

**APPLE VALLEY  
RESOLUTION R-2024-34**

**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:

A M E N D M E N T

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. - **INTRODUCTION** 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.

**SECTION 2:**            **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 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 Mayor, or designee 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 Management Act.
- C. **CONFIDENTIALITY.** Employees have the right to expect all personal information about themselves, any illnesses, 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.
      - (1) The use offers an opportunity for the employee to increase the employee's job-related knowledge and skills.
      - (2) The employee is not compensated for the work performed, unless the employee has received prior written approval by the Mayor, or Mayor or designee.
      - (3) The employee pays for the cost of consumables and other attendant expenses (diskettes, paper, computer on-line/access charges, etc.).
      - (4) The employee uses the computer system after hours, or on the employee's personal time.
      - (5) The employee does not use the computer system for permanent storage of data.
      - (6) Use does not conflict with the employee's Apple Valley responsibilities or normal Apple Valley business.
    - 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 Mayor, or ~~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 and stamps. No employee shall be allowed to use Apple Valley owned postage metering machines and stamps 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 Mayor, or ~~Mayor~~ 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 notice to the Mayor, or ~~Mayor~~ designee, using the Employee's Notice of Secondary Employment before starting any secondary or outside employment. This notification should include the following information:
    - (1) The employer's name, business name, and business address.
    - (2) A general overview of the type of business engaged in by the

- secondary employer.
- (3) The specific duties engaged in by the employee at their secondary employment.
- 2. Apple Valley's approval process.
  - a. The Mayor, 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:
    - (1) 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.
    - (2) That the secondary employment could invoke a conflict of interest with their employment with Apple Valley.
    - (3) 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:
    - (1) Shall abide by that decision.
    - (2) May appeal the decision to the Town Council, whose decision shall be final.
    - (3) May voluntarily resign their employment with Apple Valley.

**SECTION 3:            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. IMPOSING DISCIPLINARY ACTION.

### 1. Verbal Warning.

- a. Whenever grounds for disciplinary action exist, and the Mayor\_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 Mayor\_or designee, may reprimand an employee. The 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 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 Mayor\_or designee, will so state.

### 3. Suspension.

- a. The 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 Mayor\_or designee, shall follow the due process proceedings as follows.
- c. On or before the effective date of the suspension, the 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 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 Mayor, or designee, will so state.

### 4. Demotion.

- a. The Mayor\_or designee, may demote, or reduce in grade, any employee for cause or provide for reasonable accommodation in appropriate circumstances.
- b. When demoting an employee, the Mayor\_or designee, shall follow the due process proceedings as follows.
- c. On or before the effective date of the demotion, the 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 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 Mayor\_or designee, will so state.

### 5. Transfer.

- a. The 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 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 Mayor\_or designee, will so state.

6. Termination.

- a. The Mayor\_or designee, may terminate an employee for cause.
- b. When terminating an employee for cause, the Mayor\_or designee, shall follow the due process proceedings as Disciplinary Action.
- c. On or before the effective date of the termination follows, the 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 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 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 4:            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 Mayor, or designee. A resignation letter presented to the Mayor in lieu of the Notice of Voluntary Resignation form is sufficient notice.
  3. Resignation, in Lieu of an Involuntary Termination, Agreement. The Mayor, or designee, 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 Mayor, or designee may agree to a Resignation In Lieu Of an Involuntary Termination Agreement.

4. Involuntary Termination. The Mayor, or ~~Mayor~~ designee, may conclude that an employee should be involuntarily terminated for no reason (for probationary employees 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 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 Mayor, or ~~Mayor~~ 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 Mayor, or ~~Mayor~~ 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:
    - (1) Selection should be based upon the employee's ability to perform the work assignments within the affected department.
    - (2) Seniority should govern the selection when ability is equal.
    - (3) Emergency, temporary, and probationary employees should be laid off first.
    - (4) Permanent employees should be the last to be laid off, when possible, in inverse order of their length of service.
    - (5) 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.
    - (6) Apple Valley should carefully explain to the employee what the options are (such as Cobra and Retirement Plan Options).
    - (7) 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:
    - (1) Statement that separation from employment is based on reduction in force/layoff.
    - (2) Anticipated date of layoff.

- (3) 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:
    - (1) A Voluntary Resignation. The final paycheck will be available on the next regularly scheduled payday. ~~Within one (1) workday of effective resignation date.~~
    - (2) An Involuntary Termination/Separation for Cause or Layoff. 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 Mayor, or Mayor or designee. The Exit Interview Form should be signed by the employee and the Mayor, or Mayor or designee.~~

**SECTION 5:** 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 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

Human Resources representative, or designee. 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 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 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.
- 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 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 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 Mayor\_or designee, to obtain information regarding their current leave usage.
- l. 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 Mayor, or designee, they will then file ~~in~~the form in their personnel file.

4. Giving References. Apple Valley limits information given 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 6:**            **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 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 Mayor, designee or Administrator.
  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 Mayor, ~~or designee or Administrator~~ 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 Mayor, or designee, may authorize the cost of a double rather than a single hotel room to accommodate the travel of 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: Fifteen dollar (\$15.00) maximum, when departing before 7:00 a.m.
    - b. Lunch: Twenty dollar (\$20.00) maximum.
    - c. Dinner: 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.~~ travel.

**SECTION 7:            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 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 ~~1~~3 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
  - Veteran's Day .....November 11th
  - Thanksgiving.....4th Thursday in November
  - Christmas Eve.....December 24th
  - Christmas Day.....December 25th
  - New Years Eve.....December 31st
- 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.
- 

**SECTION 8:**            AMENDMENT "General Safety" of the Apple Valley Policies & Procedures is hereby *amended* as follows:

AMENDMENT

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 ~~and mayor or designee/manager~~.
5. Defective equipment will be reported immediately to the supervisor and ~~a~~ Mayor, or designee.
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.

#### B. ACCIDENT REPORTING PROCEDURES.

1. Employees who are injured in connection with employment, regardless of the severity of the injury, must immediately notify the Mayor, or designee and ~~or~~ 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 Mayor or designee, shall be subject to disciplinary action, up to and including termination.
2. The 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 9:            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 Mayor, or designee. The 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 Mayor, or designee ~~Administrator~~ 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 business using their personal vehicles. The Town will reimburse employees at the current IRS authorized rate when required to do so.

**SECTION 10:            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.

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. **B**usiness 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. Unknown programs from an internet source or which involve executable or binary files must not be downloaded or installed without being properly reviewed for safety and security with our Information Technology personnel. 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.

**EFFECTIVE DATE** This Resolution shall be in full force and effective immediately after the required approval.



PASSED AND ADOPTED BY THE APPLE VALLEY COUNCIL

\_\_\_\_\_.

	<b>AYE</b>	<b>NAY</b>	<b>ABSENT</b>	<b>ABSTAIN</b>
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