employee may choose (or the City may require the employee) to use accrued paid leave (PTO) to provide a source of income during the unpaid leave period.
5. If the leave is due to a medical condition or military service, the employee must follow the Family and Medical Leave Policy.
6. Upon return from a leave of absence, the City will make good faith efforts to return the employee to his/her regular or an equivalent job.
7. This policy does not guarantee re-instatement to a full-time position and should not be interpreted as a guarantee of continued employment.
8. Failure to report to work as scheduled following a leave of absence may result in discipline, up to and including termination of employment.
9. Benefits, such as vacation, holidays, or sick leave will not accrue during personal leaves of absence unless employee is using paid time off.
10. During a personal leave of absence, the employee can keep insurance benefits in effect by continuing to pay his/her portion of the health insurance premium(s) and the portion the city pays if the employee is on unpaid leave.
11. The duration of the leave, the opportunity for reinstatement, and other privileges associated with this leave are subject to change and are granted at the sole discretion of the City Manager.
12. No express or implied contractual rights should be inferred from this policy.

Commented [RP80]: Unclear what "protected" means, since no employees are protected by FMLA, and state law doesn't have similar requirements. Who does/doesn't get this policy?

Commented [AJ81]: hyphen

H. Other Leave:

1. If a person has a community or public service position approved by the City which demands time off during work hours from time to time (i.e., search and rescue squad), the City will allow the employee to accrue up to forty (40) hours of compensatory time, in addition to the normal cap of 80 hours, to be used in this regard.

2. Taking this time off is subject to Section 4, Article II, Subsection C.

Article II- Development, Training and Travel:

- A. **Policy:** It is the policy of Nibley City to encourage and, at times, require employees to attend various seminars, conferences, classes, other educational programs, and other job-related training opportunities that are consistent with the following rules:
1. All training opportunities shall be job-related and approved by the department manager and/or City Manager.
 2. Funds must be available in the appropriate budget to cover the anticipated costs.
 3. Training opportunities should be limited to those that will benefit both the employee and the City.
- B. **Travel and Transportation:**
1. Authorized travel by private vehicle will be reimbursed at the rate allowed by IRS policy. Mileage allowance will be paid for trips authorized by the City Manager. For trips requiring overnight lodging, employees may be reimbursed for reasonable and necessary lodging costs plus meal allowances per rates established by the State of Utah and approved by the City Council, subject to presentation of appropriate receipts. Other related travel expenses, such as parking fees, transit passes, taxi fares, etc. may be reimbursed with the presentation of the appropriate receipts.
 2. Known expenses such as conference registration fees or airline fares will be paid in advance, provided that appropriate expense reimbursement requests are submitted.
 3. Travel expenses must be included in the annual budget for each department anticipating travel as part of the budget process.
 4. Lodging may be provided if the travel required is more than 75 miles.
 5. Hourly employees who are asked to travel as part of their work assignment should meet with Human Resources prior to travel to discuss the details associated with paid hours worked.

Article III- Retirement:

- A. Nibley City will follow the retirement policies of the Utah State Retirement System. Retirement is not mandatory, provided the employee continues to meet the current standards of the position.
- B. Retirement means the status of an individual who has become eligible, applies for, and is entitled to receive an allowance through the Utah State Retirement and Insurance Benefit Act or another comparable retirement system.

Commented [AJ82]: associated

Commented [CB83]: JT

Commented [JM84]: If gone for a week at a conference, travel time will not count as time worked? No time and half?

Commented [CB85R84]: From FLSA "Time spent traveling during normal work hours is considered compensable work time. "

"However, covered, non-exempt employees must be paid at least one and one-half times their regular rates of pay for the time worked over 40 hours in a workweek."

C. Nibley City will contribute to the Social Security system for employees as required by law. This benefit is separate from the state retirement system. However, full-time employees of Nibley City who participate in the Utah Retirement System are exempt from participation in the Social Security System due to an opt-out election (see Nibley City Resolution 15-07). For employees exempt from participation in the Social Security System, and in lieu of participation in the Social Security System, the City participates in a Social Security Replacement Program.

Commented [JM86]: Not sure I understand what a social security replacement program is?

D. Full-time employees of Nibley City are eligible to participate in the Utah Retirement System.

Article IV- Death of an Employee

- A. Upon the death of an employee, the employee's designated beneficiary shall be paid for:
1. All hours worked but not paid, at the employee's current rate of pay;
 2. All compensatory time hours accumulated but not paid, at the employee's current rate of pay;
 3. All unused sick leave, at the employee's current rate of pay. |
 4. All vacation hours accumulated, but not used, at the employee's current rate of pay.
 5. Life insurance benefits provided by City-affiliated policies. Nibley City is pleased to provide a basic life insurance benefit through such policies, which customarily allow employees to pay premiums for additional coverage.

Article V- Medical Insurance

A. Medical Insurance:

1. The City participates in group healthcare plans, including medical, dental, and vision insurance programs. These programs are available to all regular full-time employees. Employees may only enroll or disenroll from these programs during open enrollment periods or after a qualifying event, as defined by IRS and other Federal regulations.
2. Employees wishing to enroll in the medical insurance plan have traditionally enjoyed a generous contribution from the city regarding the payment of the premium. The employee has only been responsible to pay 20% of the premium, while Nibley City has paid the other 80%. |
3. Part-time and temporary employees are not eligible for medical insurance.
4. Eligible employees who opt out of enrolment in the medical insurance plan, due to the existence of other coverage, will receive a 401k contribution each month comparable to the amount the City would otherwise pay for employee healthcare premium.

Commented [AJ88]: replace with receive

Commented [AJ89]: Sometimes we refer to it as "the City" and other times "Nibley City." I think it should be consistent one way or the other throughout the whole document.

Commented [CB90]: JT

5. If the City provides a health insurance policy with a Health Savings Account (HSA), the City may contribute to the employee's HSA based on its current HSA contribution policy, up to 50% of the maximum allowable amount as determined by the Internal Revenue Service (IRS) HAS index figures, and as funds are available in department benefits budgets.

Commented [JM91]: Where did \$3500 come from?

Commented [JM92R91]: Is there advantages to City to do this?

Commented [CB93R91]: A healthy workforce

Article VI- Workers' Compensation Insurance Policy:

A. Policy:

1. Employees of the City also receive the benefit of a sponsored worker's compensation protection policy to protect them in the event of an accident or injury at work. The City covers the full cost of monthly premium.
2. Workers' compensation insurance is intended to provide medical care and pay for lost time resulting from injuries on the job and those illnesses caused by work.
3. If an employee is injured on the job or becomes ill as a result of a work-related activity, the employee must report the injury or illness, no matter how minor, to their direct supervisor immediately. If the employee requires medical care, the employee shall be evaluated by a medical provider identified by the City. The supervisor will then assist in obtaining the first report of injury. (Form 122E)
4. Failure to report an injury in a timely manner may jeopardize the employee's rights to certain benefits.
5. Workers' compensation insurance coverage is not available to the employee for injuries that occur during the employee's voluntary participation in any off-duty recreational, social or athletic activity that is not part of the employees work related duties, even if sponsored by the City.
6. If an employee wishes to be treated by his or her own health care provider instead, they must notify the City in writing before any injury or illness occurs, and the treatment must be approved by another carrier or the responsibility for payment lies solely with the employee.
7. No adverse action will be taken against any employee in any manner for requesting or taking any time off as provided in this section.

Commented [CB94]: JT

Commented [CB95]: JT

Commented [AJ96]: solely

Commented [CB97]: JT

B. Workers' Compensation Fraud:

1. All employees should be aware that workers' compensation fraud is a felony in Utah.
2. It is a felony for an employee to make a workers' compensation claim knowing that the injury or illness is not work-related.
3. It is a felony for an employee to allow a doctor, therapist, or attorney to use the claim to make money by exaggerating the need for treatment or other benefits.
4. Nibley City will take all actions necessary to prosecute cases of workers' compensation fraud.

Commented [AJ98]: add hyphen

Article VII- Holidays:

A. **Legal Holidays:** The following have been designated as legal holidays in the State of Utah and the Nibley City offices will be closed, except as provided by law:

- | | |
|-------------------------------------|--|
| 1. New Year's Day: | January 1 |
| 2. Dr. Martin Luther King, Jr. Day: | 3 rd Monday of January |
| 3. Washington and Lincoln Day: | 3 rd Monday of February |
| 4. Memorial Day: | Last Monday of May |
| 5. Juneteenth | The Monday of the week in which June 19 th occurs |
| 6. Independence Day: | July 4 |
| 7. Pioneer Day: | July 24 |
| 8. Labor Day: | 1 st Monday of September |
| 9. Columbus Day: | 2 nd Monday of October |
| 10. Veteran's Day: | November 11 |
| 11. Thanksgiving Day: | 4 th Thursday of November |
| 12. Christmas Day: | December 25 |

Commented [CB99]: Made a State holiday on March 24, 2022

Commented [CB100R99]: I can provide a document showing other municipalities who have adopted Juneteenth as a holiday

B. **Exceptions and Explanations:**

1. If a holiday falls on a Sunday, the following Monday will be observed as a holiday. If a holiday falls on a Saturday, the preceding Friday will be observed as a holiday.
2. Employees whose days off are other than Saturday and Sunday, are allowed time off for holidays in a way equitable to conditions affecting employees working Monday through Friday, as determined by their supervisor. Employees who voluntarily work on a holiday shall accrue equivalent hours of holiday leave that may be used on another day, as approved by the employee's supervisor, within the same calendar year.
3. The City Manager may close city offices early or completely on days adjacent to holidays, such as Good Friday, Christmas Eve or the day after Thanksgiving based on the availability of employees who may be absent due to using other leave time.
4. An employee's birthday shall also be observed as a personal holiday for that person and may be used at any time during the year, with approval of their supervisor. This personal holiday does not roll over to the next calendar year and must be taken as a full day.
5. Benefited Employees will be paid at their normal rate on holidays.
6. An employee required to work on a holiday will be paid at two times their normal rate or they can accrue the holiday hours as compensation time at the rate or two hours for every hour worked.
7. City offices will also be closed the day after Thanksgiving and the day before Christmas as unpaid holidays.

Section 6: Expectation of Conduct and Disciplinary Action

Article I- Policy:

A. Policy:

1. It is the policy of Nibley City that the City Manager and department manager will inform its employees regarding expected standards at work, what constitutes employee misconduct, what management and the employee may do to correct any misconduct, and what the employee's rights are if disciplined.
2. It is the responsibility of all employees to observe rules of conduct necessary for the proper operation of Nibley City government. Administrative procedures have been established for the handling of disciplinary measures when required.
3. Nibley City reserves the right to combine or skip steps in the disciplinary process depending on the facts of each situation and the nature of the offense. As such, discipline may be escalated and employees may be subject to immediate termination of employment for certain infractions. Factors that will be considered include, but are not limited to:
 - a. The immediate safety of the employee, other employees, or the public
 - b. Whether the offense is repeated
 - c. Length of service of the employee
 - d. Counseling and/or training
 - e. The employee's work record
 - f. The impact the conduct and performance issues have on the City
4. All employees are At-Will, except as required by law. As such, Nibley City reserves the right to exercise the At-Will doctrine as stated in section 2 subsection A of this policy to discipline or terminate any at-will employee with or without cause, even if cause is otherwise required under this policy.
5. Disciplinary action, up to and including termination, may be imposed for misconduct or cause, as defined in this policy or applicable rules and laws.
6. Written documentation concerning employee disciplinary action imposed will become a permanent part of an employee's personnel record.

Commented [CB101]: JT

Commented [CB102]: JT

Article II- Types of Disciplinary Action:

A. Verbal Warning:

1. Wherever grounds for disciplinary action exist, and the City Manager or department head determines that more severe action is not immediately necessary, the deficiency demonstrated should be verbally communicated to the employee. Management will document the occurrence of these verbal conversations.

Commented [CB103]: JT

2. Whenever possible, sufficient time for improvement should precede additional disciplinary action. It is the goal of Nibley City to effectively assist the employee in making the improvement.

Commented [CB104]: JT

3. The failure to issue, or document, a verbal warning shall not preclude other disciplinary action.

B. Written Reprimand:

1. The City Manager or department manager may reprimand an employee for cause. The City Manager or department manager shall furnish the employee with an Employee Written Reprimand Notification setting forth the reason(s) for the reprimand, the negative impact to Nibley City, the expectations or standards and the consequences of failing to meet these standards.

Commented [CB105]: JT

2. A copy of the Employee Written Reprimand Notification, signed by the City Manager or department head and the employee, shall be permanently placed in the employee's file. If the employee refuses to sign the form, the City Manager or department manager will indicate on the form.

Commented [CB106]: JT

C. Suspension:

1. The City Manager may, for cause, suspend an employee without pay for up to, but not exceeding, thirty (30) calendar days.

2. Suspension of employment may be utilized in the event of an investigation.

3. The City Manager may suspend an employee with pay by placing the employee on paid administrative leave for the reasons provided in this policy. The duration of such suspension shall be determined by the City Manager.

4. On or before the effective date of the suspension, the City Manager shall furnish the employee with an Employee Suspension Notification setting forth the reason(s) for suspension.

5. A copy of the Employee Suspension Notification, signed by the City Manager and the employee, shall be permanently placed in the employee's personnel file. If the suspension is with pay or for administrative leave, and no other discipline was imposed in connection with the suspension, the Notification shall so indicate. If the employee refuses to sign the form, the City Manager will so indicate on the form.

Commented [AJ108]: HR or personnel?

D. Demotion:

1. The City Manager may, for cause, reduce in grade or demote an employee.

2. On or before the effective date of the demotion, the City Manager shall furnish the employee with an Employee Demotion Notification setting forth the reason(s) for demotion.

3. A copy of the Employee Demotion Notification, signed by the City Manager and the employee, shall be permanently placed in the employee's personnel file. If the employee refuses to sign the form, the City Manager will so indicate on the form.

E. Transfer:

1. The City Manager may transfer an employee (with the exception of a probationary employee) for cause by furnishing the employee with an Employee Transfer Notification.
2. A copy of the Employee Transfer Notification, signed by the City Manager and the employee, shall be permanently placed in the employee's personnel file. If the employee refuses to sign the form, the City Manager will so indicate on the form.

Commented [AJ109]: HR?

F. Termination of Employment:

1. The City Manager may terminate an employee by furnishing the employee with an Employee Termination Notification.
2. A copy of the Employee Termination Notification, signed by the City Manager and the employee, shall be permanently placed in the employee's file. If the employee refuses to sign the form, the City Manager will so indicate on the form.

Article III- Causes for Disciplinary Action:

A. Causes for disciplinary action:

1. Causes for disciplinary action, up to and including termination of employment, may include, but are not limited to, the following:
 - a. Violation of the laws of the State of Utah or the United States, other than occasional minor traffic offenses, unless such offenses demonstrate a pattern or attitude of gross negligence, recklessness, or disregard of law, or result in a violation of the Nibley City Driver Qualification and Vehicle Use Policy;
 - b. Violation of the Nibley City Credit Card Policy;
 - c. Violation of Nibley City policies, including but not limited to the Nibley City Ethics Statement; the Nibley City Cell Phone Policy; the Nibley City Computer Usage Policy; the Nibley City Dress Code; and this Nibley City Policy Guidebook;
 - d. Conduct which endangers the peace and safety of others or poses a threat to the public interest;
 - e. Unjustified interference with the work of other City employees;
 - f. Misconduct;
 - g. Embezzlement;
 - h. Malfeasance;
 - i. Incompetence;
 - j. Negligence;
 - k. Insubordination;
 - l. Failure to maintain skills, licenses, or other job qualifications;
 - m. Inadequate performance of duties;
 - n. Unauthorized absence;
 - o. Falsification or unauthorized alteration of records;

Commented [AJ110]: Changed it to its own line

Commented [DF111]: Was this meant to be removed?

Commented [JM112]: Ethics Statement

Commented [AJ113]: Violation of the Policy Guidebook

Commented [AJ114]: indent and give it its own letter

- p. Violation of the Municipal Officers' and Employees' Ethics Act, Utah Code Title 10, Chapter 3, Part 13, including using misuse of employment to benefit themselves or others, failing to disclosure conflicts of interests, or accepting gifts or bribes;
- q. Unauthorized political activity under Utah Code 10-3-1108;
- r. Falsification of employment application;
- s. Discrimination in hiring, assignment or promotion;
- t. Sexual harassment;
- u. Retaliation against any employee or person for participating in an investigation, filing a complaint, reporting discrimination, harassment, or other prohibited actions, or otherwise engaging in activities protected by this policy and law;
- v. Use of alcohol, drugs or tobacco/nicotine products;
- w. Use of or being under the influence of over-the-counter medication, medication prescribed by a physician, or other medicinal products that affect job performance, except as provided in Section 6, Article VII;
- x. Use of or being under the influence of cannabis or marijuana, except as provided in Section 6, Article VII;
- y. Falsifying of City records;
- z. Knowingly altering the timekeeping;
- aa. Brandishing or unauthorized possession of firearms, weapons or explosives on City-owned property;
- bb. Threatening, intimidating, coercing, interfering with, or discriminating against fellow employees on the job, or the public at large;
- cc. Theft or removal of any City property, including public money, or property of any employee from the work area premises without proper authorization;
- dd. Misuse of City Property - The use of City-owned property or equipment for personal use is prohibited by state law;
- ee. Gambling or engaging in a lottery at any City work area;
- ff. Misusing, destroying or damaging any City property or the property of any employee
- gg. Deliberately restricting output;
- hh. Drinking any alcoholic beverage during the workday, or being under the influence of illicit drugs or alcohol during the workday;
- ii. Sleeping during work hours;
- jj. Fighting on City premises;

Commented [JM116]: What is this? do we need our ethics policy?

Commented [RP117]: alcohol and tobacco off-work?

Commented [CB118]: JT

Commented [DF119]: Do we know what this is in reference to?

Commented [DF120]: or while on call, call out, or snow plow time.

Article IV- Conducting an Investigation:

A. Procedures for Investigation of Misconduct and Imposition of Discipline:

1. The City Manager or department head may conduct an investigation into the allegations of misconduct or behavior which might be the grounds for disciplinary action.
2. During an investigation to determine the facts upon which disciplinary action may be imposed, the City Manager, or designee, may place an employee on paid administrative leave. The person conducting the investigation, and the employee that is the subject of the investigation, shall have access to all relevant records and witnesses.
3. Prior to imposing disciplinary action, the City Manager or designee shall provide written notice of an informal hearing to be conducted with the Employee. The notice shall describe the conduct, policies, and potential discipline at issue and shall inform the

Commented [RP121]: unpaid admin leave is suspension without pay, and requires discipline process

employee of their right to respond in writing and in person to the notice. The notice shall be placed in the employee's file.

Commented [AJ122]: HR or nothing?

Commented [AJ123R122]: HR or nothing?

4. After providing appropriate written notice, the City Manager or department manager shall conduct an informal hearing with the employee and review the action with the employee. This process shall include an opportunity for the employee to respond to the allegations, and the employee's written response, if any, and other related documents shall be placed in the employee's file. The employee may be represented or aided by counsel of their choice at any stage of the investigation and disciplinary process, including at any hearing.
5. In determining the type and severity of the disciplinary action, the City Manager or department head may consider aggravating and mitigating circumstances such as:
 - a. The repeated nature of the misconduct and possibility for recurrence;
 - b. Prior disciplinary action imposed;
 - c. The severity of the misconduct;
 - d. The employee's length of service;
 - e. The employee's work record;
 - f. The effect on City operations; and/or
 - g. The potential of the misconduct to harm persons or property.
6. For disciplinary action other than a verbal reprimand, the City Manager or department head shall notify the employee, in writing, of the findings of the investigation. The written statement shall include:
 - a. The grounds for disciplinary action, including a description of the specific misconduct for which the disciplinary action is being imposed;
 - b. Any prior disciplinary action imposed;
 - c. The disciplinary action to be imposed;
 - d. The effective date and duration of the disciplinary action; and
 - e. The corrective action necessary for the employee to avoid further disciplinary action.
7. Suspension, demotion, transfer or termination of an employee shall require the approval of the City Manager.
8. The City Manager may note the disciplinary action on their personal notes at the time disciplinary action is imposed and/or on the employee's performance evaluation form when the next performance evaluation is conducted.

Commented [AJ124]: did you mean personnel?

Article V- Appeals Procedures:

- A. Employees in their orientation/probation period and all at-will employees have no appeals rights. The decision of the City Manager or department manager shall be final for all such employees.

B. Appealing to an appeals board; Upon written receipt of an employee disciplinary action, transfer or termination notice, some employees have the right to appeal the disciplinary process and action imposed by the City Manager department manager to an appeals board. This right to appeal is granted only to employees that are not designated as at-will under this policy or state law.

1. An employee must submit their written notice of appeal to the Nibley City Recorder within ten (10) calendar days of receiving notice of the disciplinary action to be imposed or the employee will be deemed to have waived all appeal rights.
 - a. In the event the Recorder is not available or is the subject of the disciplinary action, the written notice of appeal shall be submitted to the Mayor.
 - b. The notice shall describe the claims, arguments, and evidence to be presented by the appeal.
2. The Appeals Board will be made up of three (3) members:
 - a. Two (2) of the members will be from the Nibley City Council, with one serving as the Appeals Board chairperson, with the Mayor making the selection of the two Council member.
 - b. One (1) of the members will be an employee representative, with the Mayor making the selection of the employee representative.
 - c. The employee may have counsel present during the hearing and may call, present, or examine witnesses and evidence.
3. The Appeals Board shall conduct the hearing within a reasonable time after the filing of the notice of appeal. The Appeals Board shall provide notice of the hearing to the City Manager and the employee no later than seven days prior to the hearing.
4. The Appeals Board shall fully hear and decide all issues raised in the appeal and can affirm, modify, or overturn the employee disciplinary action.
 - a. The Appeals Board shall issue a written decision within 15 days after the hearing.
 - b. If the Appeals Board modifies or overturns the disciplinary action, the Appeals Board may reinstate any loss of pay or position associated with the employee disciplinary action.
 - c. If the Appeals Board overturns the disciplinary action in its entirety, the City Manager, or designee, shall remove the record of the disciplinary action from the employee's file.

Article VI- Grievances:

1. If an employee has a problem or grievance, every effort should be made to resolve the matter with his/her department manager. If a mutual agreement cannot be reached, the

Commented [JM125]: Would it be worth setting this board now? If a conflict arose with who is on the committee, change it? Or just come up with a new committee every time it's needed? Hopfully not ever.

Commented [CB126R125]: See Resolution 22-02

problem may be escalated according to the process set forth in Article VIII. Prompt and timely reporting of grievances is essential to resolving workplace issues. Grievances that are not filed in a timely manner may impair the City's ability to respond to, manage, and rectify grievances.

- B. If a non-employee has a problem and/or grievance regarding an appointed official or a city employee, the following procedure will be followed:
1. No anonymous complaints will be taken. The person making the complainant must give their identity, a contact number, and address.
 2. The complaint must be specific about the violation.
 3. The complaint will also be given to the employee's department manager for investigation so disciplinary action, if needed, can be performed as outlined in this policy guidebook. personnel policy.
 4. The identity of the complainant may be kept confidential through the verbal warning stage. However, if the supervisor cannot substantiate the violation, and the complaints continue, the identity of the complainant may be made known.

Commented [AJ128]: add comma

Commented [AJ129]: policy guidebook?

Article VII- Tobacco, Drug and Alcohol Policy and Procedures

A. Introduction:

1. Nibley City maintains a drug, alcohol, tobacco/nicotine, and vape-free workplace.
2. The City complies with the [Drug-Free Workplace Act of 1988](#).
3. This policy recognizes the problems created by drug and alcohol abuse and the need to develop prevention and treatment programs.
4. The abuse of alcohol and other drugs creates a variety of problems in the workplace, such as increased accidents and injuries, increased absenteeism, increased financial burden on health insurance and other employee benefit programs, increased workplace thefts, decreased employee morale, decreased productivity, a decline in the quality of work, and damage to Nibley City's image and public trust.
5. Nibley City is committed to protecting people and property, and to providing a safe working environment.
6. The purpose of the following policy is to establish and maintain a tobacco-free, drug-free, alcohol-free, healthy work environment for all employees.

B. Definitions:

1. City Premises: all property, facilities, land, rights-of-way, buildings, structures, automobiles, trucks and other vehicles owned, leased or used by the City. Works sites for which the City has responsibility are included.
2. Prohibited Items & Substances: illegal drugs (including controlled substances, look-alike drugs and designer drugs), alcoholic beverages, tobacco products, including e-cigarettes, and other drugs, even if legal to possess and use, and drug paraphernalia in the possession of or being used by an employee on the job. Also prohibited is legally

prescribed medication and medicinal products that may impair physical or mental performance, including marijuana and cannabis products, except as authorized by this policy.

3. Employee: individuals who perform work for Nibley, including, but not limited to, management, supervision, engineering, craft workers and clerical employees.
4. Accident: an event resulting in injury to a person or property to which an employee, or contractor/contractor's employee, contributed as a direct or indirect cause.
5. Incident: an event which has all the attributes of an accident, except that no harm was caused to person or property.
6. Reasonable Cause: tardiness, excessive absenteeism and erratic behavior such as noticeable imbalance, incoherence and disorientation.

C. Procedures and Confidentiality:

1. All parties to this policy and program have only the interests of employees in mind; therefore, Nibley City encourages any employee with a substance abuse problem to come forward and voluntarily accept assistance in dealing with the illness.
2. All actions taken under this policy and program will be confidential and disclosed only on a "need to know" basis.
3. When a federal or state mandated test is required, the specimen will be collected by IHC's WorkMed or another similarly qualified facility and the collection and testing process will be per their procedures. As part of the process the testing facility may use the expertise of a Medical Review Officer to review the prescription history or employees who test positive for allowable prescription medication.
4. All test results will be kept in a confidential limited access file in the Nibley City office to ensure the confidentiality of the tested employee.

D. Rules-Disciplinary Actions:

1. Smoking and/or use of tobacco products is prohibited throughout the workplace, including all city-owned property, buildings, vehicles and equipment.
 - a. Employees shall not smoke in proximity of flammable liquids, explosives, dusts, gases or where "No Smoking" signs are displayed either on property occupied by the city or on the premises of other persons. Employees may smoke only where posted in accordance with the Utah Clean Air Act.
 - b. Matches, cigars, cigarettes, tobacco or other substances must not be discarded while still burning except when placed in a proper receptacle or otherwise disposed of safely.
2. All employees must report to work in a physical condition that will enable them to perform their jobs in a safe and efficient manner. Employees shall not, unless authorized by the City Manager or department manager in accordance with this policy:

Commented [CB130]: JT

Commented [JM131]: Random note, do we need to add coverage of Blomquist Hale to list of benefits?

Commented [CB132]: JT

- a. Use, possess, dispense, manufacture, sell or receive prohibited substances on or at the job site; or
- b. Be under the influence of alcohol or illegal drugs; or
- c. Report to work with any measurable amount of prohibited substances in their system.

Commented [JM133]: This came up under our random testing, is it too restrictive?

3. When the City has reasonable cause to believe an employee is under the influence of a prohibited substance, for reasons of safety, the employee may be suspended until test results are available. If the test results prove negative, or if no test results are received after three (3) business days, the employee, if available, shall be returned to work. In all other cases:

All Public Works employees will participate in a random drug and alcohol testing process. If the City Manager or the department manager determine there is reasonable cause or suspicion for any employee to submit to a drug and/or alcohol test, an employee will be directed and accompanied to a testing facility to provide a specimen.

Commented [JM134]: Taken by supervisor?

- a. Applicants testing positive for drug use will not be hired.

Commented [AJ135]: This probably doesn't need to be on its own line but could be within the body of the previous paragraph?

4. The following situation(s) will result in termination of employment:
 - a. Employees who have not voluntarily come forward and who test positive for drug use.
 - b. Employees who refuse to cooperate with testing procedures.
 - c. Employees found in possession of drugs or drug paraphernalia.
 - d. Employees found selling or distributing drugs.
 - e. Employees found under the influence of drugs or alcohol while on duty, or while operating a City vehicle.
5. An employee receiving a job offer from Nibley City will be required to provide the City with a copy of their current Drivers' License Report and a Bureau of Criminal Investigation (BCI) report. Nibley City reserves the right to not hire a person who has been convicted of a job-related felony or a drug/alcohol related conviction within the past five (5) years.
6. Employees using a prescribed medication which may impair the performance of job duties, either mental or motor functions, must immediately inform their department manager of such prescription drug use. For the safety of all employees, the City will require an employee to provide a note from their medical provider stating they are fit to perform the functions of their job and the use of the medication will not impair job functions or increase risks to the employee or others.
7. Marijuana and cannabis products are controlled and prohibited substances. The use of marijuana or cannabis products will subject the employee to discipline, up to and including termination, as with any other prohibited substance, except as specifically provided below:
 - a. No employee may use medical cannabis if such use would jeopardize federal funding, a federal security clearance, or any other federal background determination

required for the employee's position, or if the employee's position is dependent on a license that is subject to federal regulations, including CDL licenses.

Commented [AJ136]: upon

- b. An employee may use medical cannabis if such use is authorized in accordance with state law, such as by a valid medical cannabis card, and the employee informs their supervisor of such use and authorization. The employee shall be required to provide proof of authorization. For the safety of all employees, the City will require an employee to provide a note from their medical provider stating they are fit to perform the functions of their job and the use of medical cannabis will not impair job functions or increase risks to the employee or others.

- 8. All aspects of this policy shall be subject to the appeals procedure described in this Section.

E. Drug/Alcohol Testing:

- 1. The parties to this policy and program agree that under certain circumstances, the City will find it necessary to conduct drug and alcohol testing. While "random" testing is not necessary for the proper operation of this policy and program, it may be necessary to require testing under the following conditions:
 - a. Testing will be done at random for all employees in safety sensitive positions or who require a CDL license to perform their responsibilities. These employees will be subject to all federally mandated modes of testing, including pre-employment and random.
 - b. Upon receiving an offer of employment from Nibley City, a pre-employment drug and alcohol test will be administered to all prospective employees prior to employment. Should a prospective employee test positive, the offer of employment will be rescinded.
 - c. A pre-employment drug and alcohol test may be administered to all applicants for employment.
 - d. In order to maintain safety in our City, a test may be administered in the event a supervisor has a reasonable cause or suspicion to believe that the employee has reported to work under the influence, or is or has been under the influence while on the job; or has violated this drug policy.
 - e. Testing will be required after all motor vehicle or equipment accidents, including CDL reportable incidences. All other accidents/incidents will be at the department manager's discretion and will require appropriate documentation.
 - f. Testing may be required as part of a follow-up to counseling or rehabilitation for substance abuse, for up to a 5-year period during the employee's employment with Nibley City. For commercial drivers this requires six (6) random tests during the first calendar year, and may be up to 60 months depending on SAP education and treatment plan;
 - g. Employees may also be tested on a voluntary basis.

Commented [CB137]: JT

Commented [JM138]: Important to know. Receptionist at the Work Med didn't want to test an employee after an accident because it was not a CDL issue. Had to convince her to do it.

Commented [CB139R138]: Will follow up with WorkMed

2. Each employee will be required to sign a consent and chain of custody form, assuring proper documentation and accuracy. If an employee refuses to sign a consent form authorizing the test, ongoing employment by the City will be terminated.
3. The City will bear the costs of all testing procedures, including split sample confirmation, if necessary.

F. Rehabilitation and Employee Assistance Program:

1. Employees are encouraged to seek help for a drug or alcohol problem before it deteriorates into a disciplinary matter. If an employee voluntarily notifies supervision that he or she may have a substance abuse problem, the City will assist in locating a suitable employee assistance program for treatment and will communicate with the employee regarding medical benefits available under the City's medical insurance program. However, financial responsibility is ultimately that of the employee.
2. If treatment necessitates time away from work, the City shall provide for the employee, an unpaid leave of absence for purposes of participation in an agreed upon treatment program. An employee who successfully completes a rehabilitation program shall be reinstated to his/her former employment status, if work for which he/she is qualified exists.

Commented [JM140]: Is this required?

Commented [CB141R140]: No. Not required but healthy (physically and mentally) employees are happy employees and typically more productive. Blomquist Hale is currently \$5.45/employee/month.

Commented [JM142]: Blomquist Hale reference?

Commented [CB143R142]: Do we want to include this specifically. There are other resources we may/could potentially contract with for these services. (I am actually interested in looking at who Logan City uses; Support Link). At this point in time we would "assist" them by referring them to Blomquist Hale.

Article VIII- Respect in the Workplace

A. Introduction:

1. Nibley City is committed to providing and promoting a culture of respect and an atmosphere in which employees can realize their maximum potential in the workplace. We work together as team and we do so in a professional manner. Our aim is to communicate in a way that is never offensive.
2. Sexual harassment and discrimination are illegal and endanger the environment of tolerance, civility and mutual respect that must prevail within the work place.
3. To this end, all employees of Nibley City must understand that sexual harassment, discrimination, and sexual exploitation of professional relationships will not be tolerated.
4. When necessary, the City will investigate and take action to resolve grievances promptly.
5. This policy applies to all applicants as well as officers, employees and persons who serve the City as its agents and are under the control of the City. Specific adherence shall be made an express term of every contracted service agreement entered into by the City.

Commented [CB144]: -JT

Commented [AJ145]: I would say "the City will investigate and take action to resolve grievances promptly." because the investigation takes place first.

B. Examples:

Examples of harassing and disrespectful behavior in the workplace and work-related environment may include, but are not limited to, the following:

- a. Derogatory statements, jokes or comments; do not expect to defend your actions or communication by stating 'it was only a joke';
- b. Derogatory practical jokes or gifts;
- c. Profanity or other abusive language;
- d. Referring to employees as "girl", "honey", "doll", "babe", "boy", or other terms that may cause the employee to be offended;
- e. Pressure for sexual favors;
- f. Sexual gestures, jokes or comments, or turning discussions to sexual topics;
- g. Intentionally sabotaging an employee's work or withholding information from the employee that he or she needs to perform the job;
- h. Displaying cartoons, visuals or materials that ridicule, offend or denigrate an employee;
- i. E-mail, visuals, computer software, internet services, or screensavers with sexual, racist or discriminatory content;
- j. Stalking another person or employee physically or electronically;
- k. Unwelcome touching, hugging or kissing;
- l. Unwelcome letters, phone calls or gifts;
- m. Unwelcome repeated requests for dates;
- n. Unwelcome personal questions or comments about social, religious, sexual or personal life;
- o. Unwelcome staring, hanging around or following a person;
- p. Stereotyping; and
- q. Physical assault;
- r. Physically blocking or impeding the movements of another employee.

Commented [CB146]: JT

Commented [AJ147]: remove "and"

C. Categories:

Discrimination and harassment take many forms. Two categories of sexual harassment and discrimination are particularly described below.

Commented [AJ148]: I would say "Two particular categories" instead of the how it is listed

1. Quid Pro Quo

- a. Sexual harassment presented as a "bargain" (quid pro quo)
- b. Unwelcome sexual advances, requests for sexual favors and other verbal and physical conduct of a sexual nature by one in a superior position constitutes "bargained-for sexual harassment" when submission by another is made either an explicit or implicit term or condition of employment. In this case apparent consent of the submitting party is less relevant than the extent to which the sexual conduct is unwelcome.
- c. As defined here, "bargained-for sexual harassment" normally arises in the context of an authority relationship. This relationship may be direct, as in the case of a supervisor and subordinate, or it may be indirect when the harasser has the power to direct others who have authority over the victim. Quid Pro Quo harassment is illegal and will not be permitted.

Commented [AJ149]: Instead of "bargain" I would list definition "a favor or advantage granted or expected in return for something" in order to clarify.

Commented [CB150]: JT

2. Environmental Harassment

- a. Unwelcome sexual advances, requests for sexual favors and other verbal and physical conduct of a sexual or discriminatory nature constitutes “environmental harassment” when such conduct has the purpose or effect of creating an intimidating, hostile or offensive environment which unreasonably interferes with another’s work or privacy. Environmental harassment can inflict emotional and psychological harm on individuals and can make relationships and the work environment unpleasant, threatening and unproductive. However, there is no requirement that evidence of actual emotional or psychological harm be shown in order for environmental harassment to be found to have occurred.
- b. In determining whether alleged conduct constitutes harassment as defined by this policy, the record as a whole will be considered, as well as the context in which the conduct occurred. Environmental harassment normally arises from a repeated and pervasive course of action, whereas bargained-for sexual harassment can be based on a single act.
- c. Facts will be judged on the basis of what is reasonable to persons of ordinary sensitivity and not on the particular susceptibility of an individual, unless that susceptibility is known to the alleged harasser.

D. Complaint Process:

1. Complaint Process:

All proceedings contemplated by this policy shall be confidential and will be closed to the public and City employees to the extent permitted by law, unless disclosure is required for legitimate investigative purposes.

2. Criminal Conduct:

Regardless of any internal investigation conducted by Nibley City, certain actions falling under the definition of sexual harassment or discrimination constitute criminal conduct and will be turned over to law enforcement.

In determining whether an allegation of sexual harassment rises to the level of criminal conduct, Nibley City will follow the provisions outlined in Utah Code §76-5-404 and other sections, as appropriate.

3. Informal Procedure:

Notification: If an employee thinks that they have been the object of sexual harassment or any type of discrimination from a Nibley City employee or an individual having regular contact with Nibley City, the employee should make clear to the harasser that such conduct is offensive. In the event that the complaint is against the employee’s department manager, the City Manager should be notified. All of these contacts are informal and do not need to be in writing.

Resolution: If an employee contacts the department manager, that individual should discuss the issue with the complainant and help to identify courses of action to resolve the issue.

4. Formal Procedure:

If the conduct in question continues after the informal procedure, or if the complainant is not satisfied with the informal procedure, then the complainant may file a written complaint regarding the conduct.

Nibley City Employees:

- a. If the complaint is against a city employee, the complainant may submit a written statement regarding the conduct to the offending employee's department manager or the City Manager. If an agreeable resolution cannot be decided upon, the complainant may submit the complaint to the City Council. In the event the department manager or City Manager is the party against whom the allegations are being made, the complaint should be filed with the Mayor, or designee, and/or the City Council.
- b. Investigation: The person with which the complaint is filed shall cause an investigation to occur into the alleged misconduct. The investigation shall include, but not be limited to, an interview of the complainant and the alleged harasser. The City will issue a written report of its investigation.
- c. If the report confirms or supports the complaint, the person responsible for the investigation shall determine the type of action, changes, and/or discipline that is required to correct the conduct and ensure it is not repeated. In doing so, the person shall coordinate with the Mayor, City Manager and relevant department managers as necessary.

5. Records and Confidentiality:

- a. Records of investigations, reviews, and grievance procedures will be kept in a separate confidential file in the city office.
- b. Notice and documentation of disciplinary action resulting from investigations, reviews, and/or grievance procedures will be destroyed if the complaint is found to be without merit.

6. Penalties:

Penalties will be determined on the basis of the facts of each case and the extent of harm to the City's interests, as well as any record indicating previous similar or wrongdoing by the accused person. If, after investigation, findings indicate that the complaint is meritorious, the employee committing the acts of sexual harassment or discrimination will be appropriately disciplined as set forth in Section 6 of the Nibley City Personnel Policy.

E. Non-Fraternization Policy

1. Policy:

Dating, requests for dates and/or personal relationships between management and persons within their scope of influence are prohibited.

2. **Definitions:**

- a. Management is defined as all exempt positions, managers, supervisors, department heads, elected and appointed officials, etc.
- b. Scope of Influence includes the ability to hire, affect salary, promotional status, performance appraisal content, work assignment, termination of employment, etc.
- c. If an employee is unsure if they fall within the scope of influence of another person, the employee should contact their direct supervisor or the City Manager for clarification.
- d. If a conflict of interest or a dating relationship between a superior and a subordinate (as defined above) is established after employment begins, it is the responsibility of the supervisor involved to disclose the existence of the relationship to management.

3. The City reserves the right to take appropriate action to eliminate the conflict.

- a. Such action could include a transfer to a different team, a different shift or location or, in the extreme, termination of the supervisor in the relationship.

Commented [AJ151]: I think this should either have a sub letter or be part of the previous sentence's paragraph.

F. Retaliation and Whistleblowing Policy

1. **Policy:** Retaliation by the City and any of its officers, officials, and employees against any employee is strictly prohibited.

2. **Definitions:**

- a. Retaliation is treating a person differently or engaging in acts of reprisal, intimidation, or other adverse action against the person because the person has engaged in protected activity, filed a charge of discrimination, participated in an investigation, engaged in whistle-blowing, or opposed a discriminatory practice.
- b. Whistle-blowing is defined in the Utah Protection of Public Employees Act, Utah Code Title 67, Chapter 21, as the reporting of the waste or misuse of public funds, property, or manpower; a violation or suspected violation of a law, rule or regulation; gross management; abuse of authority; or unethical conduct.

3. **Procedures:**

- a. Any employee alleging that they or another employee has been the target of retaliation shall follow the procedures set forth in this Article for filing a complaint.
- b. The City shall provide employees with a copy of the Utah Protection of Public Employees Act when an employee is hired, upon a request by an employee, and when an employee files a complaint regarding whistle-blowing.

Section 7: Appendices

Appendix A – Cell Phone Policy and Consent

NIBLEY CITY CELL PHONE POLICY

Nibley City recognizes that allowing certain City personnel to use a cell phone is helpful to efficiently conducting City business. This policy provides specific guidelines regarding the use of cell phones for business purposes and the methods available to accomplish this purpose.

When the job duties of an employee require the frequent use of a cell phone to conduct City business, the City Manager or Public Works Director may authorize a monthly allowance for that employee.

Approved employees will receive a monthly allowance to help defray costs related to their work as a City employee which are incurred under the employee's personal cell phone plan. Any costs incurred in excess of the monthly allowance are the sole responsibility of the employee.

The allowance will be paid through the payroll process and is considered taxable income. The allowance does not constitute an increase to base pay and will not be included when calculating retirement contributions. Because the cell phone contract is paid personally by the employee, and the allowance provided is taxable income, the employee may use the phone for both business and personal purposes as appropriate.

Because the cell phone contract is paid personally by the employee, the employee may, at his or her own expense, add extra services or equipment features as desired.

Employees who receive a cell phone allowance are responsible for:

- Purchase of equipment and accessories and maintaining insurance on the equipment
 - Insurance is highly recommended, especially for employees working in environments that could be hazardous to cell phones, because any and all damage to equipment will be the responsibility of the employee.
- Ensuring that the phone is fully charged and operable during business hours, including bringing the phone with them each day they are at work.
- Payment of bills and charges, including cost for any cosmetic or other extras associated with the phone
- Account setup
- Notifying the City immediately if the phone is out of service
- Applicable taxes (allowance is taxable income paid through payroll)
- Upon request of the city, providing recent billing statements reflecting all calls conducted during work hours.
- Voice, text, data and all other charges

Employees receiving a cell phone allowance must maintain active cell phone service with a wireless provider as long as the cell phone allowance is provided to the employee.

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

The City will not provide technical support for personal cell phones, except for limited support for data communication with the City's network for those authorized to have the ability to do so.

While engaged in city business, all employees are prohibited from operating vehicles or equipment while using a cell phone in any manner, unless a hands-free device is being used, with the exception of City employees operating certain emergency vehicles and when reporting certain emergencies or illegal activity or to prevent injury.

Qualification for cell phone allowance will be determined by the City Manager and provided as follows:

- High-use: \$60 per month
- Low-use: \$30 per month

Some employees may be required to use a smart phone with data and email capabilities.

During work hours, personal calls shall be kept to a minimum. Whenever possible, personal calls should be limited to break time, lunch time and non-working hours.

If an individual's supervisor has reason to suspect an abuse of this policy, he/she may request documentation of an employee's cell phone use during working hours.

ACKNOWLEDGEMENT

This is to acknowledge that I have read, understand and agree to the terms of Nibley City's Cell Phone Policy.

I understand that failure to follow the provisions of this policy could lead to the loss of my cell phone allowance and/or other disciplinary action, including termination. I am also aware that the City reserves the right to change this policy at any time.

Name: _____

Title: _____

Signature: _____

Date: _____

Appendix B – Nibley City Computer Usage Policy

NIBLEY CITY COMPUTER USAGE POLICY

A. Policy:

1. All data that is composed, transmitted, or received via our computer communication systems are subject to disclosure to management, law enforcement or other third parties.
2. Employees should always ensure that the business information contained in internet email messages and other transmissions is accurate, appropriate, ethical, and lawful and that it preserves customer privacy when necessary.
3. The equipment, services, and technology provided by the City to access the internet remain at all times the property of Nibley City. As such, the City reserves the right to monitor internet traffic and retrieve and read any data composed, sent, or received through the City's online connections and stored in City computer systems.
4. Data that is composed, transmitted, accessed, or received via the Internet must not contain content that could be considered discriminatory, offensive, obscene, threatening, harassing, intimidation, or disruptive to any employee or other person.
5. The unauthorized use, installation, copying, or distribution of copyrighted, trademarked, or patented material on the Internet is expressly prohibited.
6. All employees are responsible for maintaining the City's positive reputation and under no circumstances should employees present the City to the public in a manner that diminishes its standing within the community.
7. Abuse of computer or internet access provided by Nibley City, in violation of law or City policies, will result in disciplinary action up to and including termination of employment.

Appendix C – Nibley City Purchasing Policy

NIBLEY CITY PURCHASING POLICY

This policy can also be found in Nibley City Code 1-24-010. If the policy found in NCC 1-24-010 is not consistent with this policy, NCC 1-24-010 shall govern and be followed.

Commented [JM152]: Current code shall govern?

1.24.010 Objectives

1. To purchase equipment, materials, supplies and services best suited to accomplish the desired task, to obtain equipment, materials, supplies and services at the lowest possible price by encouraging effective competition in public purchasing by competitive bidding;
2. To establish procedures for the disposal and/or assignment of surplus equipment, supplies and materials;
3. To establish procedures and policies to enhance the efficiency and effectiveness of the city's accounts payable system.

1.24.020 Purchasing Procedures

1. Purchases of equipment, materials, supplies and services exceeding one thousand dollars (\$1,000.00) shall be supported by at least two (2) verbal quotations, or written sole source justification, which shall be recorded with the invoice of the purchased items.
2. Purchases of equipment, materials, supplies and services exceeding twenty-five thousand dollars (\$25,000.00) shall be opened for competitive bidding or other competitive process and the award made by the city council. Inclusion of a specific item or service in an adopted budget shall be considered as approved by the council, but such inclusion shall not remove the requirement to competitively bid that item or service.
3. The council may waive the bid requirements provided herein if it determines such action to be in the best interest of the city and in compliance with state law, so long as justification for waiving the bid requirement is specified and made public.
4. The following items are excepted from bidding requirements: telephone services, utility services, payroll and employee benefits vendors, incidental and routine purchases for supplies and materials not to exceed one thousand dollars (\$1,000.00) per month per vendor. Also excepted are taxes, bond and loan payments, and authorized monthly travel expenses approved by the city council. Purchases of ongoing professional services, including those of city attorney, city engineer, bond council, and the city financial advisor are exempted from bidding requirements so long as the city council authorizes a contract for such services on a biennial basis.
5. All purchases for items in excess of five hundred dollars (\$500.00) shall be approved by the city manager.
6. The city manager may recommend a particular brand or style of an item or service that may satisfy the long-term needs and goals of the city. This may be done to achieve uniformity in design or ease in replacement of an item. If it can be determined that there is more than one vendor available for a designated brand or style then the city shall follow the appropriate competitive bidding requirements of this chapter. The city council shall be notified of such items, and those items shall be exempt from competitive bidding requirements of this chapter.

Commented [AJ153]: add hyphen

Commented [AJ154]: add comma and remove "then"

7. Items or services available through the state of Utah, division of purchasing contracts, may be purchased at the state contract prices and not be subject to other requirements concerning bidding contained in this chapter.
8. All public works projects not being constructed by Nibley City employees shall be advertised twice in a local paper or appropriate trade journal and, where practicable, sent to at least three (3) available vendors. Bid receipt deadlines shall not be less than ten (10) days following the last publication. All bids received shall be sealed. They shall be opened in a public setting that bidders and other interested parties may attend.
9. All equipment purchases over twenty-five thousand dollars (\$25,000.00) shall be appropriately noticed in order that multiple vendors may have the opportunity to submit their proposals. Written bids shall be required.
10. If a contract is awarded to other than the lowest qualified bidder, the reason for accepting a higher bid must be specified and made public.
11. Credit cards maintained by the city shall be closely and carefully monitored to make sure the original invoice is matched with the credit card billing and that all purchases are accounted for as legitimate city purchases.

1.24.030 Emergency Purchases

1. An emergency may be determined by the city manager or, in his absence, the public works director or City Engineer as a situation wherein the equipment, supplies or services must be purchased in an immediate and timely manner in order to ensure the safety of employees or preserve the public health, safety or welfare.
2. In an emergency situation, whenever possible, the equipment, supplies or services shall be purchased from a vendor that has previously been the successful competitive bidder with the city.
3. As soon as is practicable after the emergency situation, the purchaser shall provide the city recorder with the information concerning the purchase, including sales or delivery receipt, and a written explanation detailing the circumstances of the emergency.

1.24.040 Disposal Of Surplus Or Unneeded Items

1. The city may dispose of any supplies or equipment that are deemed to be surplus or no longer of value or use to the city. If the value of the item is deemed to be in excess of three hundred dollars (\$300.00) a public announcement of the intention to dispose of the item shall be made. The city manager shall prescribe methods of selling of the items with the objectives of making it available to the general public and receiving the most remuneration possible for the city.
2. Items of value in excess of five thousand dollars (\$5,000.00) shall only be deemed surplus by the city council.
3. City employees shall not buy or receive any surplus items from the city without the consent of the city council.

1.24.050 Disposal Of Significant Parcel(s) Of Real Property

1. Any transfer of real property, significant or not, as defined herein, under this section may be executed by a property transfer agreement, only after such agreement is approved the City Council. The property transfer agreement may define the future

Commented [AJ156]: delete one "the"

restrictions or intended uses of any property that the City gifts, leases, or sells to a new owner.

2. Pursuant to Utah Code § 10-8-2(4), the City defines a significant parcel of real property as a parcel of real property which is eligible for residential or commercial development, based on the requirements of said parcel's underlying zone, and having such value to the City that the City would not dispose of the real property without selling or trading it for its full fair market value as determined by a current appraisal or by another reliable method for determining the value of real property, subject to reasonable adjustment within the discretion of the City Council.
3. Before disposing of a significant parcel of real property, the City shall hold a public hearing, for the purpose of receiving public comment on the proposed disposition. Reasonable notice of the public hearing shall be given at least fourteen (14) days prior to the date of the public hearing and shall **include** notice of the date, time and place of the public hearing, and the purpose for which the public hearing is being held. "Reasonable Notice" shall be considered as having the notice published once in a newspaper of general circulation the City, publishing the notice on the Utah Public Notice Website, posting the notice on the real property proposed for the disposition, and posing the notice of the City's official website.

Commented [AJ157]: include not included

HISTORY

Adopted by Ord. [15-08](#) on 9/3/2015

ACKNOWLEDGEMENT

This is to acknowledge that I have read, understand and agree to the terms of Nibley Purchasing Policy.

I understand that failure to follow the provisions of this policy could lead to the loss of my purchasing rights and/or other disciplinary action, including termination. I am also aware that Nibley City, with the consent of the Nibley City Council, reserves the right to change this policy at any time.

Name: _____

Title: _____

Signature: _____

Date: _____

Appendix D – Nibley City Employee Credit Card Use Agreement

NIBLEY CITY EMPLOYEE CREDIT CARD USE AGREEMENT

Being issued a credit card represents the City's trust in you. You are empowered as a responsible agent to safeguard the City's assets. Your signature below is verification that you have read this use agreement and agree to comply with it. It also acknowledges that you have received Zions

Bank Visa® Commercial Card Last Four # _____.

1. I understand that the card is for City approved purchases only, and I agree not to charge personal purchases or those not authorized by the city budget or purchasing policy. Initial: _____
2. Improper use of this card can be considered misappropriation of City funds. This may result in disciplinary action, up to and including termination of employment and/or criminal prosecution. Initial: _____
3. If the card is lost or stolen, I will immediately notify Zions Bank by telephone. I will confirm the telephone call by email with a copy of the notification to my supervisor and the City Treasurer. Initial: _____
4. I agree to surrender the card immediately upon request or termination of employment, whether for retirement, voluntary or involuntary reasons. Initial: _____
5. The card is issued in my name. I am responsible for any and all charges against the card. Initial: _____
6. All charges will be billed directly to and paid directly by the City. The bank cannot accept any monies from me directly; therefore, any personal charges billed to the company could be considered criminal misappropriation of company funds. Initial: _____
7. As the card is City property, I understand that I may be periodically required to comply with internal control procedures designed to protect City assets. This may include being asked to produce the card to validate its existence and account number. Initial: _____
8. I understand it is my responsibility to produce receipts on ALL purchases to the Nibley Accounts Payable Clerk on a monthly basis. If receipts are turned in late or are lost, purchase card privileges may be revoked and I will be held responsible to pay for those charges. Initial: _____
9. I will receive a Monthly Reconciliation Statement either in paper form or by logging onto my account via the web, which will report all activity during the statement period. Since I am responsible for all charges on the card, I will resolve any discrepancies by either contacting the supplier, the bank, or working with the Nibley City Accounts Payable Clerk. Initial: _____
10. The charges made against my card will be assigned to an account number using Nibley City's general ledger account numbers, as assigned in the city budget. I understand that I am responsible for assigning a GL account to each transaction, which will be reviewed

by the City Recorder/Manager. Initial: _____

11. I understand that the Zions Bank Commercial Card is not necessarily provided to all employees. Assignment is based on my need to purchase materials for City use. My card may be revoked based on change of assignment or policy. I understand that the card is not an entitlement nor reflective of title or position. Initial: _____
12. I have read and understand the requirements of H.B 431. I understand that the requirements of H.B. 431 apply to my Zions Bank Credit Card and agree to abide by them. Initial: _____
13. H.B. 431 requires that a public official who uses a government card for personal use must pay a 50% penalty, in addition to the charged amount. Initial: _____
14. I also understand that this reimbursement and penalty may be withheld from my wages. Initial: _____
15. I have received a copy of my department budget(s), the Purchasing Policy, and H.B. 431. Initial: _____

Employee Signature

Date

Employee Printed Name

Witness Signature

Date

Appendix E – Nibley City Dress Code Policy

Commented [CB158]: “Borrowed” from the City of American Fork

NIBLEY CITY DRESS CODE POLICY

1. Dress, grooming, and personal cleanliness standards contribute to the morale of all employees and can affect the business and professional image Nibley City presents to patrons and visitors. During business hours, employees are expected to present a clean and neat appearance and to dress according to the requirements of their positions. Consult with your department manager to determine what types of appearance and dress are required for your particular position. Absent any position-specific instruction from your department manager, the following guidelines apply to all City employees, and are to be defined and applied by your department manager.

A. Acceptable Business Casual Attire

A business casual dress code is appropriate for Nibley City employees working in office type settings. Examples of Acceptable Business Casual Attire include:

- (1) Clothing that projects a professional image. All clothing shall be clean and without rips, holes, etc.
- (2) Slacks or dress pants. Employees may also wear dress denim jeans if approved by the department manager.
- (3) Casual dresses, skirts and skorts that are no shorter than 3 inches above the top of the knee, or if the skirt is worn together with leggings, no shorter than 5 inches above the top of the knee. Skirts that are split at or below the knee. Leggings are allowed under a skirt or dress only.
- (4) Casual shirts, dress shirts, golf-type shirts and turtlenecks.
- (5) Business suits and sport jackets.
- (6) Men's and women's dress shoes, clogs, boots, flats and dress heels.
- (7) T-shirts are not acceptable attire in a business casual environment.

B. Acceptable Casual Attire

A casual dress code may be appropriate for some employees in certain situations and as directed by the City Manager and/or department manager. A casual dress code is appropriate for Nibley City employees working in public works, recreation, or school safety settings.

- (1) Clothing that projects a professional image. All clothing shall be clean and without rips, holes, etc.
- (2) Blue jeans must be in good conditions (i.e. not ripped or tattered).
- (3) T-shirts and sweatshirts must be in good condition.
- (4) Athletic shoes must be in good clean condition
- (5) Any acceptable business casual attire is also appropriate in a casual attire environment.

C. Personal protective equipment (PPE)

Personal protective equipment (PPE) is protective clothing, helmets, goggles, or other garments or equipment designed to protect the wearer's body from injury or infection. The hazards addressed by protective equipment include physical,

electrical, heat, chemicals, biohazards, and airborne particulate matter.

It is the policy of Nibley City to provide personal protective equipment and safety clothing to all department employees that may be exposed to hazardous materials or hazardous working conditions during working hours. Employees must wear the appropriate protective equipment and safety clothing to perform their prescribed work in a safe and productive manner. Employees will care for City issued protective equipment and safety clothing properly to help increase the longevity of these items. Personal protective equipment and safety clothing provided by Nibley City is intended to be used by the employee while working for the City. Failure to do so may result in disciplinary action. Supervisors are responsible to see that proper safety equipment is provided and properly used. The supervisor is also responsible for the proper spending of City funds when purchasing safety equipment. Strict, unbiased discretion is expected as the supervisors determine when an employee's safety equipment needs to be replaced. All protective and safety clothing and protective devices must meet OSHA, ANSI or Department standards.

Employees working in areas that may expose them to possible injury must wear the proper safety clothing and personal protective equipment (PPE) as dictated by the situation.

Commented [CB159]: "Borrowed" from UDOT

D. Unacceptable Attire

The following is not acceptable attire at any time except with the express authorization of the City Manager and/ or department manager:

- (1) Clothing that is tight or clothing that is revealing such that either midriff or cleavage is exposed.
- (2) Clothing that contains offensive words, cartoons or images, etc.
- (3) Clothing that contains political statements, slogans or campaign related information.
- (4) Employees shall not wear any type of clothing, footwear, headgear, etc. that contains the name of a company or corporation that the City contracts with or uses as a vendor unless approved by the City Manager and/ or department manager.
- (5) Bib overalls, sweatpants, exercise pants, warm-up suits and any pants made from spandex-like material.
- (6) Tight skirts, mini-skirts, strapless dresses, and spaghetti-strap dresses.
- (7) Midriff tops, halter-tops, and tube tops.
- (8) Shower footwear, beach flip-flops, or slippers.
- (9) Hats that have not been authorized by the City.
- (10) Using a reasonable person standard, other attire which may not be considered appropriate for the workplace.

E. Personal Hygiene and Grooming, Tattoos, Body Piercing, and Body Alterations

- (1) Personal Hygiene and Grooming
 - i Employees are expected to present a professional appearance while at work. This includes practicing good personal hygiene and

grooming habits as set out by the CDC and maintaining personal cleanliness.

- ii Hair, including facial hair, should be clean, well-groomed, and conform to professional standards of style and color. Extremes in hairstyle or unnaturally colored/dyed hair will not be permitted. What is considered to be “unprofessional” or “extreme” will be decided by your department manager.

(2) Tattoos

While at work or representing the City in any capacity, every reasonable effort should be made to conceal tattoos or other body art. At no time while at work or representing the City in any official capacity shall any offensive tattoo or body art be visible. Examples of offensive tattoos would include, but not be limited to, those which depict racial, sexual, discriminatory, gang-related or obscene language.

(3) Body Piercing

Visible body piercing jewelry may only be worn on the earlobe. “Gauge” style earrings may not be worn. Facial jewelry, such as eyebrow rings, nose rings, lip rings, and tongue studs, are not professionally appropriate and may not be worn while at work. Torso body piercings with visible jewelry or jewelry that can be seen through or under clothing may not be worn at work.

(4) Body Alteration

Alteration to any area of the body which is visible to the public that is a deviation from normal anatomical features and which is not medically required is prohibited. Such body alteration includes, but is not limited to:

- i Tongue splitting
- ii The complete or transdermal implantation of any material other than hair replacement
- iii Abnormal shaping of the ears, eyes, nose or teeth
- iv Branding or scarification

2. Employees who appear for work inappropriately dressed will be sent home and directed to return to work in proper attire. Under such circumstances, employees will not be compensated for the time away from work, and will not be eligible to use or apply other paid time off.
3. Consult your supervisor or department manager if you have questions as to what constitutes appropriate attire.
4. No part of this Personal Appearance Policy shall be interpreted to establish any policy in violation of state or federal laws. The City is an equal opportunity employer with a firm policy against unlawful discrimination based on protected classes such as race,

color, religion, sex, sexual orientation, gender identity, pregnancy, marital status, national origin, genetic information, age, disability, veteran status, or any other legally protected status. If any employee feels that the Personal Appearance Policy is in direct conflict with his or her sincerely held religious beliefs, he or she must immediately notify a supervisor, who will take the steps necessary to make reasonable accommodations for the employee, so long as the accommodation does not impose an undue hardship on the City.

Appendix F – Nibley City Vehicle Use Policy and Driver Qualifications & Consent

NIBLEY CITY VEHICLE USE POLICY and DRIVER QUALIFICATIONS & CONSENT

Revised April 2022

TRAFFIC AND MOTOR VEHICLE OPERATION*

Administrative Policy

- (a) Our vehicles are a familiar sight to the people we serve. If our drivers are courteous and considerate, our city will be judged to be the same. The customers we serve are the drivers you meet on the street. Be courteous to both. Policies contained in this section shall apply whenever an employee is operating city-owned motor vehicles, when operating privately-owned motor vehicles under contract to the city, or whenever the employee is being compensated for use of a vehicle on a mileage or salary basis by the city. The purpose of these policies is to assist in avoiding traffic and equipment accidents by developing careful and courteous driving practices.

Knowledge and Compliance with Laws

- (a) Drivers of city vehicles shall be familiar with and obey all [State Vehicle Codes](#), local traffic policies and ordinances, and all city policies and regulations governing vehicle operations. The omission of any of the Vehicle Code provisions from these policies does not relieve the driver of responsibility for complying with applicable State Vehicle Code provisions.

License and Permits

- (a) Drivers of vehicles shall have in their possession a valid operators or commercial drivers license with a current medical card, as required by the State Motor Vehicle Code.
- (b) Performance tests, as might be required or necessary, shall be given for special equipment.
- (c) Relief drivers shall be designated and trained as replacements for regular drivers during vacation, sickness, etc. Their qualifications shall meet those stated for a regular driver.
- (d) Special permits from the proper governmental agency must be obtained before any load is moved upon the road or highway when said load exceeds the normal limits with respect to weight, length, width, or height. The driver of the vehicle shall understand and abide by the conditions of the special permit. A copy of the permit shall be carried on the vehicle to which it refers and shall be available to any authorized agent.

Defensive Driving

- (a) Employees are urged to practice defensive driving at all times. Avoid accidents by anticipating that someone may step from between parked cars, that a car may pull out from the curb without warning, or that the driver ahead may turn or stop suddenly.
- (b) Employees shall drive courteously at all times and shall yield the right-of-way to other vehicles if there are any questions as to which vehicle has the right-of way.

Speed Laws

- (a) Drivers of vehicles shall comply with the posted speed limits at all times.
- (b) These limits are specific speeds established by code for certain situations such as school zones, business and residential districts, and other specialized zones established by the posting speed limit signs. This also applies to open highway when speed limits are established by code and posted.

Physical Condition of Driver

- (a) No drivers shall drive a city vehicle while his/her physical condition is such as to impair his/her normal judgment and ability.

Unauthorized Drivers

- (a) No persons shall be allowed to drive city equipment unless he is an employee of the city and is authorized to use the vehicle. This rule shall apply to family members and friends of employees in charge of city vehicles

Alcoholic Beverages and Controlled Substances

- (a) Driving while intoxicated or under the influence of drugs is a misdemeanor in the eyes of the law and will be grounds for discipline or immediate discharge. Nibley City has a strict policy regarding Drug Testing in the event of an accident.

Safe Operations

- (a) Drivers shall not operate vehicles with inadequate brakes, faulty steering gear, horn, lights, etc., except to proceed to a place where repairs can be made, and then only at such reduced speed or in such manner as will enable the movement to be made safely.
- (b) When known, mechanical defects shall be reported to the headquarters of the vehicle or to the city garage.

Vehicle Safety Inspection (Pre-trip Inspection)

- (a) All vehicles in use shall be checked at the beginning of each shift to assure that the following parts, equipment and accessories are in safe operating condition and free of apparent damage that could cause failure while in use:
 - (1) Service brakes, including trailer brake connections
 - (2) Parking system (hand brake).
 - (3) Emergency stopping mechanism.
 - (4) Coupling devices.
 - (5) Seat belts.
 - (6) Operating controls.
 - (7) And safety devices.
- (b) All defects shall be corrected before the vehicle is placed in service.
- (c) These requirements also apply to equipment such as lights, reflectors, windshield wipers, first aid kits, fire extinguishers, etc., where such equipment is necessary.

Movement of Vehicles

- (a) Before starting to move a vehicle, either forward or backward, the driver shall determine that no person or object is in the path of the vehicle. This shall be done by:
 - (1) Personal inspection if alone.
 - (2) Using a flagman if available.
- (b) Extraordinary precautions shall be taken when driving motor vehicles near children.

Backing

- (a) Backing into streets or roadways is prohibited except when impractical to proceed by other means. Extreme caution shall be used under these circumstances and flagmen used if available.
- (b) No vehicle equipment shall be operated having an obstructed view to the rear unless:
 - (1) The vehicle has a reverse signal alarm audible above the surrounding noise level; or
 - (2) The vehicle is backed up only when observer signals that it is safe to do so.
- (c) All bi-directional machines, such as hysters, front end loaders, trenchers, and similar equipment shall have in operation a reverse signal alarm distinguishable from the surrounding noise level or an employee signaling that it is safe to do so.

Transporting Employees

- (a) Employees shall ride within the body of the vehicle in firmly secured seats that are provided with seat belts. Under no circumstances shall employees ride on fenders, running boards, tail gates, side rails, or tops of vehicle.
- (b) All sharp tools, such as saws, chisels, axes, knives, etc., carried on vehicles shall be so stored or guarded to prevent injury to workmen.
- (c) Before proceeding employee drivers shall make certain that all loads are properly secured, employees are so placed as to preclude being exposed to hazards from shifting loads, and employees are riding in seats provided.
- (d) Employee drivers shall not permit boarding or alighting from vehicles which they are operating while such vehicles are in motion.
- (e) No passenger in a vehicle shall ride in such a position as to interfere with the driver view ahead, to the sides, or to interfere with his/her control over the driving mechanism of the vehicle.
- (f) Drivers or passengers shall not throw trash, waste paper, any burning material, or other objects from vehicles.

Seat Belts

- (a) When driving or riding in any city motor vehicle, the seat belts must be worn and fastened at all times.

Parking on a Hill

- (a) Park parallel, close to the curb or edge of the road, unless signs or pavement markings indicate angle parking. Turn on the emergency flashers unless legally parked off the highway.
- (b) Never park on the paved or traveled part of any highway outside of a business or residential district when it is possible to pull off the road.
- (c) If you have to make an emergency stop, get all four wheels off the hard surface. Turn on the emergency flashers and place warning devices.
- (d) Never park on a hill or curve unless it is impossible to move the vehicle. Take all emergency precautions available to warn other motorists.
- (e) If you park on a hill, wheels shall be chocked.
- (a) Vehicles shall be kept free from accumulation of materials that constitute hazards from tripping, obstructions, or fires. Sufficient clearance shall be allowed for access

to material and tools. All surfaces shall be kept free from protruding nails or bolts, splinters, loose boards, and unnecessary holes or openings.

- (b) Good housekeeping shall be maintained at frequent and regular intervals. All sweepings, solid, or liquid waste, refuse and garbage shall be removed and disposed of in proper receptacles as often as necessary or appropriate to maintain equipment in a sanitary condition.
- (c) A common drinking cup or other similar utensils are prohibited.
- (d) When winches on trucks or tractors are used to raise or lower poles or material, pull in wire, etc., the operator shall not leave the controls while the winch is in operation or is being used to hold a load.
- (e) Drivers of city trucks and other vehicles equipped with booms or derricks, truck mounted ladders, mechanical or hydraulic lifts, hole diggers, or similar equipment, shall not drive with such equipment in an elevated or partially elevated position.
- (f) Proper precautions shall be taken at all times to prevent contact with overhead lines, trees, or structures.
- (g) Safety chains will be used on all trailed equipment except semi-trailers coupled with a standard fifth-wheel.
- (h) All haulage vehicles, whose payload is loaded by means of cranes, power shoves, loaders, or similar equipment, shall have a cab shield and/or canopy adequate to protect the operator from shifting or falling materials.
- (i) Whenever the equipment is parked, the parking brake shall be set. Equipment parked on inclines shall have the wheels chocked and the parking brake set. Emergency flashers will be set when necessary.
- (j) No modifications or additions which affect the capacity or safe operation of the equipment shall be made without manufacturer's written approval. If such modifications or changes are made, the capacity, operation, and maintenance instruction plates, tags, or decals shall be changed accordingly. In no case shall the original safety factor of the equipment be reduced.
- (k) Display of Red Lights, Flags on Loads.** The driver of every vehicle operating a half hour after sunset to a half hour before sunrise and carrying a load extending four feet or more beyond the end of the vehicle, shall attach at the end of the load two red lights plainly visible under normal atmospheric conditions from a distance of not less than 500 feet from the rear and sides. At any other time the driver shall attach at the extreme end of such load a red flag or cloth at least 16 inches square.
- (a) All equipment left unattended at night adjacent to a highway in normal use, or adjacent to construction area as where work is in progress, shall have appropriate

lights or reflectors or barricades equipped with appropriate lights or reflectors to identify the location of the equipment.

- (b) Heavy machinery, equipment or parts thereof which are suspended or held aloft by use of a sling, hoists, or jacks shall be substantially blocked or cribbed to prevent falling or shifting before employees are permitted to work under or between them. Bulldozer and scraper blades, end-loader buckets, dump bodies, and similar equipment shall be either fully lowered or locked when being repaired or when not in use. All controls shall be in a neutral position with the motors stopped and brakes set, unless work being performed requires otherwise, and then only when other suitable precautions are installed.
- (c) When driving vehicles or equipment under the speed limit in a manner that may impede traffic flow, the emergency flashers will be set to warn on-coming traffic.

Coasting Prohibited

- (a) City vehicles must be operated in gear while in motion. Coasting on the highway and especially on a downgrade is prohibited.

Approach of Emergency Vehicles

- (a) Drivers shall yield the right-of-way to all emergency vehicles when they are approaching with red lights and/or siren in operation. City equipment will proceed immediately to a position parallel to, and as close as possible to, the right-hand edge of the curb of the roadway and shall stop and remain in such position until the emergency vehicle has passed.

Truck and Heavy Equipment Operation

- (a) Vehicles shall be loaded properly. The driver's view shall not be obstructed. Loads shall be properly fastened with ropes or binders. Material transported on the same truck with workmen shall be secured to prevent shifting.

*These policies are also found in the Nibley City Safety Policy Manual

DRIVER QUALIFICATION

Safety is critical to our operations, therefore all employees or volunteers operating City-owned vehicles or who operate any vehicle while conducting business for or on behalf of the City of Nibley must be qualified as an "Acceptable" driver per this Driver Qualification Policy prior to operating said vehicles on any public roadway.

Drivers, or potential drivers' MVR (Motor Vehicle Record) will be screened pre-hire and monitored thereafter. Drivers will be qualified as "Acceptable," "Borderline" or "Unacceptable." Drivers whose qualification is "Borderline" will require approval from the City Manager before operating a vehicle while conducting, or traveling for Nibley City business. Drivers with a "Borderline" qualification who are authorized by management to drive may do so on a

Commented [AJ160]: awkward, remove "of Nibley" and make it City-owned

probationary basis. Drivers with an "Unacceptable" qualification will not be allowed to operate Nibley City owned vehicles or any vehicle while conducting, or traveling for Nibley City business. **Because the ability to drive is required for public works positions, revocation of driving privileges may result in termination.**

All drivers must **posses** a valid Driver License with endorsements appropriate for the vehicles to be operated. The driver qualification evaluation will be based on the driver's MVR and other work-related motor vehicle incidents, whether or not the incident is reported to the DLD (Driver License Division) and recorded on the driver's MVR. All violations or incidents recorded on the MVR, whether they occurred on the job or not, are included in the driver qualification evaluation.

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"Acceptable", "Borderline" and "Unacceptable" qualification will be determined using the following criteria:

Moving Violations	At-Fault Accidents			
	0	1	2	3
0	Acceptable	Acceptable	Borderline	Unacceptable
1	Acceptable	Acceptable	Borderline	Unacceptable
2	Borderline	Borderline	Unacceptable	Unacceptable
3	Unacceptable	Unacceptable	Unacceptable	Unacceptable
4	Unacceptable	Unacceptable	Unacceptable	Unacceptable

Any single major violation may result in an "Unacceptable" qualification as determined by the City Manager. Major violations include the following or an equivalent:

- Driving under the influence of alcohol/drugs
- Failure to stop/report an accident
- Reckless driving/speeding contest
- Driving while impaired
- Making a false accident report
- Vehicular homicide, manslaughter or assault Diving while license is suspended/revoked Careless driving
- Attempting to elude a police officer
- Other violations as determined by management

Vehicle Use

Nibley City-Owned vehicles shall be used exclusively for Nibley City business.

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All public works vehicles shall be marked and identified with a Nibley City Logo.

With the exception of an on-call employee, all City-owned vehicles shall be parked in the Public Works Yard, behind the locked gate outside of business hours. Keys shall be removed from the vehicle, and the doors and storage compartments locked.

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An on-call employee will be allowed to drive a City-owned Vehicle home outside of business hours, however policies related to keys and locking still apply. The City Manager, Public Works Director, City Engineer, and Water and Sewer Manager shall be considered to be on call at all times.

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As a general rule, non-city employees should not operate a city-owned vehicle, except as required for business-related purposes.

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Employees shall not operate a handheld phone or participate in any other careless or potentially distracting activity while operating a city vehicle.

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Employees shall wear seat belts while vehicles are being operated and shall follow all other traffic laws.

I have read and understand this policy.

Printed Name

Date

Signature

DL #

DL State:

Appendix G – Nibley City Employee Health & Wellness Incentive Policy

NIBLEY CITY EMPLOYEE HEALTH & WELLNESS INCENTIVE POLICY

Introduction:

In an effort to enhance employee health, wellness, and productivity by encouraging and promoting physical exercise and healthy lifestyles, benefit-eligible employees qualify to receive a Health and Wellness Benefit under the following conditions.

- Full-time, benefited employees eligible to receive Nibley City's health and wellness incentive on an annual basis.
- All employees must request and receive approval for their health and wellness benefit to receive payment. Employees must submit an approved Health & Wellness Incentive Program Reimbursement Request Form for payment.
- Employees must seek and receive prior approval before making expenditures for equipment, coaching, education or anything other than a gym membership.
- If an employee terminates employment with Nibley City, the Health & Wellness benefit is forfeited.
- New hires are not eligible for this benefit until after completion of their probationary period.
- New hires will have their health and wellness benefit prorated according to the percentage of months remaining in the fiscal year after they complete their probationary period.
- Employees may request permission and/or reimbursement by filling out the Health & Wellness Incentive Program Reimbursement Request Form. Requests must be made prior to May 1st each fiscal year. Requests not made by the deadline date will result in forfeiting that fiscal year's benefit. Unused benefit amounts do not carry over from year to year.
- Eligible costs are reimbursable up to \$300.00 per fiscal year. This amount is subject to change based on benefit amounts available each budget year.
- Requests for reimbursement must be approved by the City Manager and must be for one of the approved expenses listed below.

Health & Wellness Reimbursement Options:

- Gym Membership – includes employee and immediate family
- Exercise Equipment – Must receive approval prior to purchase
- Wellness Coaching – Must receive approval prior to purchase
- Health/Wellness Education – Must receive approval prior to purchase

Commented [JM167]: This has been pretty loose, should we change up the words?

Appendix H – Work From Home Agreement

Nibley City team members who are exceeding expectations for their position may have the opportunity to work from home. Team members who are meeting the requirements to work from home for their position should reach out to their department manager to facilitate the request. Please note that not every position is available to work from home.

General Work Arrangements—This document specifies the terms and conditions of the Work from Home Agreement between _____ and Nibley City, beginning on _____ [date] and ending on _____ [date].

The days and hours when the employee is expected to be physically present in the workplace are _____ [days] between the hours of _____ [hours] and additional times designated by their supervisor.

1. The alternate work site is _____ [address].
2. The days and hours when the employee is expected to work from home are _____ [days] and _____ [hours].
3. The employee's duties and responsibilities:
 - A. Will remain the same as when working at the regular Nibley City worksite; OR
 - B. The specific duties and assignments authorized to be conducted at this alternate worksite are _____ [duties].
4. Effective communication is essential for this arrangement to be successful. The employee agrees to remain accessible during designated work hours and respond in a timely manner to their email or phone.
5. Nibley City may terminate this agreement at any time, without notice, for any reason or no reason at all.

Policies and Procedures

1. All applicable policies in the Nibley City Employee Policy Guidebook apply.
2. All employees must track and record their hours worked in the same manner required as when working at the city worksite.
3. Nonexempt employees:
 - A. Break and rest periods must be taken as required by law and/or Company policy.
 - B. Requests to work overtime or to use sick leave, vacation, or other leave must be approved by the employee's supervisor in the same manner as required when working at the regular Company worksite.
4. The employee shall be required to attend all required meetings when a virtual meeting is available and shall utilize a webcam to share video in any meeting that supports video participation.
5. The employee shall maintain a professional environment while working from home, including providing a space free from any disruptions or distractions (visual or auditory) while on phone calls or during meetings. Employees may not act as the primary caregiver to minor children or elderly parents when working during designated work hours. Employees should maintain professional grooming standards when visible in meetings with other employees or customers.
6. The employee agrees to and understands that all obligations, responsibilities, terms, and conditions of employment with the Nibley City remain unchanged, except those obligations and responsibilities specifically addressed in this agreement.

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Safety, Equipment, and Information Security

1. The employee agrees to maintain a work environment that is ergonomically sound, clean, safe, and free of obstructions and hazardous situations.
2. The employee agrees to use city-owned equipment, records, and materials for City business only, and to protect them against unauthorized or accidental access, use, modification, destruction, or disclosure. The precautions described in this agreement apply regardless of the storage media on which information is recorded, the locations where the information is stored, the systems used to process the information, or the processes by which the information is handled.
3. The employee agrees to report to Nibley City any instances of loss, damage, or unauthorized access at the earliest reasonable opportunity.
4. The employee agrees to allow electronic and/or physical access to their remote worksite for purposes of assessing safety, property maintenance, and security methods, as well as job performance.
5. The employee agrees to report work-related injuries to the supervisor at the earliest reasonable opportunity. The employee agrees to hold the Company harmless for injury to others at the alternate work site.

Equipment, Furniture, and Supplies

1. The employee agrees that the following equipment, furniture, services (e.g., telephone, internet connection, etc.) and/or supplies will be supplied by Nibley City:

[items provided and details of purchase, pick-up, delivery, set-up, maintenance, etc.].

2. The employee understands that all equipment, records, and materials provided by Nibley City remain the property of Nibley City.
3. The employee agrees to return equipment, records, and materials within five business days of termination of this agreement.
4. Upon request, any City-issued equipment must be returned to Nibley City by the employee for inspection, repair, replacement, or repossession within five business days.
5. All equipment, furniture, and/or supplies not listed in item one will be supplied and maintained by the employee.

Employee Acknowledgment

I have read and understand this Work from Home Agreement. I understand that violations of this agreement may result in disciplinary action up to and including termination of employment.

Employee Signature: _____

Employee's Name (print): _____ Date: _____

City Manager Signature: _____ Date: _____

Appendix I – Nibley City Ethics Statement & Agreement

I _____, agree to uphold Nibley City Policies, procedures and exhibit the highest ethical standards in all that I do. I understand and agree to

follow the ethical rules and laws adopted by Nibley City and the State of Utah. I understand that I am required to disclose and avoid conflicts of interests, and that I should ask a supervisor or the City manager if I have a question regarding a potential conflict of interest.

I have read and understand and agree to follow the Nibley City Purchasing policy, and understand the expending public funds is a responsibility that I will not take lightly. All funds expended will have a purpose and provide value to the Public. _____

If handling cash and receiving payments is not part of my regular duties, I will not receive payments for any reason, and direct all transactions to the City Hall front desk. If handling cash and receiving payments is part of my regular duties, I agree to follow the Nibley City Cash Handling Policy at all times. _____

I pledge that my timecard will accurately reflect the hours I have spent working for Nibley City. The hours turned in for compensation shall be productive, and a value to the public. I understand that time worked over 40 hours per week, must receive prior approval by my supervisor. _____

I have read and understand and agree to follow the Nibley City Drug and Alcohol policy. I will not endanger myself or co-workers by coming to work under the influence of any drugs or alcohol. I also understand that prescription medical marijuana, is not permitted under Federal Commercial Drivers licenses laws. I understand that the use of marijuana for any purpose may result in the loss of my Commercial Driver's License, and that my employment may be terminated for that reason. _____

I have read and understand and agree to follow the Nibley City Vehicle use policy. City owned vehicles shall not be used for personal use, and non-City Employees shall not be permitted to ride in the vehicle, without permission from the City Manager. I will also strive to keep the vehicle in the best shape possible, to maximize its resale value. _____

I understand that per City Ordinance, City owned equipment of any kind shall not be used for personal use. Any equipment issued shall remain the property of Nibley City, and shall be surrendered back to the City when requested by the City Manager, or my employment ends with the City. _____

I agree to follow the highest industry standards of safety for myself, and my coworkers at all times. _____

Signature

Date

Appendix J – Receipt & Acknowledgement of Reading the Employee Policy Guidebook

I have received a copy of the Nibley City Employee Handbook. I agree to read it thoroughly including the statement in the forward describing the purpose and the effect of the Handbook. By signing below, I agree to abide by all of the policies and procedures contained in this handbook. I agree that if there is any policy or provision in the Handbook that I do not understand, I will seek clarification from the Human Resources Department.

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Commented [AJ171]: ? effect?

I understand that Nibley City is an “at will” employer and as such employment with the City is not for a fixed term or definite period and may be terminated at the will of either party, with or without cause, and without prior notice. No supervisor or other representative of the company (except for the Manager) has the authority to enter into an agreement for employment for any specified period of time, or to make an agreement contrary to the above. In addition, I understand that this Handbook states Nibley City policies and practices in effect on the date of publication.

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Commented [AJ173]: Spelling

I understand that nothing contained in the Handbook may be construed as creating a promise of future benefits or a binding contract with Nibley City for benefits or any other purpose. I also understand that these policies and procedures are continually evaluated and may be amended, modified, or terminated at any time.

I acknowledge that I have received a copy of the Nibley City Employee Handbook. I agree to read it carefully and follow it. I understand that ethical, conduct or policy violations can result in disciplinary action, including immediate termination of my employment,

Please sign and date this receipt and return it to the Human Resources Department.

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Employee Signature

Date

Employee Printed Name