



**West Point City Council Meeting
3200 West 300 North
West Point City, UT 84015
February 18, 2014**

Mayor
Erik Craythorne
Council
Gary Petersen, Mayor Pro Tem
Jerry Chatterton
Andy Dawson
R. Kent Henderson
Jeffrey Turner
City Manager
Kyle Laws

Administrative Session
6:00 PM

Minutes for the West Point City Council Administrative Session held February 18, 2014 at the West Point City offices, 3200 West 300 North, West Point City, Utah 84015 with Mayor Craythorne presiding.

MAYOR AND COUNCIL MEMBERS PRESENT – Mayor Erik Craythorne, Council Member Gary Petersen, Council Member Jerry Chatterton, Council Member Andy Dawson, and Council Member Kent Henderson

EXCUSED – Council Member Jeff Turner

CITY EMPLOYEES PRESENT – Kyle Laws, City Manager; Evan Nelson, Administrative Services Director; and Misty Rogers, City Recorder

Mayor Craythorne excused Council Member Turner and then turned the time over to Mr. Laws.

1. Syracuse High Graduation Grant – Mr. Kyle Laws

Each year, Syracuse High holds a party for the graduating class. Syracuse High submitted a request for West Point City to donate money to assist with the graduation party. Mr. Laws stated the Grant and Donation Committee approved a donation in the amount of \$500 for the Syracuse High Graduation Party.

Council Member Chatterton asked the names of the individuals on the Grant and Donation Committee. Mr. Laws stated the Grant and Donation Committee currently consisted of three individuals, Mr. Davis, Mrs. Rogers, and Council Member Chatterton. He then informed the Council that in the future Council Member Jeff Turner would be assigned to work with the Grant and Donation Committee.

2. Discussion of Personnel Policies & Procedures – Mr. Kyle Laws

Mr. Laws stated the West Point City Personnel Policies & Procedures handbook has needed revision for several years. He then stated only portions of the manual would be discussed during the Administrative Session held on February 18th, other sections from the manual will be brought before Council in future meetings.

Mr. Laws expressed concern with some of the policies found in the current personnel handbook. He stated as laws have changed, the handbook has not been updated to reflect current law. Mr. Laws informed the Council that many of the items found within the revisions were currently in practice. He then proposed the following revisions to the Personnel Policies & Procedures to the Council.

EMPLOYMENT CLASSIFICATIONS

Part-time/Regular:

1. **Benefited Part-time Employees** - The Utility Billing Clerk Position is currently the only position with West Point City that qualifies as a Benefited Part-time employee. This position is eligible for full benefits, including insurance.

2. Partial Benefited Employees – Most other positions working 20 – 25 hours per week qualify as a partial benefited employee. They receive a prorated sick leave, vacation leave, and retirement benefits.
3. Non-Benefited Employees – Positions working less than 30 hours per week, with West Point City having the option of not providing leave benefits.

Council Member Dawson asked how Staff would determine if a position would fall under a Partial Benefited Employee or a Non-Benefited Employee. Mr. Laws stated West Point City is not required to provide benefits to part-time employees. He then stated that because the City provided partial benefits to a few employees in the past, the City is required to provide retirement to those employees as well. Mr. Laws then stated as positions are created or new employees are hired for a position, the Council or Staff could determine if the part-time position should be eligible for leave benefits.

Council Member Petersen asked if the H.R. Department had reviewed the proposed revisions. Mr. Laws stated yes, the H.R. Department had reviewed the proposed revisions to the handbook. He then stated all revisions would be sent to Mr. Felshaw King, the West Point City Attorney for review and approval.

Council Member Petersen and Council Member Henderson recommended additional language be added to distinguish between a Partial Benefited Employee and Non-Benefited Employee.

Council Member Dawson recommended using a set amount of hours to distinguish between a Partial Benefited and Non-Benefited Employees. Mr. Laws stated he would discuss the proposed wording and the recommendations from the Council with the West Point City Attorney.

Mayor Craythorne stated each position posting and job description will state if the position is a Partial Benefited or Non-Benefited Employee.

Seasonal/Intern: The previous policy stated a seasonal employee couldn't be employed by the City for over nine months and that they could only be rehired after a three month break in employment. Mr. Laws stated the previous policy was good practice, however he recommended the following revisions: "An employee hired to work up to 40 hours per week to a maximum of 1560 hours during a rolling year (from hire date), are at-will, and not eligible for City benefits. Seasonal employees are normally employed for up to six (6) months but may be employed for up to twelve (12) months provided they do not exceed 1560 hours during the rolling year". The proposed language will keep the employment under a 75% employment status.

Council Member Chatterton recommended adding volunteer polices into a section of the handbook, including requirements for B.C.I. checks.

Probation: Mr. Laws stated the probationary period for an employee is six months. Council Member Dawson recommended possibly reducing the probationary period for employees to 90 days verses 6 months. Mr. Laws stated a six month probationary period is a common practice.

COMPENSATION, LEAVES, & BENEFITS

Work Hours: Work hours for employees are determined by the City Manager. The City Manager may change employee work hours on a permanent basis as determined to be in the best interest of the City. Temporary changes to employee work hours shall be at the Department Director's discretion.

Classifications: The City assigns each position a pay range as established by the City's pay plan. The pay plan reflects internal and external equities, based upon assigned duties and responsibilities, and market comparisons. Market research is conducted bi-annually by the Human Resources Manager.

Council Member Dawson asked who would conduct the bi-annual market study if West Point City didn't have a Human Resources Manager.

Council Member Dawson and Council Member Petersen recommended either removing the entire sentence "Market research is conducted bi-annually by the Human Resources Manager" or revising it to read, "Market research is conducted bi-annually". Mr. Laws recommended the following sentence, "Market research is conducted bi-annually or as needed".

Payroll – All employees are paid bi-weekly. Each paycheck will include earnings for all work performed through the end of the previous payroll period or applicable work period.

- a. The work week begins at 12:01 am on Monday and ends on Sunday night at 12:00 midnight for all employees except as otherwise authorized in writing by the City Manager.

The Public Works Department works a 9/80 schedule. Their work week begins at 10:31 am on Friday and ends at 10:30 am on Friday. On Friday's the Public Works Department calculates from 6:30 am – 10:30 am on the current work week and calculates from 10:31 am – 3:30 pm on the next work week. Timecards are adjusted to accommodate the same pay periods and pay dates as all other employees.

Mr. Laws informed the Council that while working for South Jordan, he had the opportunity to assist with revising the Employee Handbook. Therefore, many of the suggestions have come from the South Jordan Handbook.

- b. Employees and supervisors are responsible for accurately recording and reporting time worked and leave used on their timecards.
- c. Employees may voluntarily authorize deductions from their paychecks to cover the costs of participation in City approved programs. Employees should review any discrepancies in payroll deductions with the City Treasurer, Finance Director, or Human Resources Manager.
- d. Upon receipt of a valid garnishment, the City shall withhold the garnishment wages until a court order is received indicating satisfaction of the indebtedness.
- e. An employee may not receive an unearned pay advance, except as authorized by the City Manager.

The Council recommended removing the following section:

- e. An employee may not receive an unearned pay advance, except as authorized by the City Manager.

Merit Increase – Employees may receive merit increases based on performance evaluations and according to availability of funds as allocated by the City Council through the budget process.

Market Adjustment/COLA – Employees may receive market adjustments as determine appropriate and according to availability of funds as allocated by the City Council through the budget process.

Overtime Provisions – It is the general policy of West Point not to have employees work overtime. However, employees may be required to work overtime as deemed necessary and pre-authorized by the City Manager or Department Director.

- a. Overtime is payment received for time worked.
- b. Overtime is calculated based on actual time worked.
 - 1. Time worked includes those hours an employee is working, as well as jury duty, or witness duty.

2. Time worked does not include vacation leave, sick leave, holiday leave, paid military leave, or compensatory time.
- c. Overtime is payment received for time worked:
 1. In excess of 40 hours per work week for non-exempt employees.
 2. On the day of the City Celebration (Independence Day) for authorized employees.
- d. In situations where the mayor has declared a "Local State of Emergency," FLSA non-exempt employees whose work assists the response during the designated emergency will be paid time and a half for any emergency hours worked in addition to their normal work schedule. Compensatory time will not be accrued.

Council Member Chatterton asked who had the capability to authorize overtime. Mr. Laws stated the City Manager or the Department Director would have the ability to approve or deny overtime.

Compensatory Time Provisions – When it is in the best interest of West Point City, the City reserves the right to grant compensatory time in lieu of overtime wages to FLSA non-exempt employees. Compensatory time must be pre-authorized by the City Manager or Department Directors.

- a. Compensatory time accrual and time worked calculations are the same as overtime provisions.
- b. An employee with accrued compensatory time leave that requests use of the time will be permitted to use it within a reasonable period after making the requests if it does not unduly disrupt the operations of the Department.
- c. The City may require an employee to use accrued compensatory time.
- d. The maximum hours of compensatory time which may be used accrued is 80 hours.
- e. Compensatory time accrued will be deducted prior to any use of requested vacation leave.
- f. The accrued compensatory time of an employee transferred between divisions of moving to FLSA exempt status shall be compensated prior to such addition.
- g. All accrued compensatory time shall be compensated and paid to zero during the last pay period of the calendar year for any employee with a compensatory time balance.
- h. The City Manager may authorize compensatory time for part-time employees as deemed appropriate.

Council Member Petersen asked if any employees had expressed concern with cashing out compensatory time during the last pay period of the calendar year. Mr. Laws stated he hadn't received any complaints. Council Member Petersen stated in past years, compensatory time was collected until December 1st and then paid out. This allowed the snow plow drivers the ability to carry compensatory time into the next calendar year.

The Council agreed, paying out compensatory time on December 1st of each year would provide the best benefit to the employees.

Call Back Compensation – Any FLSA non-exempt employee called back to work shall be entitled to call back compensation for actual time worked. The minimum call back compensation shall be two (2) hours. Call back time outside of regular work hours will be compensated at the overtime rate.

Council Member Petersen asked if “call backs” are common. Mr. Laws stated yes, occasionally, employees are called back for water leaks, etc. He then clarified that telephone calls do not qualify for call back compensation.

Mayor Craythorne reminded the Council that items being discussed regarding call back compensation had been in practice for many years and nothing new was being proposed to the Council

Council Member Chatterton asked for clarification with regards to the call back compensation. Mr. Laws stated an employee is paid two hours minimum of regular wages for any call back under two hours and overtime wages take effect after two hours worked.

Council Member Petersen and Council Member Chatterton recommended rewording the Call Back Compensation definition in the proposed language to distinguish between the differences in pay.

Mr. Evan Nelson clarified that all call back hours are paid as overtime, including the initial 2 hours. The Council agreed that if this was the practice and intent that rewording was not needed.

Mr. Laws stated the intention of the proposed language clarifies that call back time ends and when regular hours begin.

On Call Compensation – As required, a schedule of on call FLSA non-exempt employees may be prepared in advance and maintained by the Department Director.

- a. Any position requiring an on-call status shall be on a one week rotation basis.
- b. On-call employees must be able to respond to work site within a thirty (30) minute time frame and in compliance with the City’s Drug/Alcohol Policy.
- c. On-call employees shall be paid \$20 per day.

Council Member Dawson asked if paying an on-call employee \$20 per day (\$0.83 per hour) is sufficient. He stated an on-call employee is extremely limited with the use of his personal time. Mr. Laws stated the \$20 per day for on-call employees is more generous than some other cities.

Council Member Petersen asked if an on-call employee could have another Public Works employee respond in their behalf. Mr. Laws stated that an on-call employee is expected to personally respond unless unforeseen circumstances arise.

The City Council and Mayor Craythorne stated paying an on-call employee \$20 per day was adequate.

IRS Requirements for City Vehicle Use for Commuting

- a. Personal use of City take-home or on-call vehicle is restricted to commuting to and from work and *De minimis* use.
- b. Consistent with RIS regulations, use of a City vehicle for commuting is considered taxable compensation. This includes commuting use as a passenger. The City has adopted the IRS commuting rule as the method of reporting as outlined in IRS Publication 15-B.

Council Member Chatterton asked if an on-call employee could use a City vehicle for personal use while on call, as this would allow the employee to respond to an emergency within thirty minutes. Mr. Laws stated if the employee were on-call, he would allow the employee to use the vehicle for certain circumstances.

- c. To ensure proper reporting on W-2’s and liability coverage, Department Directors shall ensure that both Payroll and Risk Management are promptly notified of changes in which employees are authorized to use take-home vehicles, including vehicles allowed to be taken home to facilitate on-call responsibilities.

Council Member Petersen asked if West Point City currently complies with IRS requirements. Mr. Laws stated yes, West Point City currently adds a \$3.00 per day value to paystubs and W-2's for the use of a City vehicle.

Council Member Dawson asked if an employee riding as a passenger to and from work must also comply with the IRS requirements. Council Member Petersen stated yes, if the vehicle is City owned the passenger should also have value added to his/her paystub.

Vacation Leave - Previously part-time employees accrued vacation and sick leave at half the accrual rate as full time employees. Mr. Laws proposed the addition of the following language:

Part-time/Regular employee – Benefited/Partial Benefited employee:

Part-time employees authorized to accrue vacation leave shall accrue at the rate equal to the percentage of full-time hours (40) the employee is hired to work per week. For example, an employee hired to work 32 hours per week would accrue vacation leave at a rate of 80% of the full-time accrual rate.

Maximum Vacation Accrual Allowed - Vacation time accrued cannot be carried forward from one calendar year to the next in excess of 320 hours. Accrued vacation leave will be paid out upon termination of employment up to a maximum of 320 hours.

Council Member Dawson asked if West Point City allows an employee to cash out accrued vacation time. Mr. Laws stated no, a payout could only occur upon the termination of an employee.

Employees who wish to exhaust accrued vacation during the period of time immediately preceding their last day worked before retirement, resignation, or termination may be allowed to do so, if approved by the City manager, but shall not be eligible for accrual of leave-on-leave.

Employees do not accrue vacation leave while on a leave without pay status.

Sick Leave – Sick time off with pay is available to eligible employees for periods of temporary absence due to illness, injury, or to obtain necessary medical care for themselves, their spouse, their children, and their parents, except otherwise authorized by the City Manager. Sick leave may also be used for any City approved FMLA leave use. Sick leave hours are intended to provide income protection in event of illness, injury, medical care, or approved FMLA use. An employee is prohibited from working secondary employment during the actual hours of sick leave. Sick leave may not be used until the pay period following its accrual.

- a. Full-time/Regular employees shall accrue 3.69 hours of sick leave per pay period (96 hours annually).
- b. Part-time employees authorized to accrue sick leave shall accrue at a rate equal to the percentage of full-time hours (40) the employee is hired to work per week. For example, an employee hired to work 32 hours per week would accrue sick leave at a rate of 80% of the full-time accrual rate.
- c. Maximum Sick Leave Accrual: Sick leave accrued will be capped at 750 hours.

Mr. Laws stated that he felt sick leave needed to be capped due to the provision outlined in subsection (g) below which allows for one-third of their leave balance to be cashed out upon favorable termination and a minimum of five years with the City. The Council agreed this was a good thing to have in writing.

- d. Employees do not accrue sick leave on a leave without pay status.
- e. Employees who are unable to report to work due to illness or injury shall notify their direct supervisor must also be contact on each additional day of absence.

- f. Employees may convert one-third of all sick leave accrued between December 1st and November 30th of the preceding year to vacation leave. All sick leave used during that 12 month period shall be deducted from that one-third. For example, if an employee accrued 96 hours of sick leave between December 1st and November 30th and they used 16 hour of sick leave during that same period, they would be eligible to convert 16 hours to vacation leave (one-third of 96 hours (32 hours) less the 16 hours used).
- g. Employees who resign their employment, terminate or retire under favorable circumstances shall be paid for any unused sick leave at a rate of one-third of their sick leave balance at their last rate of pay, provided they have at least five (5) years of full-time service with West Point City. Employees terminated for cause shall not receive a sick leave pay out.
- h. Employees may be required to demonstrate the ability to perform essential job duties/or provide a medical release before returning to work.
- i. Transitional Duty (not related to Worker's Compensation) - For any non-workers compensation related injury or illness where an employee is unable to perform essential job duties, the employee's Department Director may assign transitional duty, rather than the employee having to use paid leave or leave without pay. Such transitional duty is normally limited to employees with prognosis for return to full duty, and for no more than six weeks. Such transitional duty will be coordinated through the Human Resources Division if productive work is not available in the employee's Department.
- j. Donated Leave – An employee may donated leave to another employee so long as the following conditions are met (sick leave):
 - Only vacation leave of compensatory leave can be donated to another employee and shall become sick leave for the receiving employee.
 - A receiving employee must request in writing to the City Manager the need to receive donated leave and shall have exhausted all available accrued leave.
 - A donating employee shall not be reimbursed for the donated leave, either by the received employee or the City.
 - Donated leave will be used on a first in first out method. Any leave not used by the receiving employee shall be given back to the employee(s) who donated and shall begin with those who donated last.
 - All donated leave shall be confidential.

Mr. Laws stated donated leave had been given in the past, however it had never been written into policy. Therefore, he expressed the importance of implementing a policy for the donation of leave.

Council Member Dawson recommended equally splitting unused leave between all individuals who have donated the leave.

Council Member Henderson expressed his support with the implementation of a leave donation policy.

Council Member Petersen recommended not returning any sick leave to the donating employees. He recommended the donating employees only donated what the individual will actually use. He expressed concern with determining which employee should be receiving the unused donated leave.

Council Member Chatterton recommended a donation bank for sick leave. Council Member Petersen suggested that a donation bank would be difficult to track over time and that it may not be a good idea to have a running bank. Council agreed.

Mr. Laws stated the intent of the policy is only to receive enough donated time to equal the amount of time missed. He also recommended not having a long-term donation bank but suggested the any unused leave be returned back to donating employees. The Council agreed to keep the current language. Mr Laws then informed the Council that the remaining Personnel Policies & Procedures would be discussed at the next Council meeting.

The Council then adjourned into the General Session.



West Point City Council Meeting
3200 West 300 North
West Point City, UT 84015
February 18, 2014

Mayor
Erik Craythorne
Council

Gary Petersen, Mayor Pro Tem
Jerry Chatterton
Andy Dawson
R. Kent Henderson
Jeffrey Turner

City Manager
Kyle Laws

General Session

7:00 pm – Council Room

Minutes for the West Point City Council General Session held February 18, 2014 at the West Point City offices, 3200 West 300 North, West Point City, Utah 84015 with Mayor Craythorne presiding.

MAYOR AND COUNCIL MEMBERS PRESENT – Mayor Erik Craythorne, Council Member Kent Henderson, Council Member Gary Petersen, and Council Member Jerry Chatterton

EXCUSED – Council Member Jeff Turner and Council Member Andy Dawson

CITY EMPLOYEES PRESENT – Kyle Laws, City Manager; Evan Nelson, Administrative Services Director; Misty Rogers, City Recorder

VISITORS PRESENT – Mikayla Williams, Calyn Arnold, Earl Cammock, Jacob Hansen, and a Boy Scouts Group.

1. **Call to Order** – Mayor Craythorne welcomed all in attendance.
2. **Pledge of Allegiance** – Repeated by all
3. **Prayer** – Council Member Chatterton
4. **Communications and Disclosures from City Council and Mayor**

Council Member Henderson – no comment

Council Member Petersen – no comment

Council Member Chatterton stated he currently serves as a board member for the Mosquito Abatement District Davis. He recently had the opportunity to attend a National meeting in Seattle to receive training and new information with regards to mosquitos and possible upcoming issues. Council Member Chatterton stated within the next few years, this area could see another mosquito virus. He then invited those in attendance to attend the March 4, 2014 City Council meeting to learn additional information from the Director of the Mosquito District Davis.

Mayor Craythorne stated that he has had the opportunity to meet and work with Mayors in Davis County. He informed those in attendance that the Mayors, County Commissioners, and Members of Council Government in Davis County would soon be meeting at Boondocks to play laser tag prior to their regular COG (Council of Governments) meeting

Mayor Craythorne then stated that he and Mr. Laws have been attending a Legislative Policy Meeting every Monday for the past few weeks. He then stated the session has remained quiet thus far. Mayor Craythorne stated that he and Mr. Laws would continue to attend the Legislative Policy Meetings and represent West Point City.

5. Communications from Staff

Mr. Laws stated that Representative Paul Ray will be holding a Town Hall Meeting at West Point City Hall on Wednesday, February 26, 2014 at 7:00pm.

Mayor Craythorne thanked the West Point City Staff for all they do.

6. Adoption of Minutes from the January 21, 2014 Council Meeting – Mrs. Misty Rogers

Council Member Petersen motioned to approve the January 21, 2014 City Council Minutes.
Council Member Henderson seconded the motion.

The Council unanimously agreed.

7. Citizen Comment

Earl Cammack - 4177 West 300 North, West Point City

Mr. Cammack thanked the Council, Mr. Paul Rochell, and the Public Works Department for their assistance with flooding below the Bluff. However, he expressed concern with a 10" pipe installed in the street on 300 North, as he believed an 18" pipe should have been installed. Mr. Cammack stated he was concerned that future flooding would occur. He requested that the City Council consider other options to assist with or alleviate flooding in the area.

8. Resolution No. 02-18-2014A, Consideration of Adoption of City Council Rules of Procedure – Mr. Kyle Laws

Mr. Laws informed those in attendance that State law requires a Municipal Legislative body to adopt Rules of Order and Procedure to govern a public meeting of the legislative body. He then stated the Council had discussed the proposed City Council Rules of Procedure in previous meeting. Mr. Laws informed the Council that Mr. Felshaw King, the West Point City Attorney had reviewed the policy. At the advice of Mr. King, minor revisions were made throughout the policy.

Mayor Craythorne informed those in attendance that the City Council Rules of Procedure is a written policy to be followed by the Council.

Mr. Laws informed those in attendance that West Point City operates under a six-member council form of government. Administrative powers previously held by the mayor or City Council has been delegated to the City Manager.

Council Member Petersen asked for explanation with regards to a six-member form of government. Mr. Laws stated, in a six-member form of government, the mayor is the sixth member of the Council but is not a voting member; he is the ceremonial officer and chairs of the meetings. Only in certain instances does the mayor have the opportunity to vote.

Council Member Chatterton motioned to approve Resolution No. 02-18-2014A, Adoption of City Council Rules of Procedure.

Council Member Henderson seconded the motion.

The Council unanimously agreed.

9. Motion to Adjourn

Council Member Petersen motioned to adjourn.

Council Member Chatterton seconded the motion.

The Council unanimously agreed.

Mayor Craythorne thanked those in attendance.


ERIK CRAYTHORNE, MAYOR 3/4/14
DATE


MISTY ROGERS, CITY RECORDER 3-4-2014
DATE

