

**APPLE VALLEY
RESOLUTION R-2024-10**

NOW THEREFORE, be it ordained by the Council of the Apple Valley, in the State of Utah, as follows:

SECTION 1: **AMENDMENT** “Preface And Introduction” of the Apple Valley Policies & Procedures is hereby *amended* as follows:

AMENDMENT

Preface And Introduction

PREFACE It is the policy of the Town of Apple Valley ("Apple Valley") to establish reasonable guidelines of conduct for management and employees to follow, and to ensure compliance with these guidelines through a program consistent with the best interests of the Town of Apple Valley and its employees. (The Town of Apple Valley shall heretofore be referred to as Apple Valley) THIS MANUAL IS NOT, AND SHALL NOT BE CONSTRUED AS, AN EXPLICIT OR IMPLIED CONTRACT, SHALL NOT MODIFY ANY EXISTING AT-WILL STATUS OF ANY APPLE VALLEY EMPLOYEE, AND SHALL NOT CREATE ANY DUE PROCESS REQUIREMENT IN EXCESS OF FEDERAL OR STATE CONSTITUTIONAL OR STATUTORY REQUIREMENTS. The term "At-will" means employees can terminate or be terminated at will. Exceptions are employees having written contracts signed by the Mayor of Apple. It is also the policy of Apple Valley to comply with Federal and State Equal Employment Opportunity guidelines. All employment decisions will be made without unlawful regard as to race, color, religion, sex, national origin, age or disability. To this end, Apple Valley will not engage in any unlawful discrimination against any employee or applicant for employment because of race, color, religion, sex, national origin, disability, age, or veteran's status, and will ensure that applicants and employees are treated without unlawful regard to these characteristics. Additionally, it is the policy of Apple Valley to strive for safety in all activities and operations, and to carry out the commitment of compliance with health and safety laws applicable to Apple Valley by enlisting the help of all employees to ensure that public and work areas are free of hazardous conditions. Apple Valley reserves the right to change any of its policies and/or procedures at any time in the future for any reason. Therefore, if you have suggestions or comments concerning the content of this manual, please submit them, in writing, to Apple Valley's Mayor for review. ~~Thank you.~~ **INTRODUCTION** ~~Welcome,~~ Apple Valley's Personnel Policies and Procedures Manual is simply a written guide for management and staff. This manual not only outlines Apple Valley's policy on the various phases of the employer-employee relationship, it also indicates how policy is to be administered. Consequently, each employee is able to use this Manual as a guide when policy needs to be applied to a given situation. As an employee of Apple Valley you will be expected to read, understand, and follow the policies and procedures contained in this manual. Experience has shown that written policies promote consistency, continuity, and understanding within an organization. Written policies also aid in consistently achieving fair and equitable interpretation of policy. Employees always feel a deeper understanding of their role in the organization when they realize that policies are uniformly administered. Please be advised that it is the obligation of each employee of Apple Valley to conduct themselves in conformity with the principle of Equal Employment Opportunity at all times. All employment activities including, but not limited to, advertising, recruitment, hiring, promotion, demotion, transfer, disciplinary action, layoff, termination, compensation, and training, shall be conducted without unlawful regard to race, color, religion, sex, nation origin, age or disability. And finally, no employee, officer, agent or other representative of Apple Valley has any authority to enter into any agreement for employment for any specified period of time or to make any agreement or representation, verbally or in writing, which alters, amends, or contradicts the provisions of this Personnel Policies and Procedures Manual.

Jauna McGinnis

Town Administrator

SECTION 2: AMENDMENT “Equal Employment Opportunity (EEO)” of the Apple Valley Policies & Procedures is hereby *amended* as follows:

AMENDMENT

Equal Employment Opportunity (EEO)

1. GENERAL POLICY. It is the policy of Apple Valley to comply with Equal Employment Opportunity standards in all phases of personnel administration: job structuring, recruitment, examination, selection, appointment, placement, training, upward mobility, discipline, etc, without unlawful regard to race, color, religion, sex, age, physical or mental disability, national origin or veteran status. 2. SUPERVISOR RESPONSIBILITIES. The ~~Town Administrator, or Mayor or~~ designee, will ensure that Apple Valley is in compliance with all of the personnel policies and procedures in this manual, including all Equal Employment Opportunity (EEO standards.) ~~Additionally, the Town Administrator, or designee, will ensure that e~~ Each employee shall receives a copy of the ~~is~~ Personnel Policies and Procedures Manual and will ~~that the employee~~ signs and dates a Policy Statement and Acknowledgment Form (see Sample # 1 for details) stating receipt of the manual. ~~The Town Administrator, or designee, This form~~ will then be filed ~~the signed and dated Policy Statement and Acknowledgment Form~~ in the employee’s personnel file. 3. EMPLOYEE RESPONSIBILITIES. Employees are responsible for informing themselves about the policies, practices, and benefits set forth in Apple Valley’s Personnel Policy and Procedures Manual by reading them and, if necessary, asking that they be explained to them. Additionally, all employees are required to sign and date a Policy Statement and Acknowledgment Form stating receipt of this manual.

SECTION 3: AMENDMENT “Protection From Contractor Caused Losses/Liabilities” of the Apple Valley Policies & Procedures is hereby *amended* as follows:

AMENDMENT

Protection From Contractor Caused Losses/Liabilities

A. GENERAL POLICY. Apple Valley will take all necessary precautions and steps in written contracts only to prevent loss and liability arising from entering relationships

with independent contractors using the Hold Harmless Agreement, which is a part of the Indemnity Provision Contract, or the entire Indemnity Provision Contract . This does not apply to general maintenance and repair.

B. SUPERVISOR RESPONSIBILITIES.

1. To ensure that no work is performed by any private contractor until:
 - a. A written contract between Apple Valley and the contractor has been entered into and signed by both parties.
 - b. The signed written contract ~~has been co-signed~~ will be signed by the Mayor and include the signature of attestation by the Town Recorder.
2. Each contract with a private contractor should contain indemnity/hold harmless clauses which provide that:
 - a. All contracts must contain indemnity and defense provisions in which the contractor assumes all liability arising out of work performed by the contractor or their officers, employees, agents, and volunteers.
 - b. All contractors must provide evidence that they have acquired and maintain comprehensive general liability coverage, including liability insurance covering the contract concerned, prior to the execution of the contract.
 - c. Apple Valley and its officials, employees, agents and volunteers must be named as Additional insured on the liability insurance policy.
3. Each contract with a private contractor should contain provisions that ensure the contractor is carrying workers, compensation insurance coverage.
 - a. Apple Valley should require evidence of Workers Compensation insurance (or evidence of qualified self-insurance) from all contractors.
 - b. Apple Valley should have the contractor show evidence of the contractor's Workers Compensation coverage to Apple Valley.

SECTION 4: AMENDMENT “Employee Hiring” of the Apple Valley Policies & Procedures is hereby *amended* as follows:

AMENDMENT

Employee Hiring

- A. **EMPLOYMENT.** Job Descriptions defining the essential functions of the vacant position shall be drafted and adopted before the vacancy is posted or otherwise advertised internally or externally.
- B. **RECRUITMENT.** All recruitment shall be conducted in accordance with Apple Valley's equal opportunity guidelines.
 1. **Internal Promotions.** It is Apple Valley's policy to give first consideration to

current agency employees desiring to fill an open job position.

2. External Advertising.

- a. ~~Only the Town Administrator~~ Mayor, or designee may authorize personnel, ~~or designee, is authorized~~ to place advertisements and respond to inquiries from employment agencies and/or job applicants.
- b. Each Job Opening Notice should contain a statement indicating that Apple Valley is an equal opportunity employer.
- c. Job Opening Notices may be advertised ~~in the appropriate media, including with~~ the Department of Workforce Services. ~~Other sources~~ should be utilized whenever possible, ~~and through any other channels~~ ~~the as approved by the Town Administrator~~ Mayor, or designee. ~~deems Notices will be posted for at least 3 separate days. appropriate, on at least three (3) separate days.~~
- d. All Job Opening Notices must specify the name and the office of the person from whom Job Applications are to be obtained, the name and office of the person to whom completed applications are to be returned, and the deadline for filing an application.
- e. Advertisements may state that job applicants residing in Apple Valley or the surrounding area will be given hiring preference.

C. SELECTION.

1. Nepotism. It is the policy of Apple Valley to comply with the provisions of Utah's Anti-Nepotism Act, Utah Code 52-3-1.
2. Employment of Minors. It is the policy of Apple Valley that no one under the age of fourteen (14) shall be hired for any position.
3. Job Applications. All interested job applicants shall complete a Job Application.
 - a. All applications and resumes received for the job opening will be forwarded to the ~~Town Administrator~~ Mayor, or designee. Upon receipt, each application and resume will be marked with the date it was received and placed in an applicant's file for at least one (1) year.
 - b. Job applications shall be signed by the job applicant and the truth of all information contained therein shall be certified by the job applicant's signature. The job applicant shall provide a copy of required certified educational transcripts either with the application or upon hire.
4. General Aptitude Test Battery (GATB). When necessary, job applicants may be required to take the GATB. If administration of the GATB is deemed necessary, it may be administered by the Department of Workforce Services.
5. Other Tests. Job Applicants may be required to take other tests which Apple Valley deems necessary for a specific position. Job applicants for certain positions may require skills for which a known level of competence must exist such as mathematics or timed typing tests. When Apple Valley uses other ability tests, Apple Valley shall make reasonable accommodations for disabled applicants.
6. Job Applicant Disqualification. An application may be rejected for, but not

limited to, the following reasons. When the Job Applicant:

- a. Does not meet minimum qualifications established for the position.
 - b. Is physically or mentally unable to perform the essential duties and responsibilities of the position with, or without, reasonable accommodation(s) (determined only after a conditional offer of employment, pending the results of a medical examination, has been extended to a job applicant).
 - c. Has falsified a material fact or failed to complete the application.
 - d. Has failed to timely file the application.
 - e. Has an unsatisfactory employment history or poor work references.
 - f. Has failed to attain a passing score if an examination is required.
7. Reference Checks. To facilitate references checks, written permission shall be obtained from the applicant using the Applicant's Consent to Release Information Form. Apple Valley may contact the references for each job applicant and ask job-related questions, which include similar questions for each job applicant checked, using Telephone and Written Reference Check Questionnaires.

D. PLACEMENT

1. Job Offers. After a job applicant is approved by Apple Valley, the ~~Town Administrator~~ Mayor, or designee, shall notify the successful job applicant of their conditional selection through a written Job Offer Letter. The written conditional Job Offer Letter shall clearly state the job description, salary conditions, and any provisional conditions of employment (i.e., successfully passing drug/alcohol tests). Additionally, the written conditional Job Offer Letter shall clearly state that the offer is not accepted until the candidate signs the written conditional Job Offer Letter and returns it to Apple Valley by the requested date. The original Job Offer Letter is then filed in the employee's file and a copy is given to the new employee during orientation. Written conditional Job Offer Letters should also include the following:
 - a. A clear statement of the job description.
 - b. The employee's starting salary. Starting salary offers for exempt positions shall be figured for a specified period, such as a two (2) week period. Starting salary offers for non-exempt positions shall be figured at an hourly wage.
 - c. The employee's job title.
 - d. The employee's supervisor.
 - e. Any relocation commitments, if applicable.
 - f. Apple Valley at-will employment policy.
 - g. The employee's starting date.
 - h. The length of the employee's probationary period.
 - i. Notice that employment is contingent upon passing a background examination, drug tests, medical/physical examinations, etc.
2. Job Rejection Letters. Within five (5) working days after the job offer has been accepted, non-selected job applicants may be notified. The ~~Town Administrator~~ Mayor, or designee, may send a Job Rejection Letter to each job

- applicant who was not selected for a job opening.
3. Medical Examinations. Once Apple Valley has extended a conditional job offer to the job applicant, a medical interview or examination may be conducted by a health professional chosen by Apple Valley to determine a job applicant's ability to fulfill essential job-related requirements. Only the ~~Town Administrator~~ Mayor, or designee may authorize such interviews or physical examinations. All costs for required medical interviews or physical examinations will be borne by Apple Valley. The prospective employee must sign a written release of this information to Apple Valley.
 4. Reinstatements. Employees who are reinstated into Apple Valley may maintain their original anniversary date for seniority purposes as well as for those benefit programs governed by the anniversary date. The policy will be as follows:
 - a. Layoffs. Employees who terminate because of reduction in work force will maintain their original anniversary date for seniority purposes if they are re-employed by Apple Valley within one (1) year after date of termination.
 - b. Voluntary resignations. Employees who voluntarily terminate their employment with Apple Valley may maintain their original anniversary date, subject to ~~Town Administrator~~ Mayor and/or Town Council approval, if they are re-employed by Apple Valley within six months after date of termination.
 5. Hiring New Employees.
 - a. Required for All Employees: The ~~Town Administrator~~ Mayor, or designee, is responsible for having new employees fill out all pre-employment forms, benefit applications, enrollment forms and providing basic information on Apple Valley's policies concerning pay, vacation, holidays, ~~and sick leave~~, benefits, parking and work hours during the employee's first day of work.
 6. Orientation. Newly hired Apple Valley employees shall complete all required paperwork and receive an orientation on their first (1st) day of work.
 - a. In accordance with the Immigration Reform and Control Act of 1986, all new employees shall provide proof of identity and employment status by completing an Employment Eligibility Verification Form. The employee must sign under penalty of perjury that they are a U.S. citizen, a lawful permanent resident alien, or an alien otherwise authorized for U.S. employment.
 - b. All new employees shall complete and sign a Form W-4 Federal Withholding Statement.
 - c. All new employees should be given a tour of the workplace with a brief overview of company rules and benefits. ~~The employee should complete a New Employee Orientation Form, that's been modified to meet the particular needs of Apple Valley.~~
 7. Probationary Period.

- a. All new employees shall be subject to a 90-day probationary period. During this period, probationary employees may be terminated with or without notice for any or no reason without any right to due process, notice, explanation, or appeal in connection with said termination.
- b. Probationary periods begin on the first day of employment and continue for 90 days. Management will provide guidance to probationary employees, so they understand work requirements.
- c. An employee on probation shall have a performance evaluation at the end of the probationary period. This performance evaluation may be used to provide information to both the employee and management regarding the employee's performance. Management reserves the right to extend the initial probationary period for an additional 90 days on the basis of this performance evaluation. A performance evaluation and the results of such evaluation shall not obligate management to a particular course of action relative to the probationary employee nor shall it create any property/due process rights for the probationary employee relative to their job/position.

E. VOLUNTEERS.

1. Court Ordered Community Service Volunteer Labor may be authorized at the discretion of the ~~Town Administrator~~ Mayor, or designee. Background checks may be required.
2. The ~~Town Administrator~~ Mayor, or designee with approval of the Town Council, may establish volunteer programs.
3. The ~~Town Administrator~~ Mayor, or designee shall develop guidelines for use of volunteers.
4. Prior to accepting any volunteer services, the ~~Town Administrator~~ Mayor, or designee and the volunteer shall sign a Memorandum of Understanding Agreement defining the nature and terms of the volunteer services.
5. A volunteer shall be provided the protections as an employee of Apple Valley for:
 - a. Workers' compensation benefits for compensable injuries sustained by the volunteer while acting in the scope of employment.
 - b. Operating Apple Valley owned vehicles or equipment when the volunteer is properly licensed to do so.
 - c. Liability insurance coverage offered employees.
6. Volunteer service experience will be recognized for determining minimum qualifications for an employment position with Apple Valley.

SECTION 5: AMENDMENT "Leaves Of Absence" of the Apple Valley Policies & Procedures is hereby *amended* as follows:

AMENDMENT

Leaves Of Absence

A. ABSENT WITHOUT LEAVE.

1. Any unauthorized absence of an employee from duty shall be grounds for disciplinary action, up to and including termination, by the ~~Town Administrator~~ Mayor, or designee.
2. Any employee who is absent for three (3) or more consecutive workdays without authorized leave shall be deemed to have voluntarily resigned their position and employment without notice. Where extenuating circumstances are found to have existed, however, such absence may be covered by the ~~Town Administrator~~ Mayor, or designee, by subsequent grant of leave with or without pay as the circumstances dictate.

B. ANNUAL VACATION LEAVE.

1. Each permanent, Non-Exempt full-time employee shall receive annual vacation leave. Vacation is earned on forty (40) hour weeks. The rates are as follows:
 - a. For one (1) month to one (1) years of service, forty (40) hours of annual vacation leave shall accrue at the rate of 1.54 hours per pay period.
 - b. From one (1) year to five (5) years of service, eighty (80) hours of annual vacation leave shall accrue at the rate 3.08 hours per pay period.
 - c. ~~For over~~ From ~~five (5) to (8)~~ years of service, one hundred twenty (120) hours of annual vacation leave shall accrue at the rate of 4.62 hours per pay period.
 - d. For over eight (8) years of service , one hundred sixty (160) hours of annual leave shall accrue at the rate of 6.15 hours per pay period
 - e. ~~All days requested to be off shall use vacation hours, if available. If none are available, the hours will be without pay.~~ Total hours below the required 30 hour minimum for full-time employee's shall use (if available) vacation to bring the hours to the 30 hour minimum requirement. (see Employment Classification requirements)
2. Each permanent, EXEMPT full-time employee shall receive annual vacation leave. Vacation is earned on forty (40) hour weeks. The rates are as follows:
 - a. For one (1) month to one (1) years of service, eighty (80) Hours of annual vacation leave shall accrue at the rate of 3.08 hours per pay period.
 - b. From one (1) year to five (5) years of service, one hundred twenty (120) hours of annual vacation leave shall accrue at the rate of 4.62 hours per pay period.
 - c. For over five (5) years of service, one hundred sixty (160) hours of annual vacation leave shall accrue at the rate of 6.15 hours per pay period.
3. An employee who is separated from employment may be compensated for all accrued annual vacation leave.

4. All annual vacation leave requests should be submitted a reasonable time in advance of the desired time off to the ~~Town Administrator~~Mayor, or designee. If an excessive (being the number of requests if granted that would render the department or organization ineffective) number of employees request annual vacation leave for the same time period, annual vacation leave shall be granted in order of application (first-come-first-served) at the discretion of the ~~Town Administrator~~Mayor, or designee.
5. A workday is based on ten (10) hours, ~~Monday through Thursday. Friday is considered a day off.~~ A vacation day is equivalent to the same.
6. Official annual vacation leave records will be maintained and kept current by posting at least annually by the ~~Town Administrator~~Mayor, or designee.
7. Vacation usage will be reported by the ~~Town Administrator~~Mayor, or designee, using attendance forms.

C. HOLIDAY LEAVE.

- ~~Holidays which apply to f~~Full time employees are receive 11 paid holidays as follows:
 - One paid holiday per year is classified as a "Floating Holiday" and may be taken anytime during the year at the discretion of the employee with approval from the mayor or designee.
 - New Year’s Day.....January 1st
 - Human Rights Day.....3rd Monday in January
 - President’s Day.....3rd Monday in February
 - Memorial Day.....Last Monday in May
 - Independence Day.....July 4th
 - Pioneer Day.....July 24th
 - Labor Day.....1st Monday in September
 - Thanksgiving.....4th Thursday in November & Friday in November
 - Christmas Eve.....December 24th
 - Christmas Day.....December 25th
- If any of the above holidays fall on Friday or Saturday, then the preceding ~~Friday~~ Thursday shall be the holiday. If any of the above holidays fall on Sunday, then the following Monday is the holiday.

SECTION 6: AMENDMENT “Employment Classifications/Compensation” of the Apple Valley Policies & Procedures is hereby *amended* as follows:

AMENDMENT

Employment Classifications/Compensation

A. GENERAL POLICY. Apple Valley will pay at least minimum wages and overtime to

all employees except those who are specifically exempt from minimum wage and overtime under the Fair Labor Standards Act (FLSA) of 1938. Apple Valley will also provide equal pay to all employees doing similar work which requires substantially equal skill, effort, and responsibility and are performed under similar working conditions in accordance with the Fair Labor Standards Act of 1938 and the Equal Pay Act of 1963.

B. EMPLOYMENT CLASSIFICATIONS. There are five classifications of employees within Apple Valley:

1. Full-time. An employee hired for an indefinite period in a position for which the normal work schedule is Thirty (30) hours per week or more. Full-time employees may or may not qualify for specific Apple Valley benefits.
2. Part-time. An employee hired for an indefinite period in a position for which the normal work schedule is less than Thirty (30) hours per week. Part-time employees do not qualify for Apple Valley benefits.
3. Temporary. An employee hired for a position which is required for only a specific, known duration, usually less than six (6) months. Temporary employees do not qualify for Apple Valley benefits.
4. Seasonal. An employee hired for a position which is required only for the summer or winter months. Summer or winter only employees do not qualify for Apple Valley benefits.
5. Volunteer. Individuals who serve in a non-compensated or nominal compensated position. Individuals do not qualify for specific Apple Valley benefits.

C. EMPLOYMENT STATUS. To facilitate provisions of the Fair Labor Standards Act, employees shall also be classified as either exempt or nonexempt, with respect to eligibility for overtime payment. They shall be defined as:

1. Exempt. Positions of a managerial, administrative, or professional nature, as prescribed by Federal and State Labor Statutes shall be exempt from minimum wage and mandatory overtime payment regulations.
2. Nonexempt. Positions of a clerical, technical, or service nature, as defined by Federal and State Labor Statutes, which are covered by provisions for minimum wage and mandatory overtime payment regulations.

D. WORK WEEK.

1. Begins on Sunday morning at 12:00 a.m. (midnight).
2. Ends on Saturday evening at 12:00 a.m. (midnight).
3. ~~Employees engaged in public safety activities, such as Law Enforcement and Fire Protection Departments: As directed by the Town Administrator, or designee.~~

E. WORKDAYS. Workday schedules are flexible and may vary based on position requirements.

1. Full Time: Monday - ~~Friday~~Thursday.
2. Part Time: As directed by the ~~Town Administrator~~Mayor, or designee.
3. Employees engaged in public safety activities, ~~such as Law Enforcement and Fire Protection Departments~~ work as dictated by necessity. It is the responsibility of the Department Head to ensure adequate staffing is available.

~~As directed by the Town Administrator, or designee.~~

F. WORK HOURS. Workday schedules are flexible and vary based on position requirements.

1. Full Time: 8:00 a.m. - 12:00 noon/1:00 p.m. - 5:00 p.m.
2. Part Time: As directed by the ~~Town Administrator~~ or Mayor, or designee.
- ~~3. Employees engaged in public safety activities, such as Law Enforcement and Fire Protection Departments: As directed by the Town Administrator, or designee.~~

G. ATTENDANCE. Employees shall be in attendance at their workstations during normal working hours.

H. BREAKS AND LUNCH PERIODS.

1. Full-time:
2. Breaks: Two (2) optional fifteen (15) minute paid breaks during a standard work day. Breaks can not be used to extend the lunch period or shorten an employee's work hours.
3. Lunch: One (1) hour unpaid lunch period during a standard work day.
4. Part-time: As directed by the ~~Town Administrator~~Mayor, or designee.
5. Employee breaks and lunch periods will be taken at the discretion of the ~~Town Administrator~~Mayor, or their supervisor, to ensure continuity in the flow of work.
6. If employees choose to work through their paid breaks, it is their decision to do so, and no extra compensation will be given for the extra time worked.
7. Employees engaged in public safety activities, i.e., Fire Department: As directed by the Fire Chief. ~~Town Administrator~~The fire chief will be directed by the Town Administrator.

I. TIME SHEETS. Non-exempt Employees will complete and sign, as verification of accuracy, an Employee Time Sheet showing all hours worked, including overtime, and submit the time sheet to the ~~Town Administrator~~,Mayor, or designee, for examination, payroll, and filing.

SECTION 7: AMENDMENT "Benefits" of the Apple Valley Policies & Procedures is hereby *amended* as follows:

AMENDMENT

Benefits

A. WORKERS COMPENSATION.

1. All employees are covered by workers compensation which provides medical reimbursement and disability benefits for job-related illness or injury. An employee does not accrue benefits while receiving workers compensation

- payments. For exact compensation coverage, check the workers compensation contract on file with the ~~Town Administrator~~Mayor, or designee.
2. Employees may use accrued vacation or sick leave to make up the difference between workers compensation benefits and their base pay.
 3. Medical Attention. An employee who sustains a bona fide, on-the-job injury may seek medical attention from the medical facility of their choice. They must tell the doctor, HOW, WHEN and WHERE the accident occurred. The doctor will complete a medical report and copies of this report should be sent within seven (7) days to the insurance carrier, the Industrial Commission, and to the injured worker (Please Note: Do not submit doctor or hospital bills for on-the-job injuries or illness to ~~the your~~ regular medical plan).
 4. Initial Reporting of Illness or Injury. Reporting the accident or illness is critical to qualification for payment under workers' compensation. If an employee is injured while on the job, no matter how minor, the circumstances should be reported to the ~~Town Administrator~~Mayor, or designee and Human Resources personnel immediately. After Form 122 is filled out, a copy must be sent to the insurance carrier and a copy must be sent to the Industrial Commission within seven (7) days of the date of injury.
 5. Reporting while off the Job. While on leave because of a bone fide, on-the-job injury or illness, an employee must contact the Mayor, or designee and their supervisor ~~or the Town Administrator~~ to report on their condition. Failure to provide the required medical status reports may result in revocation of the leave and/or immediate termination.
 6. Return to Service. All employees must return to work after the approval of the attending physician. A statement from the attending physician stating the employee is able to resume normal duties will be required before returning to work. Failure to return to work when directed may result in immediate termination. An employee who is able to return to work in light duty status may be required to work in a different department and perform duties not contained within their current job classification.
 7. At the time of final release or settlement of a workers compensation claim, if no vacancy exists; and, if a reasonable effort which have proven to be unsuccessful, has been made to place the employee in another position, they may be terminated and paid any accrued benefits due to them.
- B. SOCIAL SECURITY/FICA. All employees whether full-time, part-time, or temporary are covered by the benefits of Old Age, Survivors, and Disability Insurance as provided for by law. Contributions of the employee and Apple Valley will be made in accordance with the provision of the law.
- C. STATE AND FEDERAL UNEMPLOYMENT. All employees, whether regular, part-time, or temporary, are covered by the benefits of State and Federal Unemployment.
- D. CONTINUING EDUCATION. Employees are encouraged to obtain continuing education through attendance at job related seminars. Requests for attendance must be approved in advance by the ~~Town Administrator~~Mayor, or designee.
1. Required by Apple Valley. When Apple Valley requires an employee to attend any education or training course, conference, seminar, or certification course,

Apple Valley will provide the necessary time off with pay and will reimburse the employee for all associated costs including tuition or registration fees, authorized travel, meals, and lodging.

2. Encouraged by Apple Valley. Employees are encouraged to further their education and training in areas that will enhance their job performance. Upon advance approval by the ~~Town Administrator~~ Mayor, or designee and upon successful completion of relevant training courses, employees shall be reimbursed for tuition fees, materials, and other necessary and approved expenses upon presentation of proper receipts. Proof of successful completion will include one of the following:
 - a. A certificate indicating successful course completion, if applicable.
 - b. A grade point average of 2.0 or higher on a 4.0 (A, B, C, D) scale.
 - c. A grade pass on a pass/fail grading system.

E. RETIREMENT BENEFITS. The Town fully funds an employee pension plan through the Utah Retirement System (URS) for certain classes of employees as follows:

1. ELIGIBLE:

- a. Regular full-time employee. Eligibility begins after probationary period.
- b. URS Tier 1 Employees: Based on the monthly pay established annually by the URS, ~~currently \$1,148.~~
- c. URS Tier 2 Appointed Officers are Part-Time Ineligible except for the following positions, which are deemed Full-Time Eligible if the employee meets the Town's definition of Full-Time:
 - i. Town Administrator
 - ii. Finance Director
 - iii. Town Clerk
 - iv. Fire Chief
- d. URS Tier 2 Elected Officers are Part-Time Ineligible.
- e. The Current Appointed Full-Time Positions ~~are~~ eligible for URS vesting exemption purposes, ~~if available~~ is the Town Clerk.
- f. Under the Fire Fighter URS, all volunteer fire fighters currently on the roster are eligible for Death and Disability benefits while performing in the line of duty.

F. HEALTH BENEFITS

1. Health benefits are administered through the Qualified Small Employer Health Reimbursement Arrangement (QSEHRA) Plan.
2. Eligibility: ~~Regular full-time employee's are eligible after their probationary period. Eligibility beings after probationary period.~~
3. Funding of this arrangement will include reimbursement for qualified medical expenses for the employee or the employee and their family, as elected at the beginning of the year by the employee. Family includes employee's dependent children and current spouse of the employee. The amount will be reimbursable is \$4,000 yearly for single arrangements and \$8,500 for family arrangements. ~~set as per the QSEHRA Summary Plan Description and shall be reimbursed~~

~~on a monthly basis at the beginning of the month.~~

G. VOLUNTEER BENEFITS

1. As a nominal fee reimbursement, all volunteer firefighters, town council members, and planning commissioners, shall receive a no charge ~~on~~for their solid waste ~~service~~fee during their ~~tenure as a volunteer service to~~ with the town.

SECTION 8: AMENDMENT “Alcohol And Drug Free Workplace” of the Apple Valley Policies & Procedures is hereby *amended* as follows:

AMENDMENT

Alcohol And Drug Free Workplace

- A. GENERAL POLICY. The purpose of this policy is to implement the Federal Drug Free Workplace Act of 1988 by providing for a safe and productive work environment that is free from impaired performance caused by employee use or abuse of alcohol, controlled substances, and/or medication.
- B. EMPLOYEE RESPONSIBILITIES.
 1. No employee shall unlawfully manufacture, dispense, possess, use, or distribute any controlled substance, medication, or alcohol.
 2. Any employee convicted under a federal or state statute regulating controlled substances shall notify their supervisor and the ~~Mayor~~ Town Administrator within five days after the conviction.
 3. No employee shall consume alcoholic beverages immediately before work, during work hours, or while at work during breaks or lunches.
 4. No employee shall be impaired by alcohol, illegal drugs, or medication during work hours.
 5. No employee shall represent Apple Valley in an official capacity while impaired by alcohol, illegal drugs, or medication.
 6. No employee using medication that may impair performance shall operate a motor vehicle or engage in safety sensitive functions while on duty for Apple Valley.
 7. If an employee is using prescription or non-prescription medication that may impair performance of duties, the employee shall report that fact to their supervisor.
 8. An employee who has reason to believe that the performance of another employee is impaired by alcohol, illegal drugs, and/or medication shall immediately notify their supervisor who will then notify the Mayor. ~~Town Administrator, or designee.~~
- C. DISCIPLINARY ACTION. Because of the serious nature of illegal use or abuse of alcohol, controlled substances, and/or medication, appropriate employee disciplinary

action will be taken, up to and including termination.

SECTION 9: AMENDMENT “Employee Code Of Conduct” of the Apple Valley Policies & Procedures is hereby *amended* as follows:

AMENDMENT

Employee Code Of Conduct

- A. PROFESSIONALISM. Apple Valley is a professional association whose purpose, among others, is to provide professional services to its citizens. Its employees must adhere to high standards of public service that emphasize professionalism and courtesy. Employees are required to carry out efficiently the work items assigned at their responsibility, to maintain good moral conduct, and to do their part in maintaining good relationships with their supervisors and fellow employees, the public, and other ~~member-employees and~~ officials. A separate Ethical Behavior Policy Statement is incorporated as part of this manual.
- B. PRIVILEGED INFORMATION. Apple Valley employees involved with information of significant public interest may not use this privileged information for personal gain, nor to benefit friends or acquaintances. If an employee has an outside interest which could be affected by any Apple Valley plan or activity, this situation must be reported to the ~~Town Administrator~~ Mayor immediately. Each employee is charged with the responsibility of ensuring only information that should be made available to the general public is released as defined in the Government Records Access and ~~m~~Management Act.
- C. CONFIDENTIALITY. ~~Fellow e~~ Employees have ~~an unquestionable~~ the right to expect all personal information about themselves, ~~their~~ any illnesses, ~~their and / or~~ family and financial circumstances to be kept confidential. Every employee has an obligation to protect this confidence. Never discuss privileged information with others who are not authorized to receive it, either inside or outside the office.
- D. GIFTS AND GRATUITIES. Apple Valley employees are prohibited from soliciting or accepting any gift, gratuity, favor, entertainment, loan or item of monetary value from any person seeking to obtain business with Apple Valley, or from any person within or outside Apple Valley employment whose interests may be affected by the employee’s performance or nonperformance of official duties. Apple Valley employees will not accept gifts or gratuities except under circumstances allowed by the Utah Employee Ethics Act 67-16.
- E. ATTENDANCE. Regular attendance and punctuality are essential to providing high quality work, service to customers, and to avoid extra work for fellow employees. Therefore, when the employee is going to be late or will not be able to report to work, the employee must notify their supervisor prior to the scheduled work time. If the employee is ill or has an emergency, they should notify their supervisor as soon as possible on each day of absence.

- F. APPEARANCE. Apple Valley reserves the right to expect its employees to present a favorable impression during any contact with the public. All employees are expected to maintain a neat and clean personal appearance. Standards of dress shall be appropriate to the job and the tasks to be accomplished.
- G. SMOKING. In compliance with the Utah Indoor Clean Air Act, smoking is not permitted in Apple Valley facilities or on the grounds surrounding said facilities. Apple Valley also prohibits smoking in Apple Valley owned vehicles.
- H. PERSONAL USE OF APPLE VALLEY OFFICE ITEMS.
1. Computer Equipment (In General).
 - a. Personal use of Apple Valley owned computer systems is permitted only when all of the following criteria are met.
 - i. The use offers an opportunity for the employee to increase the employee's job-related knowledge and skills.
 - ii. The employee is not compensated for the work performed, unless the employee has received prior written approval by the ~~Town Administrator~~Mayor, or designee.
 - iii. The employee pays for the cost of consumables and other attendant expenses (diskettes, paper, computer on-line/access charges, etc.).
 - iv. The employee uses the computer system after hours, or on the employee's personal time.
 - v. The employee does not use the computer system for permanent storage of data.
 - vi. Use does not conflict with the employee's Apple Valley responsibilities or normal Apple Valley business.
 - ~~vii. The use has been approved by the Town Administrator, or designee.~~
 - b. All data stored on, and software developed on, Apple Valley owned computer equipment is the property of Apple Valley and may be viewed/reviewed by the ~~Town Administrator~~Mayor, or designee, at any time.
 - c. No pornography or sexually explicit material shall be accessed, stored, or viewed/reviewed on Apple Valley owned computer equipment.
 - d. A separate IT and Computer Security Policy is hereby incorporated as part of this manual.
 2. Postage Meters. No employee shall be allowed to use Apple Valley owned postage metering machines at any time for posting and mailing of any material of a personal nature.
 3. FAX and Copying Machines. Any employee desiring to use Apple Valley owned FAX or copying machines for items of a personal nature may do so after paying for such use at the employee rate which is in effect at the time of use.
 4. Telephone calls.
 - a. Employees are expressly prohibited from making long distance

telephone calls of a personal nature on Apple Valley owned telephones.

- b. All employees will use Apple Valley owned telephones for local personal calls judiciously. Local telephone calls will be limited to necessity and must not disrupt the carrying out of employee responsibilities.

I. PURCHASING. When procurement involves the expenditure of federal assistance funds, Apple Valley shall comply with all applicable federal laws and regulations, state laws, and Town ordinances and resolutions. For all purchases, please refer to current purchasing policies.

J. TIMECARDS

- 1. All non-exempt employees of Apple Valley are required to maintain an accurate and legible record of all their hours worked for Apple Valley on time sheets/cards.
- 2. Time sheets/cards will be signed and dated by the employee, and forwarded to the ~~Town Administrator~~ Mayor, or designee, as directed for review and payment.

K. DEBIT CARDS. Apple Valley debit cards shall be used for official business only and shall not be used for the personal convenience of an employee.

- 1. It is the cardholder's responsibility to:
 - a. Make only authorized purchases as prescribed by the Town purchasing policy and approved budget.
 - b. Retain receipts for all transactions.
 - c. Keep the credit card and corresponding account information secure.
 - d. Immediately report any lost or stolen credit card and/or account information to the Town.
 - e. Sign the back of the issued card.
 - f. Return the card upon termination.
- 2. It is accounts payable responsibility to:
 - a. Reconcile the credit card statement upon its arrival.
 - b. Report fraudulent charges or any discrepancies in the credit card statement in a timely manner.
- 3. Prohibited credit card purchases:
 - a. Any merchant, product, or service normally considered to be inappropriate use of Town funds.
 - b. Purchase of items for personal use or consumption.
 - c. Alcohol
 - d. Any use not in conformity with the purchasing policy.

L. OUTSIDE ACTIVITIES. Apple Valley employees shall not use Apple Valley owned property in support of outside interests and activities when such use would compromise the integrity of Apple Valley or interfere with the employee's duties. Specifically, an employee who is involved in an outside activity such as a civic organization, church organization, committee unrelated to Apple Valley business, public office, or service club, shall:

- 1. Pursue the outside activity on the employee's own time.

2. Pursue the outside activity away from Apple Valley offices.
3. Discourage any phone, mail or visitor contact related to the outside interest at Apple Valley offices.
4. Arrange for annual leave or compensatory time off in advance to pursue the outside interest during business hours.
5. Except as provided in paragraph 8, not use data processing equipment, postage metering machines, copiers, other Apple Valley owned equipment or supplies for the outside interest.

M. POLITICAL ACTIVITY.

1. An employee shall not be coerced to support a political activity, whether funds or time are involved.
2. An employee shall not engage in political activity during work hours, unless on approved leave.
3. An employee shall not use Apple Valley owned equipment, supplies or resources, and other attendant expenses (diskettes, paper, computer online and access charges, etc.) When engaged in political activity.
4. An employee shall not use, discriminate in favor of or against, any person or applicant for employment based on political activities.
5. An employee shall not use the employee's title or position while engaging in political activity.

N. SECONDARY EMPLOYMENT.

1. Apple Valley employment is primary.
 - a. Employment with Apple Valley shall be the employee's primary employment. Apple Valley employees are permitted to engage in secondary or outside employment under the following guidelines. Outside employment must not be of a type that would reasonably give rise to criticism or suspicion of conflicting interests or duties.
 - b. Employees are required to provide written notification to the ~~Town Administrator~~ Mayor, or designee, using the Employee's Notice of Secondary Employment before starting any secondary or outside employment. This notification should include the following information:
 - i. The employer's name, business name, and business address.
 - ii. A general overview of the type of business engaged in by the secondary employer.
 - iii. The specific duties engaged in by the employee at their secondary employment.
2. Apple Valley's approval process.
 - a. The ~~Mayor~~ ~~Town Administrator~~, or designee, shall review the information contained in the Employee's Notice of Secondary Employment and determine whether the employee's secondary employment is approved or denied. Factors to consider include, but are not limited to, the following:
 - i. That the secondary employment reasonably articulates some

- factor or factors which could negatively impact their employment with Apple Valley. For example, that the secondary employment could reasonably be expected to be too physically or mentally draining on the employee.
- ii. That the secondary employment could invoke a conflict of interest with their employment with Apple Valley.
- iii. That the secondary employment is immoral or unethical.
- b. This decision shall be communicated in writing to the employee, using the same Employee's Notice of Secondary Employment. The employee:
 - i. Shall abide by that decision.
 - ii. May appeal the decision to the Town Council, whose decision shall be final.
 - iii. May voluntarily resign their employment with Apple Valley.

SECTION 10: **AMENDMENT** "Disciplinary Action" of the Apple Valley Policies & Procedures is hereby *amended* as follows:

A M E N D M E N T

Disciplinary Action

A. GENERAL POLICY.

1. It is the policy of the Apple Valley that management will inform its employees about what is expected at work, what constitutes employee 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 Apple Valley government. Administrative procedures have been established for the handling of disciplinary measures when required. All such measures shall follow the presentation of charges to the employee.
3. Disciplinary action, up to and including termination, may be imposed for misconduct.
4. Written documentation concerning employee disciplinary action imposed will become a permanent part of an employee's Personnel Record.

B. ~~TYPES OF~~ IMPOSING DISCIPLINARY ACTION.

1. Verbal Warning.
 - a. Whenever grounds for disciplinary action exist, and the ~~Town~~ AdministratoMayor, or designee, determines that more severe action is not immediately necessary, the deficiency demonstrated should be verbally communicated to the employee.
 - b. Whenever possible, sufficient time for improvement should precede

additional disciplinary action.

2. Written Reprimand.

- a. The ~~Town Administrator~~Mayor, or designee, may reprimand an employee. The ~~Town Administrator~~Mayor, or designee, shall furnish the employee with an Employee Written Reprimand Notification setting forth the reason(s).
- b. A copy of the Employee Written Reprimand Notification, signed by the ~~Town Administrator~~Mayor or Designee and the employee, shall be permanently placed in the employee's personnel file. If the employee refuses to sign the form; the ~~Town Administrator~~Mayor, or designee, will so state.

3. Suspension.

- a. The ~~Town Administrator~~Mayor, or designee, may suspend an employee with or without pay for up to, but not exceeding, thirty (30) calendar days for cause.
- b. When suspending an employee, the ~~Town Administrator~~Mayor, or designee, shall follow the due process proceedings as follows. ~~hereinafter set forth in paragraph 5 of this section, entitled, Imposing Disciplinary Action.~~
- c. On or before the effective date of the suspension, the ~~Town Administrator~~Mayor, or designee, shall furnish the employee with a written Employee Suspension Notification setting forth the reason(s) for suspension.
- d. A copy of the Employee Suspension Notification, signed by the ~~Town Administrator~~Mayor, or designee, and the employee, shall be permanently placed in the employee's personnel file. If the employee refuses to sign the form; the ~~Town Administrator~~ Mayor, or designee, will so state.

4. Demotion.

- a. The ~~Town Administrator~~Mayor, or designee, may demote, or reduce in grade, any ~~d~~ employee for cause or provide for reasonable accommodation in appropriate circumstances.
- b. When demoting an employee, the ~~Town Administrator~~Mayor, or designee, shall follow the due process proceedings as follows. ~~hereinafter set forth in paragraph 5 of this section, entitled, Imposing Disciplinary Action.~~
- c. On or before the effective date of the demotion, the ~~Town Administrator~~Mayor, or designee, shall furnish the employee with a written Employee Demotion Notification setting forth the reason(s) for demotion.
- d. A copy of the Employee Demotion Notification, signed by the ~~Town Administrator~~Mayor, or designee, and the employee, shall be permanently placed in the employee's personnel file. If the employee refuses to sign the form; the ~~Town Administrator~~Mayor, or designee, will so state.

5. Transfer.

- a. The ~~Town Administrator~~Mayor, or designee, may transfer an employee (with the exception of a probationary employee) by furnishing the employee with a written Employee Transfer Notification.
- b. A copy of the Employee Transfer Notification, signed by the ~~Town Administrator~~Mayor, or designee, and the employee, shall be permanently placed in the employee's personnel file. If the employee refuses to sign the form; the ~~Town Administrator~~Mayor, or designee, will so state.

6. Termination.

- a. The ~~Town Administrator~~Mayor, or designee, may terminate an employee for cause.
- b. When terminating an employee for cause, the ~~Town Administrator~~Mayor, or designee, shall follow the due process proceedings as follows, ~~hereinafter set forth in paragraph 5 of this section, entitled, Imposing Disciplinary Action.~~
- c. On or before the effective date of the termination for cause, the ~~Town Administrator~~Mayor, or designee, shall furnish the employee with a written Employee Termination Notification setting forth the reason(s) for termination.
- d. A copy of the Employee Termination Notification, signed by the ~~Town Administrator~~Mayor, or designee, and the employee, shall be permanently placed in the employee's personnel file. If the employee refuses to sign the form; the ~~Town Administrator~~Mayor, or designee, will so state.

C. CAUSES FOR DISCIPLINARY ACTION.

1. Causes for disciplinary action, up to and including termination, 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 minor traffic offenses.
 - b. Violation of the code of personal conduct.
 - c. Conduct which endangers the peace and safety of others or poses a threat to the public interest.
 - d. Unjustified interference with work of other Apple Valley employees.
 - e. Misconduct.
 - f. Malfeasance.
 - g. Misfeasance.
 - h. Nonfeasance.
 - i. Incompetence.
 - j. Negligence.
 - k. Insubordination.
 - l. Failure to maintain skills.
 - m. Inadequate performance of duties.
 - n. Unauthorized absence or tardiness.

- o. Falsification or unauthorized alteration of records.
- p. Violation of Apple Valley policies.
- q. Falsification of employment application.
- r. Discrimination in hiring, assignment, or promotion.
- s. Sexual harassment.
- t. Violation of the Personnel Policies and Procedures.
- u. Use of alcohol or drugs, other than medication prescribed by a physician, that affect job performance.
- v. Falsifying Apple Valley Records.
- w. Knowingly marking the time slip of another employee, authorizing one's time slip to be marked by another employee, unauthorized alteration of a time slip.
- x. Unauthorized possession of firearms, weapons, or explosives on Apple Valley owned property, with the obvious exception of police officers.
- y. Carelessness which affects the safety of personnel.
- z. Threatening, intimidating, coercing, or interfering with fellow employees on the job, or the public at large.
- aa. Theft or removal of any Apple Valley property or the property of any employee from the work area premises without proper authorization.
- ab. Gambling or engaging in a lottery at any Apple Valley work area.
- ac. Misusing, destroying, or damaging any Apple Valley property or the property of any employee.
- ad. Deliberately restricting work output of themselves or others.
- ae. Drinking any alcoholic beverage during the workday or being under the influence of illicit drugs or alcohol during the workday.
- af. Sleeping during working hours, with the obvious exception of firefighter employees.
- ag. Fighting (verbal or physical) on Apple Valley premises, or while on Town business, or in a Town uniform.
- ah. Any act which might endanger the safety or lives of others.

SECTION 11: **AMENDMENT** "Termination Of Employment" of the Apple Valley Policies & Procedures is hereby *amended* as follows:

AMENDMENT

Termination Of Employment

- A. TYPES OF TERMINATION. Any involuntary termination or termination of any employee who is allowed to resign, in lieu of an involuntary termination, should be reviewed with legal counsel before termination is pursued or a resignation is accepted

to ensure the employee's due process property rights are not violated.

1. Retirement. Voluntary termination at the end of an employee's career.
2. Voluntary Resignation. When an employee wishes to leave Apple Valley, they will complete a Notice of Voluntary Resignation Form and present it to the ~~Town Administrator~~Mayor, or designee.
3. Resignation, in Lieu of an Involuntary Termination, Agreement. The ~~Town Administrator~~Mayor, or designee, ~~may~~ conclude that an employee should be involuntarily terminated for no reason (for probationary employees and Department Heads) or for cause. If Involuntary Termination proceedings have begun but have not been completed and an employee suggests that they would like to voluntarily resign, the ~~Town Administrator~~Mayor, or designee may agree to a Resignation In Lieu Of an Involuntary Termination Agreement.
4. Involuntary Termination. The ~~Town Administrator~~Mayor, or designee, may conclude that an employee should be involuntarily terminated for no reason (for probationary employees ~~and Department Heads~~) or for cause.
5. Reductions in Force/Layoffs. Whenever it is necessary to reduce the number of employees in Apple Valley because of lack of work or lack of funds, Apple Valley may attempt to minimize layoffs by readjustment of personnel through reassignment of duties in other work areas.
6. Medical. The American's with Disabilities Act (ADA) prohibits illegal discrimination by an employer against an otherwise qualified individual with a disability. Consequently, an employee should not be terminated for medical reasons without prior consultation with legal counsel.
7. Death. If an employee of Apple Valley dies, their estate receives all pay due and any earned and payable benefits (such as payment for compensation time, annual leave, and/ or sick leave) as of the date of death.

B. REQUIRED NOTICE PRIOR TO TERMINATION.

1. All employees, including at-will employees, must notify Apple Valley at least two (2) weeks before retiring or voluntarily resigning to be eligible:
 - a. To receive pay for unused, accrued vacation leave (if applicable).
 - b. To receive pay for vested sick leave (if applicable).
 - c. For rehire.
2. Apple Valley does not have a requirement to give any prior notice to an employee before terminating their employment with Apple Valley.
3. Unused, accrued vacation leave (if applicable) and vested sick leave (if applicable) will ~~always~~ be paid for terminations of employment involving Reductions in Force/Layoffs, Medical Reasons, and Deaths.

C. TERMINATION PROCEDURES.

1. A Notice of Voluntary Resignation Form, signed by the employee and the ~~Town Administrator~~Mayor, or designee, may be utilized in Voluntary Resignations.
2. Involuntary Terminations/Separations for Cause require Apple Valley to provide their terminating employees with written notification of due process. At-Will Involuntary Terminations (for probationary employees and department heads) do not require Apple Valley to provide their terminating employees

with written notification of due process.

3. A Resignation in Lieu of an Involuntary Termination Agreement, signed by the employee and the ~~Town Administrator~~ Mayor, or designee, may be utilized in negotiated terminations. A Resignation in Lieu of an Involuntary Termination Agreement does not require Apple Valley to provide their terminating employees with written notification of due process.
4. The following steps should be taken for Voluntary Retirements:
 - a. Employees who desire retirement should notify Apple Valley three (3) months in advance.
 - b. Apple Valley should communicate the status of each employee's retirement benefits. Upon request for retirement benefits, Apple Valley should notify the administrator of the retirement program and the appropriate state and federal regulatory agencies.
 - c. Apple Valley should carefully explain to the employee what the options are (such as Cobra and Retirement Plan Options).
 - d. Apple Valley should give the employee ample time to review the retirement plan.
 - e. Apple Valley should have the employee sign a release, or at least a declaration statement, to the effect that they are electing retirement of their own free will.
5. The following steps should be taken for Reductions in Force/Layoffs:
 - a. Determine whether Apple Valley is required to follow statutory guidelines related to the reduction in force/layoff. If Apple Valley is required to follow statutory guidelines; policy, procedure and actual practice must comply with said guidelines.
 - b. If Apple Valley is facing a possible reduction in labor force, Apple Valley should explain the situation to its employees, advising them of the possibility that reductions in force/ layoffs may become an economic necessity for Apple Valley.
 - c. In the selection of employees for Apple Valley's reduction in force/layoff, the following guidelines should be considered:
 - i. Selection should be based upon the employee's ability to perform the work assignments within the affected department.
 - ii. Seniority should govern the selection when ability is equal.
 - iii. Emergency, temporary, and probationary employees should be laid off first.
 - iv. Permanent employees should be the last to be laid off, when possible, in inverse order of their length of service.
 - v. Before any reduction in force/layoff, Apple Valley should determine whether it is subject to the requirements of the Worker Adjustment and Retraining Notification Act, 29 U.S.C. 2101, et seq.
 - vi. Apple Valley should carefully explain to the employee what the options are (such as Cobra and Retirement Plan Options).
 - vii. If Apple Valley cannot give advanced notice of a reduction in

force/layoff to the employee, two weeks' severance pay may be given in lieu of notice for a bona fide reduction in force/layoff.

- d. Written reductions in force/layoffs notices should contain the following information:
 - i. Statement that separation from employment is based on reduction in force/layoff.
 - ii. Anticipated date of layoff.
 - iii. Any options regarding employee placement in another position.
6. Outstanding Pay.
 - a. Arrange for distribution of any paychecks which may be due the employee, including pay for any hours worked but not paid; pay for unused, accrued vacation leave (if applicable); or pay for vested sick leave (if applicable).
 - b. Under Utah State law, the required timing of the final payment at termination is:
 - i. A Voluntary Resignation. Within one (1) workday of effective resignation date.
 - ii. An Involuntary Termination/Separation for Cause. Within one (1) workday of last day worked.
7. The terminating employee will return any supplies or equipment, which are the property of Apple Valley, to Apple Valley at termination.
8. All terminating employees should complete an Exit Interview Form with the ~~Town Administrator~~Mayor, or designee. The Exit Interview Form should be signed by the employee and the ~~Town Administrator~~Mayor, or designee.

SECTION 12: AMENDMENT "Record Keeping" of the Apple Valley Policies & Procedures is hereby *amended* as follows:

AMENDMENT

Record Keeping

- A. GENERAL POLICY. Federal law requires employers to keep detailed data about their employees.
- B. CONFIDENTIALITY. Employee records are maintained in compliance with the law.
 1. Confidentiality must be always maintained with access limited to employees and their supervisory chain.
 2. Apple Valley's policy is that only relevant, job-related information is maintained on its employees, that such information is held in strict confidence, and that access is limited only to those who require it for legitimate business reasons.

3. Employees have the opportunity to review their own files in the presence of the ~~Town Administrator~~Mayor, or designee, on Apple Valley premises during regular business hours.

C. PERSONNEL FILES REQUIREMENTS.

1. General.

- a. Personnel files are maintained on each employee and kept by the ~~Town Administrator~~ ~~Town Administrator and Clerk~~Human Resources representative, or designee. ~~The Clerk's file will be retained by the Treasurer.~~ The record copy (original) of all appropriate personnel information, as set forth hereafter, related to an employee shall be filed in the employee's personnel file.
- b. No information from any record placed in an employee's personnel file will be communicated to any person or organization except by the ~~Town Administrator~~Mayor, or designee.
- c. Employees, or their representative designated in writing, may examine the employee's personnel file upon request during normal working hours at Apple Valley. When a supervisor requires access to the personnel file of an employee under their supervision for the handling of personnel matters, the supervisor must obtain authorization from the ~~Town Administrator~~Mayor, or designee.

2. Contents.

- a. An employment record; including the employee's job application, resume, interview forms, Employment Eligibility Verification (Form I-9), Employee's Withholding Allowance Certificate (Form W-4), etc.
- b. A signed copy of the employee's acknowledgment of receiving a copy of the personnel policies and procedures manual; and the performance standard for the position the employee currently occupies.
- c. ~~Election form to disclose or keep confidential, the employee's home address and home telephone number.~~
- d. All personnel action forms, including:
 - e. Performance evaluations.
 - f. Promotions or transfers.
 - g. Salary rate changes.
 - h. Disciplinary action taken. The employee will be asked to sign the disciplinary action form. If the employee refuses to sign this form; the ~~Town Administrator~~Mayor, or designee, will so state.
 - i. Any information the employee wants included in response to any of the above actions.
 - j. Records of citations for excellence or awards for good performance.
- k. Annual records of any leave accrued and taken. Official records of vacation and sick leave accrual and of leave usage are kept for employees by the ~~Town Administrator~~Mayor, or designee. Leave balances are shown on the official record to reflect any remaining leave to which an employee is entitled. Employees may check with

the ~~Town Administrator~~ Mayor, or designee, to obtain information regarding their current leave usage.

1. Record of any other pertinent information having a bearing on the employee's status.
 3. Employee Information/Change of Employee Status. Employees are responsible for ensuring that personal employee information contained in their personnel files is current and accurate. Employee information (any change in number of dependents, marital status, address, telephone number, etc.) should be updated by completing an Employee Information/Change of Status Form and giving it to the ~~Town Administrator~~ Mayor, or designee, ~~to~~ they will then file the form in their personnel file.
 4. Giving References. Apple Valley limits information given ~~in a~~ for purposes of reference to the following information.
 - a. Verification that the employee worked, full-time or part-time, for Apple Valley during a stated period.
 - b. A description of the position held.
 - c. Verification that the employee achieved a given salary range.
- D. OTHER FILES REQUIREMENTS. Records related to the items listed below should be kept for a period of at least one (1) year. In addition, records should be examined annually to keep the files current and to save those records that management feels should be kept longer.
1. Job applications.
 2. Test papers completed by job applicants or candidates for any position.
 3. Results of any pre-employment physical exam and mobility exams should be kept for a period of at least four (4) years.
 4. Any advertisements or notices relating to job openings, promotions, training programs, or opportunities for overtime work.
 5. Records of promotion, demotion, transfer, selection for training, layoff, rehire, or termination of any employee. These should also be signed by the employee.
- E. SALARY/WAGE REQUIREMENTS. The Federal Labor Standards Act (FLSA) requires Apple Valley to keep all of the following data on all employees for a period of at least three (3) years.
1. Employee's sex.
 2. Time and day work week begins.
 3. Hours worked each day and total hours worked each week.
 4. Total daily or weekly straight-time earnings.
 5. Total additions to, or deductions from, wages paid each pay period, including an explanation of items that make up additions and deductions.
 6. Date of payment and pay period covered.
 7. Total overtime above regular compensation for work week.
- F. OTHER REQUIREMENTS. There are record keeping requirements under other federal and state laws over which the personnel record keeping function has jurisdiction:
1. Occupational Safety and Health Act (OSHA) record of injuries.

2. Employee Retirement Income Security Act (ERISA) record of pensions.
3. The Immigration Reform and Control Act (IRCA) of 1986 requires verification of status forms to be kept for three (3) years after the person is hired or for one (1) year after employment is terminated, whichever is later.

SECTION 13: AMENDMENT “Salary Planning” of the Apple Valley Policies & Procedures is hereby *amended* as follows:

AMENDMENT

Salary Planning

- A. GENERAL POLICY. The ~~Town Administrator~~ Mayor, or designee in conjunction with the Town Council, shall be responsible for the development and maintenance of a uniform and equitable pay plan for Apple Valley which shall consist of minimum and maximum rates of pay for each position and such intermediate steps as deemed necessary and equitable. Salaries shall be linked directly to the position classification plan and may take into consideration the following factors:
1. Ranges of pay for other positions.
 2. Prevailing rates of pay for similar employment in both public and private organizations.
 3. Cost of living factors.
 4. Other benefits received by employees.
 5. The financial policy and economic conditions of Apple Valley.

SECTION 14: AMENDMENT “Reimbursable Expenses” of the Apple Valley Policies & Procedures is hereby *amended* as follows:

AMENDMENT

Reimbursable Expenses

- A. GENERAL POLICY. With prior approval, legitimate expenses will be reimbursed by Apple Valley to the employee. Receipts should be required to reimburse the employee. Reimbursement may be in the form of petty cash, an addition to a paycheck, or a separate check. Records must be kept reflecting the amount of reimbursement each employee has received.
- B. TRAINING AND CONFERENCES. If required to attend training seminars, conferences, briefings, or gather information; an employee will be compensated, in addition to paying any tuition or fees, at the rate of one and one-half times their regular

work day pay if hours worked exceed forty (40) hours in that week.

C. TRAVEL POLICY.

1. All travel outside of the Apple Valley limits during Apple Valley work hours shall be authorized by the ~~Town Administrator~~ Mayor, or designee. A log of all such travel exceeding a thirty (30) mile radius of Apple Valley shall be kept. This log shall include the reason for the trip, the time the employee departed, and the time the employee returned, and vehicle used.
2. Travel for legitimate Apple Valley purposes in Apple Valley vehicles may be authorized when the use of the vehicle does not detract from the operational needs of Apple Valley. Overnight use of Apple Valley vehicles for travel purposes shall be authorized by the ~~Town Administrator~~ Mayor, or designee.
3. If travel is outside the range of service of Apple Valley's repair shop, travel costs in conjunction with the use of Apple Valley vehicles shall be paid by the employee with receipts being kept for reimbursements.
4. All hotels or other sleeping accommodations and airplane or other travel accommodations shall be arranged in advance for overnight trips and paid in advance of the trip. If such payment in advance is not possible, Apple Valley shall reimburse to the employee the cash amount of the cost of such sleeping and travel accommodations after receiving the appropriate receipts to verify that the employee has expended their own money for such purposes. Failure to produce a receipt in such circumstances will necessitate the withholding of reimbursement. Receipts for hotel accommodations shall be turned into Apple Valley by the employee as a verification of attendance no matter what the form of payment.
5. Use of an employee's personal vehicle may be authorized when circumstances warrant. The employee shall keep track of the mileage associated with the approved travel and submit a request for reimbursement to the ~~Town Administrator~~ Mayor, or designee based upon this record. The mileage rate will be consistent with the established rate used for Internal Revenue Service travel deductions .
6. All registration fees, etc., will be paid in advance by check. If this is not possible, the employee will be reimbursed for their own expenditure for registration fees, etc. after presentation of a valid receipt in conjunction with previously authorized travel.
7. The amount of fifty nine dollars (\$59.00) shall be granted as the maximum daily per diem allowance for Apple Valley employees engaged in travel on the Apple Valley's behalf. No per diem shall be authorized for spouses of employees or others traveling with the employee at their own expense (Please note: the ~~Town Administrator~~ Mayor, or designee, however, may authorize the cost of a double rather than a single hotel room to accommodate the travel of a spouse family members with an employee).-Receipts shall not be required for per diem advancements or compensation unless the employee requests reimbursement above the authorized amount.
8. Travel that requires less than a full day shall be compensated by the following specific per diem allowances:

- a. Breakfast: ~~Six dollars~~ Fifteen dollar (\$15.00) maximum, when departing before 7:00 a.m.
- b. Lunch: ~~Eight dollars~~ Twenty dollar (\$20.00) maximum.
- c. Dinner: ~~Fourteen dollars~~ Twenty four dollar (\$24.00) maximum, when returning after 7:00 p.m.
- d. These amounts may be either an advance, after submission and approval of travel request, or reimbursed after presentation of receipts.

SECTION 15: AMENDMENT “General Safety” of the Apple Valley Policies & Procedures is hereby *amended* as follows:

A M E N D M E N T

General Safety

- A. GENERAL POLICY. The following general safety rules will apply in all agency work places. Each work unit may prepare separate safety rules applicable to the specific nature of work in their area but not in conflict with these rules.
 - 1. Proper licensing and extreme caution are required by all employees operating any type of power equipment.
 - 2. Employees will use safety equipment appropriate to the job, such as safety glasses, gloves, toe guards, back supports, and hard hats, if required or appropriate to the work performed.
 - 3. Employees will avoid wearing loose clothing and jewelry while working on or near equipment and machines. Long hair will be properly secured.
 - 4. All accidents, regardless of severity, personal or vehicular, shall be reported immediately to the supervisor/manager.
 - 5. Defective equipment will be reported immediately to the supervisor ~~and~~ Mayor, or designee ~~Town Administrator~~.
 - 6. Employees will not operate equipment or use tools for which licensing and training has not been received.
 - 7. In all work situations, safeguards required by State and Federal Safety Orders will be provided.
 - 8. Due to the potential risk of serious injury or death, employees are prohibited from entertaining, or caring for, guests or family members in or around inherently dangerous work areas. These areas include, but are not limited to:
 - a. Road repair.
 - b. Construction areas.
 - c. Vehicle maintenance areas.
 - d. Animal control.
 - e. ~~Sewers:~~
- B. ACCIDENT REPORTING PROCEDURES.

1. Employees who are injured in connection with employment, regardless of the severity of the injury, must immediately notify the ~~Town Administrator~~ Mayor, or designee ~~or~~ and their supervisor, who will ensure prompt and qualified medical attention, is provided and all required UOSHA reports are completed. Employees, who do not and/or will not accept qualified medical attention when directed by the ~~Town Administrator~~ Mayor, or designee, shall be subject to disciplinary action, up to and including termination.
2. The ~~Town Administrator~~ Mayor, or designee, will investigate the job-related injury to determine the cause of the injury.
3. Apple Valley shall contact UOSHA within twelve (12) hours of the occurrence of any job-related death, disabling, serious, or significant injury, and/or any occupational disease.
4. Apple Valley files the required report with UOSHA within seven (7) days after first knowledge or notification of an injury or occupational disease resulting in medical treatment, loss of consciousness, loss of work, restriction of work, or transfer to another job. -Minor injuries such as scratches and cuts do not need to be reported to UOSHA if they require only minor first-aid treatment.
5. Apple Valley shall keep a copy of the UOSHA report in their UOSHA File.
6. Apple Valley shall give the employee a copy of the UOSHA report and explain the employee's rights and responsibilities concerning the work-related injury or occupational disease.
7. If an employee later dies as a result of work-related injury, Apple Valley shall file a report with UOSHA within seven (7) days of first knowledge or notification of the death.

SECTION 16: AMENDMENT "Vehicle Policy" of the Apple Valley Policies & Procedures is hereby *amended* as follows:

AMENDMENT

Vehicle Policy

Town vehicles represent a tremendous investment of the taxpayers' dollars and shall be respected as such. Operation of Town vehicles shall be in accordance with applicable laws and regulations.

Only authorized Town employees are permitted to drive Town vehicles as authorized by the ~~Town Administrator~~ Mayor, or designee. The ~~Town Administrator~~ Mayor, or designee may delegate authorization to the Fire Chief for fire department vehicles. Authorization of use shall be done on a case-by-case basis. Prior to approving a driver and periodically thereafter, the human resources department must check the employee's driving record. Employees approved to drive on company business are required to inform their supervisor of any changes that may affect either their legal or physical ability to drive or their continued insurability.

All employees must exhibit good driving habits at all times. Employees are responsible for any driving infractions or fines as a result of their driving.

Employees must exercise due diligence to drive safely and to maintain the security of the vehicle and its contents.

Texting on cell phones is specifically prohibited.

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

Employees are not permitted, under any circumstance, to operate a Town vehicle when any physical or mental impairment causes the employee to be unable to drive safely. Additionally, employees shall not operate any company vehicle at any time while using or consuming alcohol, illegal drugs or prescription medications that may affect their ability to drive.

Essential employees may be authorized to take a Town vehicle home so they can respond to business needs as soon as possible. Essential employees are those who conduct a range of operations and services that are typically essential to continue critical operations, who may be required to work after hours in order to meet operational requirements. The ~~Town Administrator~~ Mayor, or designee and Fire Chief will determine who is an essential worker.

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

Certain discretionary personal uses shall be permitted with Town vehicles during regular work hours such as break stops or short personal errands that fall within the immediate geographic area of specific business already being conducted for and in behalf of the Town.

Employees must report any accident, theft or malicious damage involving a Town vehicle to their supervisor and the human resources department, regardless of the extent of damage or lack of injuries. Such reports must be made as soon as possible but no later than 24 hours after the incident. Employees are expected to cooperate fully with the authorities in the event of an accident. However, employees should make no voluntary statement other than in reply to questions of investigating officers.

At times employees are required or expected to travel ~~on Town~~on District business using their personal vehicles. The ~~District~~Town will reimburse employees at the current IRS authorized rate when required to do so.

SECTION 17: AMENDMENT “Ethical Behavior Policy” of the Apple Valley Policies & Procedures is hereby *amended* as follows:

AMENDMENT

Ethical Behavior Policy

Appointed Officials and Employee Code of Ethics

Prohibited Conduct

No current employee or officer, as specified, shall:

- A. ~~+~~Disqualification from Acting on Apple Valley Business.
1. Engage in any transaction or activity, which is, or would to a reasonable person appear to be, in conflict with or incompatible with the proper discharge of official duties, or which impairs, or would to a reasonable person appear to impair, the employee's independence of judgment or action in the performance of official duties and fail to disqualify him or herself from official action in those instances where conflict occurs;
 2. Have a financial or other private interest, direct or indirect, personally or through a member of his or her immediate family, in any matter upon which the employee is required to act in the discharge of his or her official duties, and fail to disqualify him or herself from acting or participating;
 3. Fail to disqualify him or herself from acting on any transaction which involves Apple Valley and any person who is, or at any time within the preceding twelve (12) month period has been a private client of his or hers, or of his or her firm or partnership;
 4. Have a financial or other private interest, direct or indirect, personally or through a member of his or her immediate family, in any contract or transaction to which Apple Valley or any Town agency may be a party, and fails to disclose such interest to the appropriate authority prior to the formation of the contract or the time Apple Valley or Town agency enters into the

transaction; provided, that this paragraph shall not apply to any contract awarded through the public bid process in accordance with applicable law.

B. Improper Use of Official Position.

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

C. Accept Gifts or Loans.

1. Ask for or receive, directly or indirectly, any compensation, gift, gratuity, or thing of value, or promise thereof, for performing or for omitting or deferring the performance of any official duty; except that the following shall be allowed:
 - a. Unsolicited flowers, plants, and floral arrangements;
 - b. Unsolicited advertising or promotional items of nominal value, such as pens and notepads;
 - c. Unsolicited token or awards of appreciation in the form of a plaque, trophy, desk item, wall memento, or similar item;
 - d. Unsolicited food items given to a department when the contents are shared among employees and the public;
 - e. Unsolicited items received for the purpose of evaluation or review provided the officer or employee has no personal beneficial interest in the eventual use or acquisition of the item by the [entity];
 - f. Information material, publications, or subscriptions related to the recipient's performance of official duties;
 - g. Food and beverages consumed at hosted receptions where attendance is related to official duties;
 - h. Meals, beverages, and lodging associated with retreats or other meetings where the official serves as a representative, designee or is otherwise assigned to another organization or entity from the Town;

- i. Travel costs, lodging, and tuition costs associated with Town sanctioned training or education when not provided by a private entity under contract with the Town;
- j. Admission to, and the cost of food and beverages consumed at, events sponsored by or in conjunction with a civic, charitable, governmental, or community organization and other officials or employees of similar agencies are in attendance;
- k. Unsolicited gifts from dignitaries from another entity or other jurisdiction that are intended to be personal in nature;
- l. Campaign contributions; and
- m. Unsolicited gifts with an aggregate economic value of \$50.00 or less from a single source in a calendar year received either directly or indirectly by the official or employee.

D. Disclose Privileged Information.

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

E. Financial or Beneficial Interest in Transactions.

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

F. Nepotism.

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

G. Misuse of Public Resources or Property.

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

H. Outside Employment.

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

I. Political Activity.

- 1. Except as otherwise provided by law:
 - a. The partisan political activity, political opinion, or political affiliation of an applicant for a position with Apple Valley may not provide a basis for denying employment to the applicant.
 - b. An Apple Valley officer's or employee's partisan political activity,

political opinion, or political affiliation may not provide the basis for the officer or employee's employment, promotion, disciplinary action, demotion, or dismissal.

- c. An Apple Valley employee may not engage in political campaigning or solicit political contributions during hours of employment.
 - d. An Apple Valley officer or employee may not use Town equipment while engaged in campaigning or other political activity.
 - e. An Apple Valley officer or employee may not directly or indirectly coerce, command, or advise another Town officer or employee to pay, lend, or contribute part of the officer's or employee's salary or compensation, or anything else of value to a political party, committee, organization, agency, or person for political purposes.
 - f. An Apple Valley officer or employee may not attempt to make another officer or employee's employment status dependent on the officers or employee's support or lack of support of a political party, affiliation, opinion, committee, organization, agency, or person engaged in political activity.
2. An Apple Valley employee who has filed a declaration of candidacy may:
 - a. be given a leave of absence for the period between the primary election and the general election; and
 - b. Use any vacation or other leave available to engage in campaign activities.
 3. Neither the filing of a declaration of candidacy nor a leave of absence under this section may be used as the basis for an adverse employment action, including discipline and termination, against the employee.
 4. Nothing in this chapter shall be construed to:
 - a. prohibit An Apple Valley officer or employee's voluntary contribution to a party or candidate of the officer or employee's choice; or
 - b. Permit An Apple Valley officer or employee partisan political activity that is prohibited under federal law.
 5. No Apple Valley officer or employee shall solicit or participate in soliciting any assessment, subscription, or contribution to any political party during working hours on the premises of any Apple Valley property.
 6. No Apple Valley officer or employee shall promise any appointment to any position with Apple Valley as a reward for any political activity.
 7. An Apple Valley employee who is elected to an office with [entity name shall terminate Town employment prior to being sworn into the elected office.

J. Fair and Equal Treatment.

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

other citizen.

K. Prohibited Conduct After Leaving Apple Valley:

1. No former employee shall, during the period of one (1) year after leaving Apple Valley office or employment:
 - a. Disclose or use any privileged or proprietary information gained by reason of his/her Town employment for his/her gain or anticipated gain, or for the gain or anticipated gain of any person, unless the information is a matter of public knowledge or is available to the public on request;
 - b. Assist any person in proceedings involving an agency of Apple Valley with which he/she was previously employed, involving a matter in which he or she was officially involved, participated or acted in the course of duty;
 - c. Represent any person as an advocate in any matter in which the former employee was officially involved while An Apple Valley employee;
 - d. Participate as a competitor in any competitive selection process for a Town contract in which he or she assisted the Town in determining the project or work to be done or the process to be used.

SECTION 18: **AMENDMENT** “Performance Evaluations” of the Apple Valley Policies & Procedures is hereby *amended* as follows:

AMENDMENT

Performance Evaluations

A. GENERAL POLICY.

1. Performance evaluations will consist of a review between the supervisor and the employee, ~~using Apple Valley’s Performance Evaluation Form~~
2. It is the policy of Apple Valley that employee evaluations be conducted in a manner which will ensure fair treatment and an objective evaluation of employee performance.
3. Goal setting is critical for the development of performance plans and standards. Goals define in broad terms the underlying purpose of a given activity or set of activities.
4. Objectives specify what should be achieved during an employee’s employment with Apple Valley.
5. There are certain fundamental principles which govern the establishment of goals, objectives, and performance standards.
 - a. Participatory Goal Setting. In setting goals and objectives of

employees, the supervisors should seek to involve employees in the process.

- b. Outline Results to be Achieved. There should be room for flexibility. The supervisor should discuss with the employee how much will be done, when it needs to be completed, and what resources will be required.
- c. Relate to Organizational Objectives and Goals. In the process of initially formulating performance plans, each employee should be provided with the larger picture and how their work contributes to the organization. This is the responsibility of each supervisor.
- d. Define Objectives. Objectives must be clearly defined and understood by both employees and their supervisors. There must be clear agreement on resources to be made available, periodic reviews and other related control activities.
- e. Give Support. Employees should understand that they will be fully supported by their supervisors in pursuing the achievement of the mutually agreed upon objectives and standards.

B. PERFORMANCE PERIODS.

1. Probationary employees.

- a. Employees on probation shall have performance evaluations following the end of their probationary period.
- b. The performance evaluations may be used to provide information to both the employee and management regarding the employee's performance.
- c. Probationary employees should understand that their performance evaluations and the results of such evaluations shall not obligate Apple Valley to a particular course of action relative to probationary employees, nor shall it create any property/due process rights for probationary employees relative to their jobs/positions.

2. Permanent employees.

- a. Performance evaluations will be completed annually on the employee's anniversary date. An employee's anniversary date is defined as their first (1st) day on the job with Apple Valley.
- b. ~~Although a S~~ salary adjustments ~~never~~ do not automatically follow ~~s a~~ performance evaluations. ~~the p~~ Performance evaluations will may be included as a component of ~~any future~~ compensation increases.

3. CONFIDENTIALITY.

- a. Completed performance evaluations shall permanently remain in the employee's personnel file and become a part of the private information of that file.
- b. Performance evaluations may be used in decisions concerning advancement, future training needs, performance related salary adjustments and contested disciplinary actions.

SECTION 19: AMENDMENT “IT And Computer Security Policy” of the Apple Valley Policies & Procedures is hereby *amended* as follows:

AMENDMENT

IT And Computer Security Policy

Statement

The Town of Apple Valley (Town) furnishes computers for employees’ use in conducting Town business. This includes access to e-mail and the Internet. The internet contains many useful features, including email to non-Town resources, access to research materials, and information exchange. The purpose of this policy is to establish basic rules for employees’ use of the Town’s computer system, including the Internet and email. **Computer System, Internet and E-mail Use Policies**

The Internet can be misused in a variety of ways, including but not limited to:

- A. Downloading files that contain viruses, thereby endangering Town information services;
- B. Accessing objectionable material;
- C. Wasting work time by performing unauthorized research or accessing non-business related information and people or for computer games, or online games.

Individual Responsibilities

Internet users are responsible for complying with this and all other Town policies when using the Town’s resources for accessing the Internet. Violation of this policy is grounds for disciplinary action, up to and including termination. **General Policies for Use of the Entity’s Computer System, Including the Internet**

An employee does not have a right to privacy when using the Internet via Town resources and employees should not expect or assume any privacy regarding the content of email communications. The Town reserves the express right to monitor and inspect the activities of the employee while accessing the Internet at any time, and to read, use and disclose e-mail messages. In addition, all software, files, information, communications, and messages (including emails) downloaded or sent via the Internet using Town resources are the Town’s records and property of the Town; such records are subject to potential review and disclosure under the public disclosure law of the State of Utah. Even after an email message has been “deleted,” it may still be possible to retrieve it. ~~It is your responsibility to not delete any emails, unless it is spam or junk, from any email account belonging to the Town.~~

The Town has the right to restrict or prohibit any employee from Internet access for violation of the policy. Violations may also result in disciplinary action, up to and including termination. Internet use via Town resources is for Town business. Except as outlined here, use of Town's computer, Internet and email services are for Town business only. Some limited personal use is permitted, so long as it does not result in cost to the Town, does not interfere with the performance of duties, is brief in duration and frequency, does not distract from the conduct of Town business and does not compromise the security or integrity of Town information or software. Such limited use shall not occur on "paid time," but is permitted immediately before or after work hours and during an employee's breaks. Examples of allowable personal use include accessing a weather report or news item on the Internet or transmitting email to a family member to assure safe arrival at home. Any personal use of Town's computer, Internet and email services must comply with all applicable laws and Town policies, including anti-discrimination policies and Internet usage policy. Internet use must comply with applicable laws and Town policies including but not limited to all federal and state laws, and Town policies governing sexual harassment, discrimination, intellectual property protection, privacy, public disclosure, confidentiality, misuse of Town resources, information, and data security. All Internet use must be consistent with the Town's Personnel Policies Manual. The Town's computer system permits employees to perform jobs, share files, and communicate internally and with selected outside individuals and entities in the performance and conduct of Town business. Employees are prohibited from gaining unauthorized access to another employee's email messages or sending messages using another employee's password. Employees are not to share or reveal individual passwords to anyone. In order to prevent potential Town liability, it is the responsibility of all Internet users to clearly communicate to the recipient when the opinions expressed do not represent those of the Town. The Town has the capability and reserves the right to access, review, copy, modify and delete any information transmitted through or stored in its computer and email system. The Town may disclose all such information to any party (inside or outside the Town) it deems appropriate and in accordance with applicable law. Accordingly, employees should not use the computer and email system to send, receive or store any information they wish to keep private. Employees should treat the computer and email system like a shared file system—with the expectation that files sent, received, or stored anywhere in the system will be available for review by any authorized representative of the Town for any purpose, as well as the public if a proper request is made for public records.

In accordance with state law, the Town is subject to all GRAMA laws in relation to email and computer systems. Town business should never be conducted through personal email, such action will subject your personal email to GRAMA law and require you to relinquish information contained therein to the Town. It is vital that emails are never deleted from town email accounts. Do not delete any emails, unless it is spam or junk, from any email account belonging to the Town. Good judgment should always be employed in using the Town's email and Internet systems. Employee email messages may be read by someone other than the person(s) to whom they were sent. Email inconsistent with the Town's policies must be avoided. For example, it is prohibited to make jokes or comments which could offend someone on the basis of gender, race, age, religion, national origin, disability or sexual orientation. These comments would be in direct conflict with the Town's policies prohibiting discrimination and harassment. Accordingly, employees should create and send only courteous, professional and businesslike messages that do not contain objectionable offensive or potentially discriminatory material. Caution should be taken in transmitting confidential information on the computer system. Employees should use due care in addressing email messages to assure messages are not inadvertently sent to the wrong person inside or outside the Town. Email creates a written record subject to court rules of discovery and may be used as evidence in claims or legal proceedings. Once sent, email cannot be retracted. Even after deletion at a workstation, email can be retrieved and read. The safety and security of the Town's network and resources must be considered at all times when using the Internet. ~~Any Unknown~~ programs from an ~~internet non-current~~ source ~~(i.e., software that is not purchased in original diskette or CD-ROM format)~~ or which involve executable or binary files must not be downloaded or installed without ~~prior permission from the Town Administrator and without~~ being properly ~~scanned for viruses.~~ reviewed for safety and security with our Information Technology personnel. ~~Employees are not to share or reveal individual passwords to anyone.~~ There is a wide variety of information on the Internet. Some individuals may find information on the Internet offensive or otherwise objectionable. Individual users must be aware that the Town has no control over available information on the Internet and cannot be responsible for the content of information. **Prohibited Uses of the Internet** The following is a non-exclusive list of prohibited uses of the Internet and email:

1. Commercial use – any form of commercial use of the Internet is prohibited;
2. Solicitation – the purchase or sale of personal items or non-business items through advertising on the Internet is prohibited;
3. Copyright violations – the unlawful reproduction or distribution of copyrighted information, regardless of the source, is prohibited;
4. Discrimination / Harassment – the use of the Internet to send messages or other content which is harassing, derogatory or unlawfully discriminatory to employees, citizens, vendors or customers is prohibited;
5. Political – the use of the Internet for political purposes is prohibited;
6. Aliases / Anonymous messages / misrepresentation – the use of aliases or transmission of anonymous messages is prohibited. Also, the misrepresentation of an employee's job title, job description, or position with the Town is prohibited;
7. Social networking sites – the accessing and/or creation of social networking sites, such as Facebook, Twitter, Instagram, Blogs and similar sites is prohibited for non-entity

- business purposes;
8. Instant or Direct messaging unless used within the confines of town business on the employees Gmail account ;
 9. Misinformation / Confidential Information – the release of untrue, distorted, or confidential information regarding Town business is prohibited;
 10. Viewing or Downloading of Non-Business Related Information - the accessing, viewing, distribution, downloading, or any other method for retrieving non-Town related information is prohibited. This includes, but is not limited to, entertainment sites, pornographic sites, sexually explicit sites, chat rooms and bulletin boards;
 11. Unauthorized attempts to access another’s network or e-mail account;
 12. Display or transmission of sensitive or proprietary information to unauthorized persons or organizations;
 13. Spamming email accounts from the Town’s email services or Town machines.

Nothing in this policy prohibits the use and access of the described systems for bona fide law enforcement and investigation purposes.

SECTION 20: AMENDMENT “Cash Receipting And Deposit Policy” of the Apple Valley Policies & Procedures is hereby *amended* as follows:

AMENDMENT

Cash Receipting And Deposit Policy

Purpose

Establish a uniform control design for all departments of Town of Apple Valley (Town) that receive cash. Over time it is expected this policy will be adjusted for changes in systems and organizational structure. ~~at which time the Town Administrator will propose changes to the Town Council for review and approval.~~

Designated Receiving Official

The Town Recorder is designated as the Receiving Official.

Receiving Process

The Receiving Official or his/her designee will make a record of goods and services received by the Town.

Cash Receipts

1. All funds received are entered into the accounting system at the time of the transaction

with enough detail to determine where/who the funds came from, the purpose for receiving the funds, the method of payment; cash, check, credit card etc., numbered in a sequential fashion, and designate the appropriate account. Manual receipts should have two copies: Customer copy, and Treasurer copy.

2. At the end of each day the person responsible for receiving cash will place cash, and checks ~~and credit card receipts~~ received in a deposit bag and either deliver it to the Treasurer's office or place it in a secure (locked) place for deposit on the next deposit day.
3. Void/adjusted transactions. If a transaction needs to be voided or adjusted it should be done by someone who does not receive cash. If an office doesn't have enough employees to have adjustments made by a supervisor that doesn't receive cash, two employees will sign off on the adjustment or voided transaction explaining the circumstances causing the adjustment. The system should be designed to generate a report of all adjusted/voided transactions to facilitate monitoring of this process.
4. Every effort should be made to ensure large quantities of cash are not on hand overnight. The deposit should be made in the same day if time allows.
5. The Treasurer will receive funds, count the funds, compare the amount received to the supporting documentation provided. The Treasurer then enters the deposit into the accounting system and takes funds to the bank.
6. The Town will install and maintain surveillance systems in offices receiving funds. Surveillance evidence will be maintained for 60 days.
7. Mail will be opened in the presence of two or more employees and any correspondence containing payments will be removed and processed in the presence of said employees. ~~prior to distributing mail to individual persons or departments.~~

SECTION 21: **REPEALER CLAUSE** All ordinances or resolutions or parts thereof, which are in conflict herewith, are hereby repealed.

SECTION 22: **SEVERABILITY CLAUSE** Should any part or provision of this Ordinance be declared by the courts to be unconstitutional or invalid, such decision shall not affect the validity of the Ordinances a whole or any part thereof other than the part so declared to be unconstitutional or invalid.

PASSED AND ADOPTED BY THE APPLE VALLEY COUNCIL

_____.

	AYE	NAY	ABSENT	ABSTAIN
Mayor Michael Farrar	_____	_____	_____	_____
Council Member Kevin Sair	_____	_____	_____	_____
Council Member Robin Whitmore	_____	_____	_____	_____
Council Member Barratt Nielson	_____	_____	_____	_____
Council Member Janet Prentice	_____	_____	_____	_____

Attest

Presiding Officer

Jenna Vizcardo, Town Clerk, Apple Valley

Michael Farrar, Mayor, Apple Valley