

**APPLE VALLEY
RESOLUTION R-2024-40**

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

SECTION 1: **AMENDMENT** “Employment Classifications/Compensation” of the Apple Valley Policies & Procedures is hereby *amended* as follows:

A M E N D M E N T

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).
- E. WORKDAYS. Workday schedules are flexible and may vary based on position requirements.
1. Full Time: Monday - Thursday.
 2. Part Time: As directed by the Mayor, or designee.
 3. Employees engaged in public safety activities, work as dictated by necessity. It is the responsibility of the Department Head to ensure adequate staffing is available.
- 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 Mayor, 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 Mayor, or designee.
 5. Employee breaks and lunch periods will be taken at the discretion of the Mayor, or designee, 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 .
- 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 Mayor, or designee, for examination, payroll, and filing.
- J. ON-CALL. The purpose of this policy is to establish guidelines for employees who are required to be available on an on-call basis to respond to emergencies, perform essential services, or address urgent issues outside of regular working hours. This policy applies to all employees designated as on-call, including public works, utilities, public safety, and administrative personnel, as determined by the Mayor or Designee.
1. Upon receiving a call, the on-call employee must gather details about the situation, determine the need to report to work, and take appropriate action.
 2. If an employee is required to report to work, they will be paid a minimum of 2

- hours at the employee's regular rate, including overtime if applicable.
- 3. Call outs made during the Town's scheduled holiday leave will be compensated at 1.5 times the employee's regular rate
- 4. If the employee's total work hours, including call-outs, exceed 40 hours in a week, overtime will be paid at 1.5 times the regular rate.
- 5. On-call employee's must respond to calls within 30 minutes and must live within 30 miles of the Town Office.

SECTION 2: **AMENDMENT** “Leave” of the Apple Valley Policies & Procedures is hereby *amended* as follows:

AMENDMENT

Leave

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 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 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. 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. 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 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 Mayor, or designee.
5. A workday is based on ten (10) hours. 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 Mayor, or designee.
7. Vacation usage will be reported by the Mayor, or designee, using attendance forms.

C. BEREAVEMENT LEAVE

1. The town will grant full-time employees up to 3 days (30 hours) of paid leave in the event of death of the employees spouse, child, parent, sibling, grandparent, grandchildren, mother-in-law, father-in-law, brother or sister in-law, son or daughter in-law, or another relative that has been living in the employee's residence. Employees may use vacation or compensatory time to supplement bereavement leave or to attend funerals of other family members. Requests for bereavement leave shall be made as soon as possible to the Mayor or designee.

D. HOLIDAY LEAVE.

- Full time employees receive to 134 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
- Columbus Day.....2nd Monday in October
- Veteran's DayNovember 11th
- Thanksgiving.....4th Thursday in November
- Christmas Eve.....December 24th
- New Years Eve.....December 31st
- Christmas Day.....December 25th
- If any of the above holidays fall on Friday or Saturday, then the preceding Thursday shall be the holiday. If any of the above holidays fall on Sunday, then the following Monday is the holiday.

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∇. E. SICK LEAVE

1. Full-time employees are eligible for 30 hours of paid sick leave annually. Sick leave is credited at the beginning of each calendar year and must be used by December 31 of that same year. Unused sick leave does not roll over to the following year and cannot be accrued.
 - a. Sick leave may be utilized exclusively for illness or preventive care appointments for the employee or minor children belonging to the employee. If sick leave is to be used for preventive care the employee shall notify the employer in advance by filling out a time-off request form.
 - b. Any sick leave beyond the 30 hours will come from the employees accrued annual vacation leave.
 - c. Sick leave is not available for pay-out on termination or resignation.
 - d. The employee shall notify their supervisor as soon as possible when sick leave will be utilized.
 - e. Sick leave is not available to increase paid hours above 40 hours per week.

PASSED AND ADOPTED BY THE APPLE VALLEY COUNCIL

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	AYE	NAY	ABSENT	ABSTAIN
Mayor Michael Farrar	_____	_____	_____	_____
Council Member Kevin Sair	_____	_____	_____	_____
Council Member Janet Prentice	_____	_____	_____	_____
Council Member Annie Spendlove	_____	_____	_____	_____
Council Member Scott Taylor	_____	_____	_____	_____

Attest

Presiding Officer

Jenna Vizcardo, Town Clerk, Apple
Valley

Michael Farrar, Mayor, Apple Valley