

# Santaquin City Resolution 02-07-2021

## A RESOLUTION ADOPTING THE 2021 VERSION OF THE SANTAQUIN CITY EMPLOYEE POLICY AND PROCEDURE HANDBOOK

**WHEREAS**, the City of Santaquin has an employee policies and procedures handbook to address employment and personnel matters to apply to city employees; and

**WHEREAS**, the City of Santaquin has determined that it is desirable to update these policies and procedures from time to time to comply with Federal, State and local laws and ordinances; and

**WHEREAS**, recommended changes have been prepared by an outside Human Resources consultant in consultation with the Director of Administrative Services, the Department Directors, Assistant City Manager, City Manager as well as reviewed by the City Attorney, Mayor, and City Council;

**NOW, THEREFORE, BE IT RESOLVED by the City Council of Santaquin, Utah**, that Santaquin City hereby adopts the 2021 version of the Santaquin City Employee Policies and Procedures Handbook shown on Attachment (A).

Approved and adopted by the Santaquin City Council this \_\_\_\_\_ 2021.

\_\_\_\_\_  
Kirk F. Hunsaker, Mayor, Santaquin City

Attest: \_\_\_\_\_  
K. Aaron Shirley, City Recorder



*Employee Policies & Procedures Handbook*

***Effective July 1, 2011***

***Amended February 16, 2021 ~~October 1, 2020~~***



Dear Santaquin City Employee,

It is a pleasure and a privilege for me to welcome you as an employee of Santaquin City. We are happy and excited to have you as part of our team.

~~Please understand that it is not easy to be a Santaquin City employee. Santaquin City has a long history of being an employer of choice in our community and in the state.~~ We expect a lot out of ourselves and out of each other. This Employee Policies and Procedures Handbook has been prepared to help you live up to those expectations.

The following pages give you basic guidelines for being a member of the Santaquin City team. It is important for you to review the contents of this documents carefully, as it is the foundation of our success, as a team and individually.

If you have any questions regarding this handbook, please ask your Functional Area Director, the City Manager or the Personnel Officer for clarification.

Thanks for all you do.

Kirk F. Hunsaker, Mayor

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## **DISCLAIMER**

The Employee Policies and Procedures Handbook is provided for general guidance only. The policies and procedures expressed in this handbook, as well as those in any other personnel material, or other types of material that may be issued from time to time, do not create a binding contract or any other obligation or liability on the City. The City reserves the right to change its policies and procedures at any time, formally or informally, with or without notice, for any reason. The City also reserves the right to take any employment action it deems appropriate. The prohibitions set forth in the Employee Policies and Procedures Handbook do not create an express or implied contract with any person.

## SECTION 1: INTRODUCTION

### 1.1 SANTAQUIN CITY MISSION STATEMENT

Provide for a strong positive civic image and quality of life for people who live and work in Santaquin City by providing guidelines and standards that ensure the orderly and balanced distribution of growth, sound fiscal and economic investment and preservation of the open and rural environment in a clean, and attractive physical setting.

### 1.2 SERVICE VALUES:

Santaquin City Service Values:

- To astonish the customer, not just to satisfy the customer:  
***"We don't care if they don't notice everything we do. Just as long as they notice something that's different about us."***
- Only the non-complacent thrive:  
***"We will always be on the lookout for complacency."***
- Actions speak louder than words:  
***"Walk the walk." "No one carries more importance to the core mission of the City than another. Only job descriptions differ."***
- The best team polices itself:  
***"If you treat any person badly, there are enough people around who care enough that you're going to hear about it."***
- Change is the status quo:  
***"Be a champion of positive change. Be sure the end result of change is positive. Be cognizant of the efforts of change."***
- Stay small as you grow:  
***"Practice lean management principles that focus on the most cost effective strategies to provide value to our citizens"***
- Propagate the culture:  
***"Treat all people right," "Communicate with your team," "Inspire greatness in others," "Encourage initiative and innovation," and, "Do the right thing."***

### 1.3 SANTAQUIN CITY GOVERNMENT

The Santaquin City operates under a six-member council form of government and is a City of the fourth class as determined by Utah law. Hence, it is governed by a six-member council comprised of five elected Council Members, and an elected Mayor. The Mayor is the Chief Executive Officer of the City and is responsible for keeping the peace, enforcing the laws of the Municipality, and ensuring that all applicable and municipal ordinances and resolutions are faithfully executed and observed. The City Manager is hired by the Mayor and Council to manage the day-to-day operations of the City, as directed by the Mayor, City Council and by ordinance.

## 1.4 POLICY IMPLEMENTATION

- A. The information contained in this handbook is intended to give employees a better understanding of the responsibilities and obligations of employment with the City. Employees are required to read, understand, and comply with all provisions of the Employee Handbook.
- B. ~~The~~ Santaquin City reserves the right to revise, supplement, or rescind any policy or portion of a policy from time to time as deemed necessary by the Mayor, or designee. Every employee is responsible for becoming informed of changes as they occur.
- C. Employees will receive a copy of the adopted Employee Handbook and any revisions that may occur periodically. Additionally, a complete copy of the adopted Employee Handbook may be obtained via the city website or at the City Offices.
- D. In addition to the policies and procedures contained in this manual, employees are responsible for understanding and abiding by policies and procedures of their respective department, and/or division.
- E. The Mayor, or designee, shall be the final interpreter of the provisions of the Employee Handbook.

## SECTION 2: EMPLOYMENT PRACTICES

### 2.1 RECRUITMENT & HIRING

- A. General Policy - It is the intent of ~~the~~ Santaquin City to fill all positions with the most suitable applicant.
1. Anti-Nepotism. Santaquin City complies with Title 52, Chapter 3, Utah Code Annotated, as amended.
    - (a) Santaquin City prohibits any person holding any position to appoint, vote for the appointment of, directly supervise, or be directly supervised by their father, mother, husband, wife, son, daughter, brother, sister, uncle, aunt, nephew, niece, first cousin, father-in-law, mother-in-law, brother-in-law, sister-in-law, son-in-law, or daughter-in-law, grandchild or grandparent. Except as provided in Title 52, Chapter 3, Utah Code Annotated, as amended. Volunteers providing services to the City are excluded from this provision.
    - (b) Santaquin City will consider employment applications from relatives of current employees when openings exist. Hiring decision will be made on the basis of qualification, education, and experience. Relatives will not receive preferential treatment.
  2. Employment of Minors. It is the policy of ~~the~~ Santaquin City that no one under the age of 14 shall be hired for any position. Santaquin City will comply with federal and state laws governing employment of minors.
- B. Equal Employment Opportunity - Santaquin City is an "Equal Opportunity Employer" and selects, hires, promotes, and compensates employees without regard to race, religion, pregnancy, age, disability, gender, color, national origin, or any other protected status. The City evaluates applicants for employment or candidates for promotion based upon their knowledge, skills, experience, education, and potential for job performance consistent with the needs of the position. Santaquin City also adheres to the provisions of the Americans with Disabilities Act.
- C. Job Openings - The Mayor, or designee shall have the discretion to fill vacancies through appropriate methods including, but not limited to promotion, transfer, posting, advertising and other methods. When advertising methods are used, job openings may be advertised in the appropriate media including, but not limited to, employment agencies, professional staffing services, trade journals, newspapers, internet, and bulletin boards. Other recruiting sources may be used to fill open positions in the best interest of the organization. Job openings that are advertised will be advertised for a minimum of 5 working days.
1. Job Description. A definition of the essential duties of the new or vacant position shall be drafted and approved by the Mayor, or designee, before the position is posted or advertised.
- D. Application Requirements - In general, the following application process is followed for all job postings.
1. Applicants for employment with Santaquin City shall complete a City application and are required to comply with the specific application process for each position. Applications



must be signed and submitted to the Mayor, or designee, by the closing date and time of the posted position.

2. The City accepts applications from all interested parties, except when the position is being filled by internal promotion or through eligible rehire. Applications submitted by former employees who have been terminated for cause will not be considered.
3. Falsification of any information required in the application process shall disqualify a person for employment with Santaquin City.

E. Selection Procedures - In general, the following process is followed when selecting an applicant for a job.

1. Interviewing. Job related duties and qualifications, as outlined in the job description, will provide a basis for initial screening of job applicants. The Mayor, or designee, will select applicants to interview from those whose job application show that the applicant is qualified for the position.
  - (a) Interviews for Part-time/Benefited, Part-time/Non-benefited and, Seasonal ~~employees and Volunteer Fire/EMS position~~ shall be conducted by the appropriate Functional Area Director and/or direct supervisor.
  - (b) Interviews for Full-time positions shall include the Mayor or a City Council representative.
  - (c) Final selection for positions that are Appointed and/or Functional Area Director shall be conducted during a city-public meeting of the City Council.
2. Skill Based Testing. Job applicants may be required to take tests which the City deems necessary for a specific position as part of the selection process.
3. Reference Checks. Santaquin City may contact references and former employers of applicants when selecting an applicant for an open position.
4. Job Offer. Once an applicant is selected and approved by the Mayor, or designee, the successful applicant shall be notified and extended a conditional job offer contingent upon results of reference checks, drug and alcohol testing, background investigation, and check of driving record (if required) results. The Mayor, or designee, should notify the other job applicants that they were not selected for the position.
5. Drug & Alcohol Testing. Santaquin City requires all applicants who have been extended a conditional job offer for Full-time and, Part-time, ~~and Volunteer Fire/EMS~~ positions to undergo ~~and~~ alcohol and drug testing. Seasonal ~~and Volunteer~~ employees and Volunteers may be required to undergo alcohol and drug testing. Refusal to take such test shall disqualify a person for City employment.
6. Criminal Background Investigation. Santaquin City requires all applicants who have been extended a conditional job offer for Full-time, and Part-time, ~~and Volunteer Fire/EMS~~ positions to undergo a criminal background investigation. Seasonal, ~~and Volunteer~~ employees and Volunteers may be required to undergo a criminal background investigation. Refusal to authorize such investigation shall disqualify a person for employment. An applicant who has been convicted of a crime may be denied employment with Santaquin City.

## 2.2 EMPLOYMENT CLASSIFICATION, STATUS & PROBATION

### A. Employment Classifications -

1. Full-time. An employee hired to work a minimum of 30 hours per week or applicable full-time work schedule and is eligible for City benefits.
2. Part-time/Benefited. An employee hired to work a minimum of 18 hours per week on a regular, year-round basis, and who actually works ~~less than~~ 29 hours per week or less, and is eligible for limited City benefits, including vacation leave, sick leave, and holiday pay at a prorated rate. Part-time Benefited employees are also eligible for State Retirement.

Part-time employees, who work 18 hours per week, or more, are not considered Part-time/Benefited unless and until designated by the Mayor, or designee, as such for reasons including, but not limited to, years of service, job performance, criticality of the position, initial recruitment of the position, availability of funding within the department, etc.

3. Part-time/Non-benefited. An employee hired to work 29 or fewer hours per week, is at-will, may be terminated at any time, with or without cause or prior notice, for any reason or no reason at all, has no appeal rights and is not eligible for City benefits.
4. Seasonal. An employee hired to work up to 40 hours per week to a maximum of 1508 hours during a rolling year, is at-will, may be terminated at any time, with or without cause or prior notice, for any reason or no reason at all, has no appeal rights and is not eligible for City benefits.

~~5. Volunteer Fire/EMS. An employee hired to respond to emergency fire and/or EMS calls, may be on-call, receives and maintains required certifications and attends required training. Fire/EMS Volunteers are paid a nominal stipend for on-call service (if applicable), each call responded to and for each training attended. Volunteer Fire/EMS are at-will, may be terminated at any time, with or without cause or prior notice, for any reason or no reason at all, have no appeal rights and are not eligible for City benefits.~~

- ~~56.~~ Volunteer. Any person who donates service without pay or other compensation. Volunteers ~~s-employees~~ are at-will, may be terminated at any time, with or without cause or prior notice, for any reason or no reason at all, have no appeal rights and are not eligible for City benefits.

Prior to rendering of any volunteer service, the volunteer should be pre-approved by the Mayor, or designee. Functional Area Directors, Department Heads, Supervisors, or those in charge of volunteer services shall provide volunteer information to the Administration Services Department, prior to the rendering of any volunteer services, to insure worker's compensation and liability coverage.

- ### B. Employment Status - In accordance with the Fair Labor Standards Act (FLSA), employees shall be classified as either exempt or non-exempt with respect to eligibility for payment of overtime.

1. Exempt. Employees who are in managerial, administrative, or professional positions as described by the Fair Labor Standards Act as “Exempt” and therefore do not receive overtime for hours worked in excess of a 40-hour work week or other applicable work period.
2. Non-exempt. All other Fair Labor Standards Act covered employees are paid overtime for hours worked in excess of a 40-hour work week (80 hours in a 14-day work period for certified police employees) or other applicable work period.
3. At-Will. An at-will employee is an employee whose employment and compensation may be terminated with or without prior notice, at any time, with or without cause or prior notice, for any reason or no reason at all by the appropriate Appointing Authority. At-will employees may or may not have a contract with the City. Employment of at-will employees is subject to the provisions of an employment contract if applicable. At-will employees include:
  - (a) Employees designated in Utah State Code Annotated §10-3-1105(2)(c).
  - (b) Members of boards, commission & committees; volunteers and individuals appointed to serve without pay.
  - (c) Part-time and; Seasonal, ~~and Volunteer Fire/EMS Employees~~ and Volunteers s ~~employees.~~
  - (d) ~~Newly hired employees and employees who are promoted or transferred to a new position are considered at-will during the probationary period.~~
4. Merit/Non-Merit. After completing the required introductory period and upon a successful evaluation, an employee will achieve merit status with the City. Merit employees have appeal rights, non-merit employees do not.

C. Probation—Introductory Period -

1. Probationary—Introductory Period. Newly hired Full-time and Part-time/Benefited employees shall fulfill a probationary period an introductory period. During ~~probation the introductory period,~~ employees are in a trial period to learn their new job and responsibilities. ~~such employees may be terminated with or without prior notice, at any time, with or without cause or prior notice, for any reason or no reason at all.~~ Introductory employees are considered non-merit employees and therefore are at-will and have no appeal rights.

~~Employees designated as at-will are not subject to a probationary period, unless otherwise specified in specific department policies as they may be terminated with or without prior notice, at any time, with or without cause or prior notice, for any reason or no reason at all.~~

The duration of introductory periods are as follows:

- (a) All Full-time Certified Police Officers are subject to a 12-month ~~probationary~~ introductory period.
- (b) All other Full-time and Part-time/Benefited employees are subject to a 6-month ~~probationary~~ introductory period.

(cb) Full-time and Part-time/Benefited employees promoted or transferred to a new position are subject to a new 6-month ~~probationary-introductory~~ period may be demoted or transferred back to their prior position if their introductory period proves to be unsuccessful.

2. Performance Reviews. Newly hired Full-time and Part-time/Benefited employees who are subject to an ~~an probationary-introductory~~ period shall have at least one performance review prior to the conclusion of the ~~probationary-introductory~~ period. Additional reviews may take place if necessary. Results of the performance review ~~will~~ may assist the City in determine-determining whether employment should be terminated, or whether the employee is eligible for ~~full-employment-merit~~ status, ~~probation-introduction~~ is extended, or employment is terminated.

Performance reviews may be performed for ~~at-will-introductory~~ employees during the first 6 months of employment to assist supervisors in monitoring training and progress of the employee. Such reviews do not extend any reasonable expectation of continued employment to an ~~at-will-introductory~~ employee.

3. Extensions. ~~If results of a performance review are unsatisfactory in any area~~ At the conclusion of any introductory period, the Mayor, or designee, may extend ~~probation-the introductory period~~ for up to one additional six-month period beyond the initial ~~probationary-introductory~~ period. ~~Probation-Introduction~~ extensions shall be documented in writing and notice given to the employee prior to the conclusion of the original ~~probationary-introductory~~ period.
4. Corrective Action Plan. As part of a disciplinary action or as part of a performance review, an employee may also be placed on a corrective action plan, the length of which shall be determined by the Mayor, or designee.

## 2.3 PERFORMANCE EVALUATIONS

- A. Designated supervisors shall conduct performance evaluations of all Full-time and Part-time/Benefited employees as designated by the Mayor, or designee, to assist employees in performing their job duties. Designated supervisors may also conduct such performance evaluations of Part-time/Non-Benefited ~~and Volunteer Fire/EMS~~ employees.
- B. Employees may receive merit increases based on performance evaluations and according to availability of funds as allocated by the City Council through the budget process.
- C. Signed copies of annual performance evaluations are placed in the employee's personnel file. Each employee will receive a copy of their annual performance evaluation.

## 2.4 EMPLOYEE REDUCTION IN FORCE POLICY (RIF)

- A. Due to budgetary restrictions, reduction in workload, or reorganization, the Mayor, or designee, may determine that an employee reduction in force (RIF) is necessary. When it becomes necessary to reduce the work force, Full-time and Part-time/Benefited employee(s) with the positions to be eliminated shall, when possible, be notified in writing of the reduction in force at least two weeks before the planned reduction in force.

- B. In the selection of employees for any Santaquin City (RIF), the following guidelines should be considered:
1. Selection should consider the roles and responsibilities of the position being eliminated, the individual currently in the affected position, and the employee's ability to perform other work assignments within the affected department.
  2. Seniority will be considered.
  3. ~~Probationary~~ Introductory, Seasonal, Part-time/Non-benefited and Part-time/Benefited employees should be laid off ~~first~~ before Full-time employees. Full-time employees should be the last to be laid off, when practicable.
  4. If advanced notice of the (RIF) cannot be given to the employee, two weeks' severance pay may be given. This provision is subject to the availability of funds.

## 2.5 EMPLOYEE RECORDS

- A. General Policy - Federal Law requires employers to retain detailed information about their employees. Personnel files are maintained on each employee and kept by the Mayor, or designee. The record copy (original) of all appropriate personnel information shall be filed in the personnel file. Supplemental files may be kept by Functional Area Director's, department managers, and/or supervisors.
- B. Personnel File Contents - Contents of a personnel file may include the following:
1. An employment hiring record including the employees job application, resume, interview forms, test scores, etc., employment eligibility verification (I-9), withholding allowance certificate (W-4), benefit election forms.
  2. A job description of the position the employee currently occupies. A signed acknowledgement that the employee has received a copy of the Employee Handbook.
  3. Employee status records including, but not limited to, performance evaluation, promotions, transfers, demotion, termination of employment, salary rate changes, disciplinary action and responses, re-hire, reduction in force, payroll deductions, certificates of recognition, training records, etc.
- C. Other files - The city may maintain other supplemental files with employee information such as, drug and alcohol testing, employee investigations, worker's compensation information, FMLA documentation, physician's verification and return to work authorizations, benefit enrollments, etc. Payroll information, including hours worked, overtime, deductions, payment dates, time and day of the week worked, etc., shall be maintained as outlined d by the Fair Labor Standards Act.
- D. Employee Information - Employees are responsible to ensure that personal information, including, current address, phone number, emergency contact, etc. is current.
- E. Confidentiality - Santaquin City'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.

- F. Access - Employees have the opportunity to review their own files in the presence of the Mayor, or designee, on Santaquin City premises at reasonable times during regular business hours.
1. Verification of Employment. Without written authorization from the employee, Santaquin City limits information given in a verification of employment to include, status and classification of the employee, position held, verification of salary.

## SECTION 3: COMPENSATION, LEAVES, & BENEFITS

### 3.1 COMPENSATION

- A. Work Hours - Work hours for employees are determined by the Mayor, or designee. The Mayor, or designee, may change employee work hours as determined to be in the best interest of the City.
- B. Payroll - All employees are paid bi-weekly. Each paycheck will include earnings for all work performed through the end of the previous payroll period or applicable work period.
1. The work week begins at 12:00 a.m. on Sunday and ends on Saturday at ~~12:00~~ 11:59:59 p.m. (midnight) for all employees.
  2. Employees and supervisors are responsible for accurately recording and reporting time worked and leave used on their timecards. Supervisors must review and sign timesheets.
  3. Employees may voluntarily authorize deductions from their paychecks to cover the costs of participation in City approved programs. Employees should review any discrepancies in payroll deductions with the Mayor, or designee.
  4. Upon receipt of a valid garnishment, the City shall withhold wages from an employee's paycheck. The City shall continue to withhold the garnishment wages until a court order is received indicating satisfaction of the indebtedness or until the City is ordered to surrender the monies to the court or its agent.
  5. An employee may not receive any unearned pay advances.
- C. Pay Plan - Each position will be assigned a pay grade and salary range, as established by the City's pay plans. The pay plans reflect internal and external equities, based upon assigned duties and responsibilities, and market comparisons. The Mayor, or designee, shall conduct a study of salary levels at least every 3 years and shall recommend adjustments. Implementation of adjustments is subject to the availability of funds.
1. ~~Merit-Performance~~ Increases. Employees may receive ~~performance~~ merit increases based on performance evaluations and according to availability of funds as allocated by the City Council through the budget process.
  2. Cost of Living Adjustments (COLA). Employees may receive a COLA as determined appropriate and according to availability of funds as allocated by the City Council through the budget process. COLA will not be applied to newly hired employees until the completion of their Introductory Period. COLA will be applied to employees who are within an Introductory Period as a result of a promotion.
  3. Selective Salary Adjustments. The Mayor, or designee, may recommend a selective salary adjustment in order to mitigate an inequity, as part of a promotion, reassignment or reclassification etc. The Mayor, or designee, shall submit written documentation supporting the recommendation to the City Council. A selective salary adjustment is subject to the availability of funds.



D. Compensation - Santaquin City will comply with provisions of the Fair Labor Standards Act of 1938 and the Equal Pay Act of 1963.

1. **Compensatory Time Provisions.** Non-exempt employees may accrue compensatory time in lieu of payment of over-time at the discretion of the Functional Area Director. An employee must indicate if they would prefer over-time or accrual of compensatory time when timesheets are turned in for the pay period applicable. If no indication is made, excess hours will be accrued in compensatory time, unless directed otherwise by the Functional Area Director. Over-time paid by funding received or reimbursed by other agencies, such as alcohol enforcement or seatbelt shifts may not be accrued as compensatory time.
  - (a) Compensatory time is calculated based on actual time worked. Time worked does not include any type of leave or compensatory time, except for certified Police Officers who are scheduled to work on the holiday (see 3.2, C, 2).
  - (b) Compensatory time is accrued for actual time worked in excess of:
    - (1) 40 hours per work week for non-exempt employees.
    - (2) 80 hours per 14-day work period for certified officers in the Police Department.
  - (c) Compensatory time is accrued at a rate of one and one-half hours for each hour actually worked over 40 hours for non-exempt employees and 80 hours for certified officers in the Police Department.
  - (d) The maximum amount of compensatory time which may be accrued at any given time is 40 hours for non-exempt employees and 80 hours for certified officers in the Police Department. If these limits are exceeded, overtime will be paid.
  - (e) The Mayor, or designee, reserves the right to schedule use of compensatory time and should limit accumulated hours to 50% of the maximum accrual allowed.
  - (f) An employee with accrued compensatory time leave that requests use of the time will be permitted to use it within a reasonable period after making the request if it does not unduly disrupt the operations of the department.
  - (g) Compensatory time will only be paid out if an employee is moved to a position that is considered FLSA exempt, at retirement, or termination of employment.
  - (h) Exempt employees are not entitled to accrual of compensatory time, however in situations where the Mayor and City Council have declared a "Disaster Emergency" and with written pre-approval, where feasible, exempt employees may be allowed to accrue compensatory time.
2. **Overtime Provisions.** It is the general policy of ~~the~~ Santaquin City to not have employees work overtime. However, employees may be required to work overtime as deemed necessary and pre-authorized by the Mayor, or designee. When excess time is worked an employee must indicate if they would prefer payment of over-time or accrual of compensatory time when timesheets are turned in for the pay period applicable. If no indication is made, excess hours will be accrued in compensatory time, unless directed otherwise by the Functional Area Director. When payment of overtime is preferred it will be paid as follows:



- (a) Overtime is paid at the rate of one and one-half times the regular rate of pay.
  - (b) Overtime is calculated based on actual time worked. Calculation of time worked does not include any type of leave or compensatory time, except for eligible certified Police Officers, see 3.2, C, 2.
  - (c) Overtime is payment received for actual time worked in excess of:
    - (1) 40 hours per work week for non-exempt employees.
    - (2) 80 hours per 14-day work period for certified officers in the Police Department.
  - (d) Funding received from federal and state grants, external donations or sponsorships, or third-party fee schedule payments paid through City payroll stipulated at time and a half compensation will be paid as such.
3. On-Call. The Mayor, or designee, shall designate those departments that will have on-call status. Rules, regulations and procedures that shall be followed by all on-call personnel to ensure the delivery of essential City services after regular work hours include the following:
- (a) A schedule of on-call FLSA non-exempt employees should be prepared in advance and maintained by the Functional Area Director or their designee.
  - (b) ~~Public Works~~ Positions requiring an on-call status shall be on a one-week rotation basis. ~~Police Department positions requiring on-call status shall be on a per day basis and scheduled in advance as needed.~~
  - (c) Employees must not travel out of the area or to a location or event what would prevent him/her from responding to a call within a 20-minute maximum time frame.
  - (d) Employees must have a communication device with him/her at all times during their assigned on-call period, so that they can be reached in case of a call. Employees must remain in areas where cell phone service is provided.
  - (e) Employees must remain drug and alcohol free during the entire on-call period.
  - (f) Employees must not make arrangements for others to assume their on-call duties except in the case of an emergency, and only with a supervisor's approval.
  - (g) Time sheets shall reflect the days the employee was on-call. On-call pay paid on a weekly basis shall be credited for the work week in which the first day of the on-call week occurs.
  - (h) ~~Public Works~~ Employees assigned on-call duty shall receive a flat stipend as established by the Mayor, or designee, \$150.00 for each one week on-call period. ~~Police Department employees assigned to on-call duty shall receive \$21.50 for each day assigned to on-call duty.~~ Actual time spent on a call-out is calculated as time worked and is separate from on-call.

~~(g) Provisions for Volunteer Fire/EMS on-call duty are contained in the department Rules and Regulations Manual and SOP's.~~

4. Call-Out. Any FLSA non-exempt employee called back to work shall be entitled to call-out compensation.
  - (a) Call-out time begins when the employee leaves the location where they were when they received the call-out. Employees shall take every measure to get to the call in a reasonable amount of time. The call ends when the task, in which the employee was called out for, is complete.
  - (b) The minimum call-out compensation shall be one hour. Time worked on a call-out shall be paid at the employee's regular rate of pay, unless it is excess of an employee's specified work week then time will be accrued as compensatory time or paid in overtime as described in this section.
  - (c) Employees who are called out on an observed holiday shall receive their overtime rate of pay for each hour worked.
5. Voluntary Reduction of Job Responsibilities. When an employee chooses to move to a different position with decreased levels of responsibility and/or different job duties, their pay grade and compensation shall be adjusted to a level commensurate to their new title and their years of service.

## 3.2 LEAVES

- A. Vacation Leave - Vacation time off with pay is available to eligible employees to provide opportunities for rest, relaxation, and personal pursuits. Vacation accrual is based on two-week pay periods. Vacation leave may not be used until the pay period following its accrual.
  1. Eligibility. Vacation leave shall be accrued from the date of hire by all Full-time and Part-time/Benefited employees. Part-time/Non-benefited, and Seasonal employees, ~~Volunteer Fire/EMS~~ and ~~Volunteers~~ employees are not eligible for vacation leave.
  2. Vacation Accrual Rates.
    - (a) Full-time employees shall accrue vacation leave at the following rates:
      - (1) From date of hire to 5 years of service, 10 days of annual vacation leave shall accrue at the rate of 3.08 hours per pay period.
      - (2) From 5 years of service to 15 years of service, 15 days of annual vacation leave shall be accrued at the rate of 4.62 hours per pay period.
      - (3) From 15 years of service and up, 20 days of annual vacation leave shall be accrued at the rate of 6.16 hours per pay period.
    - (b) Part-time/Benefited employee shall accrue vacation leave at prorated rates outlined below:
      - (1) Part-time/Benefited employees working 24-29 hours per week shall accrue annual vacation leave at the rate of  $\frac{3}{4}$  that of a Full-time employee.

- (2) Part-time Benefited employees working 18-23 hours per week shall accrue annual vacation leave at the rate of  $\frac{1}{2}$  that of a Full-time employee.
    - (c) Employees do not accrue vacation leave while on a leave without pay status, including any pay period in which accrued leave is the only available paid leave, excluding vacation leave. Employees do not accrue vacation leave while on FLMA status. Employees do not accrue vacation leave while on paid or unpaid administrative leave.
    - (d) Newly hired eligible Full-time and Part-time/Benefited employees will not accrue vacation leave until the first full pay period worked.
  3. Use of Annual Vacation Leave.
    - (a) In no instance will annual vacation leave be granted unless it has been previously earned.
    - (b) A holiday which falls during an eligible employee's scheduled vacation leave shall be counted as a paid holiday and not as vacation leave.
  4. Requests. Vacation leave shall be requested from and pre-approved by the employee's supervisor.
  5. Carry over. The maximum vacation leave which can be carried forward from calendar year to calendar year is 240 hours.
  6. Pay-out. Unused vacation leave hours may be paid out, upon request, to employees at their regular rate of pay, up to a maximum of 40 hours in a given calendar year. Payments will be made one time during the year on a date designated by the Mayor, or designee. ~~Employees who have employment contracts with the City and were hired after October 1, 2014 are not eligible for vacation pay-out.~~
  7. Forfeiture. Any accrued vacation leave not used in excess of the 240 hours carried over and 40 hours paid out (for eligible employees, (see 3.2,A,6), shall be forfeited on January 1<sup>st</sup> of the year following the calendar year in which the leave was accrued.
  8. Termination of Employment. An employee who is terminated from employment, voluntarily or involuntarily, shall be compensated for all unused accrued vacation leave.
  9. Records. Accumulation and use of vacation leave will be maintained and kept current on city records and shall be posted on payroll check stubs.
- B. Personal Leave - In addition to accrued vacation leave, each Full-time employee shall receive 16 additional hours of leave which shall be known as "personal preference time". 8 hours will accrue January 1<sup>st</sup> and must be used by June 30<sup>th</sup> and 8 hours will accrue July 1<sup>st</sup> and must be used by December 31<sup>st</sup>. Personal leave will be lost if not used by the dates specified. Full-time employees hired after January 1<sup>st</sup> will not accrue Personal Leave until July 1<sup>st</sup> and those hired after July 1<sup>st</sup> will not accrue Personal Leave until January 1<sup>st</sup>. Part-time/Benefited, Part-time/Non-benefited and, Seasonal employees, ~~Volunteer Fire/EMS~~ and ~~Volunteers~~ employees are not eligible for personal leave.

C. Holiday Leave - Santaquin City recognizes the following holidays for purposes of paid holiday leave.

New Year's Day	January 1 <sup>st</sup>
Human Rights Day	3 <sup>rd</sup> Monday in January
President's Day	3 <sup>rd</sup> Monday in February
Memorial Day	Last Monday in May
Independence Day	July 4 <sup>th</sup>
Pioneer Day	July 24 <sup>th</sup>
Labor Day	1 <sup>st</sup> Monday in September
Thanksgiving Day	4 <sup>th</sup> Thursday in November
Thanksgiving Holiday	4 <sup>th</sup> Friday in November
Christmas Day	December 25 <sup>th</sup>
Christmas Holiday	December 24 <sup>th</sup> or 26 <sup>th</sup>

1. If a holiday falls on a Saturday, the holiday shall be observed on the preceding Friday. If a holiday falls on a Sunday, the holiday shall be observed on the following Monday or as designated by the Mayor, or designee. Because of scheduling and the nature of the work, certified Police Officers and the Public Works employees will receive paid holiday leave on the actual holiday, not the observed holiday.
2. Full-time employees are eligible for 8 hours of paid holiday leave per holiday listed above. Holiday leave does not count as time worked for the purpose of calculating compensatory time or overtime, except for full-time, non-exempt certified Police Officers who are scheduled to work the actual holiday. This provision only applies if the employee has physically worked 80 hours in the pay period, i.e., employee has not taken and vacation, sick or personal leave during the pay period in which the holiday falls.
3. Part-time/Benefited employees are eligible for the number of hours the employee is regularly scheduled to work on the day the holiday falls. If the employee is not regularly scheduled to work on the day the holiday falls, the employee is not eligible for paid holiday leave for that day.
4. Part-time/Non-benefited and, Seasonal employees, ~~Volunteer Fire/EMS~~ and Volunteers ~~employees~~ are not eligible for paid holiday leave pay.
5. ~~Full-time e~~Employees who are called out on a holiday shall receive their overtime rate of pay for each hour worked, unless the hours have already been paid at an overtime rate in the calculation of overtime for the applicable period.
6. Employees do not receive paid holiday leave when on any unpaid leave status and are not receiving any compensation during the pay period in which a holiday falls.

D. Sick Leave - Sick leave time off with pay is available to eligible employees for periods of temporary absence due to illness, injury, or to obtain necessary medical care for themselves, a spouse, or a dependent living in the employee's home, except as otherwise authorized by a department director. Sick leave may also be used for any City approved FMLA leave use. Sick leave hours are intended to provide income protection in the event of illness, injury, or approved FMLA use, and shall not be used for any other absence. An employee is prohibited from working secondary employment during the actual hours of sick leave. Sick leave may not be used until the pay period following its accrual.

1. Eligibility. Sick leave shall be accrued from the date of hire by all Full-time and Part-time/Benefited employees. Part-time/Non-benefited ~~and~~, Seasonal ~~employees~~, and ~~Volunteer Fire/EMS and Volunteers~~ ~~s-employees~~ are not eligible for sick leave.
2. Accrual. Employees shall accrue sick leave at the following rates:
  - (a) Full-time employees shall accrue 3.70 hours of sick leave per pay period (96 hours annually).
  - (b) Part-time/benefited employees shall accrue sick leave at prorated rates outlined below:
    - (1) Part-time/Benefited employees working 24-29 hours per week shall accrue annual vacation leave at the rate of  $\frac{3}{4}$  that of a Full-time employee.
    - (2) Part-time/Benefited employees working 18-23 hours per week shall accrue annual vacation leave at the rate of  $\frac{1}{2}$  that of a Full-time employee.
  - (c) Sick leave shall accrue to a maximum of 90 days or 720 hours for all employees.
  - (d) Employees do not accrue sick leave while on a leave without pay status, including any pay period in which accrued leave is the only available paid leave. Employees do not accrue sick leave while on FLMA status. Employees do not accrue sick leave while on paid or unpaid administrative leave.
  - (e) Newly hired eligible Full-time and Part-time/Benefited employees will not accrue sick time until the first full pay period worked.
3. Reporting Absences. Employees who are unable to report to work due to illness or injury shall notify their supervisor before the scheduled start of their workday, if possible. The supervisor must also be contacted on each additional day of absence.
  - (a) For sick leave in excess of 3 consecutive working days, or if abuse of sick leave is indicated, the Mayor, or designee, may require a certificate from the attending physician stating that such illness prevented the employee from working. Employees may also be required to demonstrate the ability to perform essential job duties and/or provide a medical release before returning to work.
4. Cash-out or transfer of Sick Leave.
  - (a) Cash-out. At no time shall an employee be allowed to cash out sick time.
  - (b) Transfer. At the end of each calendar year, Santaquin City shall contribute sick leave accrued in excess of 720 hours to a ~~401K~~ retirement saving plan set up in the employee's name and administered by the Utah State Retirement System (URS). Contributions shall be made at a rate of 25% of the excess hours or 1 hour contributed for every 4 hours in excess of 720 hours. Remaining hours in excess of 720 hours at the end of the calendar year shall be forfeited. Sick leave transfers shall be made at the employee's current rate of pay.
5. Termination of Employment. An employee who terminates employment voluntarily or upon retirement may be paid 25% of their vested sick time. An employee is vested when the employee has been employed with Santaquin City for 5 consecutive years.

An employee whose employment is terminated for cause shall not be compensated for unused accrued sick leave.

6. Records. Official sick leave records will be maintained and kept current on city records and shall be posted on payroll check stubs.

E. Donation of Leave

1. Purpose. In order to allow employees to assist other employees who have responsibly managed their leave, but who are facing emergency situations or in situations where an employee has insufficient annual and/or sick leave to accommodate a prolonged illness or recovery, employees may donate, on a voluntary basis, annual and/or sick leave to another employee. Employees who have abused or misused leave are not eligible to receive donated leave. The Mayor, or designee, will review and approve each request on a case-by-case basis.
2. Eligibility. An employee may become eligible for donation of leave time if they have exhausted their existing leave benefits (sick leave, annual leave, and accrued compensatory time), filed for FMLA leave with the City, filed for long-term disability if applicable, and have submitted a written request outlining the need for the donation of leave to the Mayor, or designee.
3. Donating Leave. ~~Upon approval the Mayor, or designee, will notify benefited employees of the need for donated leave.~~ All donations shall be strictly voluntary and confidential. Anyone who attempts to influence or coerce another employee in any manner will be subject to disciplinary action up to and including termination of employment. To donate leave time to an eligible recipient, the donor must:
  - (a) Submit a written statement indicating ~~the intended recipient and~~ the amount and type of leave donated.
  - (b) An employee donating sick leave must have a balance of accrued sick leave in the amount equal to or greater than 240 hours after the amount of sick leave has been donated. Sick leave will be converted at the rate of 1 hour of time for every 4 hours donated or 25%, and further converted into a dollar amount based upon the donor's hourly rate. The dollar equivalent will be deposited into the general donation account. Sick leave may not be donated simply because an employee has reached the 720-hour cap. ~~All hours donated will show as sick time used on the donating employee's payroll summary.~~
  - (c) An employee donating annual leave must have a balance of accrued annual leave in the amount of 40 hours after the amount annual leave has been donated. There is no maximum amount of annual leave that can be donated. Donated annual leave will be converted on an hour per hour basis, and further converted into a dollar amount based upon the donor's hourly rate. The dollar equivalent will be deposited into the general donation account. ~~All hours donated will show as annual time used on the donating employee's payroll summary.~~
4. Other Provisions. The following general conditions apply to the leave donation policy.
  - (a) Donated leave will be used in the order the donations are received.
  - (b) The maximum amount of donated leave an employee may receive in any calendar year is 12 weeks.

- (c) The use of donated leave shall be terminated once the employee returns to work or the conditions of the original sick leave request are no longer applicable.
- (d) During the time an employee receives Worker's Compensation, or disability, they are not eligible to receive any donated leave.
- (e) To be eligible to participate in the donated leave program an employee must have been employed by the City for at least one year as a benefited employee.
- (f) If the number of hours donated exceed the requested number or twelve weeks, the remaining hours will not be transferred and will remain ~~with the donating employee~~ in the general donation account.
- (g) No sick leave or annual leave benefits will be accrued by the recipient during the extended leave where the only compensation is from donated leave.

F. Bereavement/Funeral Leave – Upon authorization an employee may receive a maximum of 24 hours bereavement leave per occurrence with pay, at the Functional Area Director's discretion, following the death of a member of the employee's immediate family. Upon authorization, an employee may receive a maximum of 8 hours bereavement leave per occurrence with pay, at the Functional Area Director's discretion, following the death of a member of the employee's extended family. (Res 12-3-2015)

- 1. Immediate family means the following relatives of the employee or spouse (including in-laws or step-relatives): spouse, parents, siblings, children, all levels of grandparents, or all levels of grandchildren.
- 2. Extended family means the following relative of the employee or spouse (including in-laws or step-relatives): aunts, uncles, 1<sup>st</sup> cousins, nieces or nephews. (Res 12-3-2015)

G. Military Leave - It is the policy of Santaquin City to comply with the provisions of Utah State Code 39-3-1 Public Officers and employees in military service, Utah State Code 39-3-2 Government employees in United States armed forces or National Guard, and in accordance with the Uniformed Services Employment and Reemployment Rights Act (USERRA).

- 1. Active Duty. Employees called to active military duty shall be granted leave for such service.
  - (a) An employee must notify their Functional Area Director and the Personnel Officer of their military orders as soon as possible. A copy of official military orders shall be submitted with a request for leave.
  - (b) An employee ~~'s~~ is entitled to leave under this section shall be restored to the same position, or to a position equivalent to the same position, which the employee held immediately prior to the commencement of active military service.
  - (b) A request for restoration of employment must be submitted within 40 days after release from active services.
  - (c) Restoration of employment shall be made within 20 days after submission of the request to Santaquin City.



- (d) Employees do not accrue vacation or sick leave while on a leave without pay status, including any pay period in which accrued leave is the only available paid leave.
  - (e) An employee returning to employment shall retain all sick, vacation and other leave to which the employees were entitled immediately prior to the commencement of the active military service and shall receive and earn benefits and compensation at the same level not less than that to which the employee would have been entitled had the employee not been absent due to active military service.
  - (f) Health and Dental benefits will discontinue the first of the month following entry into active military duty, or until the military insurance begins. Life Insurance ADD and LTD benefits will discontinue the first of the month following entry into active military duty. Upon returning to work all benefits will be reinstated.
  - (g) Contributions to Utah State Retirement benefits continue during active duty as required by law.
2. National Guard or Military Reserves. Employee shall be granted leave for service in the National Guard or in the Armed Forces reserves for the purpose of fulfilling annual field training.
- (a) Employees may use accrued vacation leave or compensatory time for National Guard or Military Reserves annual field training.
- H. Jury or Witness Duty - The City recognizes the duty of every employee, as a citizen of the United States, to perform jury duty or serve as a witness in court on behalf of another party.
- 1. Employees will be granted time off to perform jury duty or serve as a witness in court. This time is paid at the base rate of eight hours straight time for each day at the employee's regular rate of pay. If leave is due to a court appearance on the employees own behalf as a defendant or plaintiff, the employee will not be paid, however employees may use vacation or compensatory time.
  - 2. Employees retain jury and witness fees received from the court for such services. Any mileage expenses paid by the court to reimburse the employee for travel to and from the courtroom may be retained by the employee.
  - 3. An employee must show the jury or witness duty subpoena to their supervisor as soon after receipt as possible so the supervisor may make arrangements to accommodate their absence. An employee on jury duty leave must keep his or her supervisor informed on a daily basis as to whether the jury duty will continue. If the employee is selected as a juror, the supervisor should be provided at least weekly updates of the status of the case and when the employee anticipates returning to work.
  - 4. ~~Volunteer Fire/EMS employees who are called as witnesses in court proceeding pertaining to Santaquin City Fire/EMS incidents/calls shall be paid an amount equal to lost wages from the employee's primary employment for all time spent traveling to and from court proceedings, meeting with attorneys, testifying, etc. The employee must provide proof of lost wages from the primary employer in order to be eligible for such payment. This payment is to help compensate for time lost from the employee's primary employment.~~



- I. Basic FMLA Leave Provisions - The Family and Medical Leave Act (FMLA) grants eligible employees the statutory right to take up to 12 weeks of paid and/or unpaid leave, health insurance benefits, and with some limited exceptions, job restoration within a rolling 12-month period following the designation of FMLA leave. The City will designate FMLA leave for an employee whenever it has knowledge that the employee may qualify.
1. An employee is eligible under the Family and Medical Leave Act if the employee has been employed with the City for a minimum of 12 months and has worked a minimum of 1250 hours in the 12-month period immediately preceding the request.
  2. Eligible employees may request, or the city may designate, up to 12 work weeks of paid/unpaid leave for situations related to certain family and medical reasons such as:
    - (a) To care for the employee's child after birth, or placement for adoption or foster care.
    - (b) To care for the employee's child, spouse, or parent (but not in-law) who has a serious health condition. A serious health condition means an illness, injury, impairment, or physical or mental condition that involves inpatient care in a hospital, hospice, or residential medical care facility; or continuing treatment by a health care provider.
    - (c) For the employee's own serious health condition (including any period of incapacity due to pregnancy, prenatal medical care, or childbirth) that makes the employee unable to perform one or more essential functions of the employee's job.
    - (d) Because of any qualifying exigency arising out of the fact that an employee's spouse, child, or parent is a covered military member on active duty or has been notified of an impending call or order to active-duty status in the Armed Forces in support of a contingency operation.
  3. Eligible employees whose leave qualifies under one of the above situations should make requests for family and medical leave to the Personnel Officer and notify their supervisor in writing, at least 30 days in advance of foreseeable event(s) and as soon as practical for unforeseeable event(s). Requests for leave should be made even if the employee has accrued time off available. The City reserves the right to designate FMLA leave for an employee whenever it has knowledge that the employee may qualify even when no notice was given. Typically, FLMA leave will be designated if an employee is on leave for a qualifying event for more than 10 consecutive working days or 2 working weeks.
    - (a) In an emergency, when the need for leave was not previously known, the employee must contact his or her supervisor within 48 hours or as soon as practical.
    - (b) An eligible employee may take leave consecutively or intermittently for qualifying conditions. If intermittent or reduced leave is needed, employees are strongly encouraged to schedule their leave, so it does not unduly disrupt City operations.
    - (c) All employees requesting leave or whose leave has been designated FMLA leave under this policy must complete the applicable Certification of Health Care Provider form and return it to the Personnel Officer within 15 working days.

- (d) The Personnel Officer will process the certification and provide the employee with the Notice of Eligibility and Rights & Responsibilities form and Designation Notice.
4. An employee on designated FMLA leave will have all absences related to that qualifying event count toward the total eligible 12 weeks of FMLA leave.
  5. Eligible employees must exhaust all available paid leave (accrued vacation, sick, and personal leave, and compensatory time) before going on a leave without pay status. Supervisors will be responsible for submitting the employee timecard to payroll and FMLA tracking form to the Personnel Officer while an employee is on FMLA leave if the employee is unable to do so.
  6. Subject to the terms, conditions, and limitations of the applicable health insurance plans, the City will continue to contribute to premiums in accordance with established policy during an employee's approved FMLA leave, however seniority, vacation, sick, personal, and other benefits will not accrue during unpaid time off, including any pay period in which accrued leave is the only available paid leave. The employee must continue to pay any portion of the premiums that the employee would typically pay if not on leave, either through payroll deduction or through personal reimbursements. The City has the right to recover health insurance premiums if the employee does not return from FMLA leave.
  7. If the employee is returning from leave for their own serious health condition, the City may request a fitness-for-duty or release to work report from the health provider before the employee can return.
    - (a) Upon return from FMLA leave, the City will accommodate an employee's return to their original or an equivalent position.
    - (b) If an employee fails to return to work after the 12 weeks of leave have expired, the employee is responsible for reimbursing the City for any unpaid employee share of the premium costs.
    - (c) If any employee fails to report to work promptly at the end of the 12 weeks of FMLA leave, the City will assume the employee has resigned and employment will be terminated, unless they have received a written approved leave of absence.
    - (d) Additional Military Family Leave Provisions (Injured Service Member Leave). In addition to the basic FMLA leave provisions, an eligible employee who is the spouse, child, parent or next of kin of a covered service member is allowed to take up to 26 weeks of leave during a single 12-month period to care for the service member with a serious injury or illness. Leave to care for a service member shall only be available during a single, 12-month period and, when combined with other FMLA qualifying leave, may not exceed 26 weeks during the single 12-month period. The single 12-month period begins on the first day an eligible employee takes leave to care for the injured service member. Expanded additional leave may also be available to care for certain former service members.
  8. Work Prohibited While on FMLA Leave. Employees shall not work secondary employment during regularly scheduled working hours while on FMLA leave.

J. Fit For Duty

1. The City recognizes that physical or mental ability issues may impact an employee's ability to perform his or her job duties. It is in the best interest of the City and the employee to identify factors impacting the workplace.

2. Fitness for Duty Referrals

a. A supervisor may refer an employee for a fitness-for-duty evaluation. The supervisor will make a written request to the City Manager or designee when referring an employee for an evaluation.

i. The Supervisor's written request will include a copy of the employee's job description, brief work history, and work-related problems.

ii. The evaluation will be conducted by a private contracted provider.

iii. The City will notify the employee in writing of the required evaluation date, time and location.

iv. The City will place the employee on paid administrative leave during the evaluation period.

v. Evaluation costs are paid from the City's General Fund subject to the availability of funding.

b. Fitness for Duty Evaluation

i. The provider's written evaluation will include:

1. reasons for the referral;

2. a diagnosis including expected duration and required medical or psychological plan;

3. a statement indicating whether the employee can perform the job;

4. identification of any tasks the employee cannot perform; and

5. a statement indicating whether the employee needs a reasonable accommodation to perform the essential job duties and the recommended accommodation.

ii. Upon completion of the fitness for duty evaluation, the City will notify the employee of the results.

iii. The City, in consultation with the City Manager or designee, will determine whether the employee may return to work, be placed on qualifying leave, or be separated from employment.

iv. An employee who refuses to submit to a fitness for duty evaluation or fails to make progress towards completing the evaluation plan may be disciplined in accordance with the City's discipline policy.

c. Confidentiality and Records

i. Records obtained under this policy that contain medical, psychiatric or psychological data about an employee will be classified as protected in accordance with Government Records Access and Management Act (GRAMA).

ii. Evaluation information may only be released for employment related purposes and will be limited to persons with a work-related concern.

iii. Fitness-for-duty evaluation records will be kept in a locked file by the HR Manager or designee and will be made available only to qualified medical personnel upon written release from the employee and in accordance with applicable State or Federal laws relating to medical records.

KJ. Administrative Leave -

1. Administrative leave with pay. The Mayor, or designee, may assign administrative leave with pay under any of the following circumstances:
  - (a) Pending the outcome of an investigation to determine possible disciplinary action against the employee.
  - (b) Pending the results of a post accident or reasonable suspicion drug and/or alcohol test.
  - (c) With regard to incidents resulting in extreme stress.
  - (d) To protect City interests during an end of employment process.
  - (e) Other circumstances determined to be in the best interest of the City and/or employee.
2. An employee shall not engage in secondary employment during the actual hours designated as administrative leave with pay. The City may, at its discretion, additionally restrict the activities of an employee on administrative leave with pay. Examples include being required to remain at the employee's residence during designated working hours (except to obtain medical care, to fulfill religious obligations, or as specifically authorized), remain readily available and immediately respond to phone contact or return to work, modification of working hours, or restrictions on secondary employment outside administrative leave hours.
3. After review by the City Attorney and with the authorization of the Mayor, or designee, an employee charged with a job-related felony, after judicial review, may be placed on administrative leave without pay.
4. Administrative Leave without Pay. Full-time and Part-time/Benefited employees are eligible to request leave without pay (unrelated to FMLA leave) for up to 12 months as described in this policy. Eligible employees interested in a leave without pay must submit a written request to the Mayor, or designee, detailing the nature of the leave.
  - (a) Requests for leave without pay will be considered based on criteria such as the nature of the request, the impact to the organization, and the benefit to the employee and/or the City. The City does not grant a leave without pay, unless it is believed the employee will remain employed by the City at the end of the leave. The City may end an approved leave without pay at its discretion, upon reasonable notice to the employee.
  - (b) Prior written approval must be obtained from the Mayor, or designee.
  - (c) Vacation leave, sick leave, personal leave, holiday leave and other City benefits will not continue to accrue during the approved leave of absence period.

- (d) Employees that are granted a leave without pay are required to pay for employee benefits costs that are normally taken through payroll deduction.

KL. Unauthorized Absence - Any unauthorized absence is grounds for disciplinary action. An employee who is absent for 3 consecutive workdays, without authorized leave, shall be deemed to have voluntarily resigned.

ML. Breaks and Meal Periods - The City offers breaks and meal periods as work allows.

1. The City may provide two paid breaks of up to 15 minutes each during a standard workday as determined by the supervisor.
2. The City normally provides a 30-minute unpaid meal period for full-time employees during a standard workday.
3. Breaks and meal period for part-time employees will be determined by the department director depending on the number of hours scheduled to work during a standard workday.
4. Employees in public safety positions shall take breaks and meal periods in accordance with Department work schedules and policies.
5. Employees under the age of 18 are entitled to a meal period of at least 30 minutes not later than 5 hours from the beginning of their shift. A rest break of at least 10 minutes is required for employees under the age of 18 for every three-hour period or part thereof that is worked.

NM. Lactation/Breastfeeding

1. This policy outlines the reasonable break time for an employee to express breast milk for her nursing child for one year after the child's birth each time such employee has need to express the milk.
2. For up to one year after a child's birth, any employee who is breastfeeding her child will be provided reasonable break times as needed to express breast milk for her baby. Santaquin City has designated a room at each location for this purpose. Refrigeration units are available in all work locations. Any breast milk stored in the refrigerator must be labeled with the name of the employee and the date of expressing the breast milk. Any nonconforming products stored in the refrigerator may be disposed of. Employees storing milk in the refrigerator assume all responsibility for the safety of the milk and the risk of harm for any reason, including improper storage or refrigeration and tampering. Nursing mothers wishing to express milk must coordinate a schedule for breaks, the location and use of the room, and the need for alternative refrigeration equipment with their program manager. Employees who work off-site or in other locations will be accommodated with a private area as necessary.
3. Breaks of more than 20 minutes in length will be unpaid, and the employee should indicate this break period on her time record.

### 3.3 EMPLOYEE BENEFITS

A. Retirement - Santaquin City participates in the public employee and public safety retirement programs of the Utah State Retirement System (URS).

1. Eligibility.

- (a) All Full-time and Part-time/Benefited employees and compensated appointed positions are eligible for URS benefits.
- (b) Part-time/Non-benefited and, Seasonal employees, ~~Volunteer Fire/EMS~~, and Volunteers ~~s employees~~ are not eligible for URS benefits.
- (c) The Mayor and City Council Members who are elected or appointed to their position are considered part-time ineligible for URS benefits, unless income levels equal or exceed URS requirements.

2. Plan Tiers.

- (a) Tier I Employees. All eligible employees participating or who have previously participated in URS prior to July 1, 2011.
- (b) Tier II Employees. All eligible employees who, for the first time, begin participation in URS on or after July 1, 2011.

3. Plan Rates. Contribution rates for Tier I and Tier II plans are recalculation and set annually by URS. New plan rates are effective July 1<sup>st</sup> of each year.

Because of complexities of the plans offered by Utah State Retirement System employees should refer to the informational handbook, contact the Personnel Officer, or contact URS directly regarding any questions concerning the plan.

B. Medical & Dental Insurance - The City may offer group medical and dental insurance benefits to Full-time employees. Shared rates will be established by the Mayor and City Council and shall be included in the annual budget.

- 1. Eligible employees are enrolled when hired. Employees may make changes to group benefit plans once each year during a specified period known as "Open Enrollment" or when a life event occurs, such as marriage, divorce, birth of child, etc.
- 2. The employee has the responsibility to inform the city of any change in coverage, including, but not limited to the birth/adoption of a child, marriage, a divorce, legal separation, a child losing dependent status under the group health plan. Notification should occur within seven (7) working days of the actual event.
- 3. Eligible employees who provide proof of insurance under another plan may choose to waive the City's coverage annually. A portion of the City's insurance premium cost may be reimbursed to the employee through the payroll process.

C. Life Insurance - Basic life insurance may be provided by the City for all Full-time employees.

- D. FICA (Social Security & Medicare) - All employees are covered by the benefits of Old Age, Survivors and Disability Insurance as provided by law. Contributions of the employee and the City will be made in accordance with Federal law.
- E. Savings Plan - All Full-time and Part-time/Benefited employees are eligible to participate in an employee funded savings plan (401k, 457, or Roth IRA) through Utah State Retirement Systems.
- F. Employee Assistance Program - The City provides an Employee Assistance Program (EAP) for eligible employees, and their dependents. The EAP is a confidential counseling and referral service that is designed to help employees and their family members deal with personal and/or work-related problems and concerns. Additional information on the EAP is available at the Administration Office.
- G. Training - Employees are encouraged to obtain training through attendance at job related seminars, conferences, classes, certification courses, etc. The employee's Functional Area Director or department manager/supervisor must pre-approve all training attendance and payment of associated costs.
1. When training is approved, the involved time will be treated as time worked, consistent with City policy and FLSA regulations.
  2. If the employee voluntarily terminates his or her City employment within two years of the final date of the training, the Functional Area Director may require the employee to reimburse the City for the cost of the training, on a pro-rated basis (see educational assistance).
  3. Members of the Fire/EMS Department are required to obtain and maintain certifications as follows:
    - (a) Employees designated as firefighters are required to obtain, at minimum, Firefighter I & Hazmat Operation certifications within 12 months of employment.
    - (b) Employees designated as EMT-First Responder are required to obtain, at minimum, the EMT certification with 18 months of employment.
    - (c) Employees already certified as EMT or EMT-Advanced, may be approved to attend paramedic training, inasmuch as to the extent funding is available and the candidate meets the criteria in the Fire Department SOP VII. (Res 12-02-2015)
- H. Education Assistance - The educational assistance program provides assistance to employees who undertake undergraduate or graduate course of study which is mutually advantageous to the City and to the employee. Subject to available funding, employees may be eligible to receive partial tuition reimbursement.
1. Request. Request for education assistance must be submitted in writing to the Mayor, or designee. Pre-approval is required for reimbursement. Course work approved must be related and pertinent to the employee's current position. Final determination shall be made by the Mayor, or designee, with input from the Functional Area Director and is subject to availability of funds.
  2. Eligibility. Only full-time employees who have successfully completed the required probationary period are eligible for education assistance.

3. **Employee Reimbursement.** The City expects the employee to front costs for college classes. Upon proof of completion of each course with a “B” or higher, or passing on a pass/fail course, and presentation of proper receipts, the City will reimburse 50% of tuition fees, materials, and other necessary costs.
4. **City Reimbursement upon resignation or termination of employment.** In the event that the employee resigns or is terminated for cause, the employee will be required to reimburse the city for educational assistance using the following schedule:
  - (a) **0-12 Months.** If the employee resigns or is terminated for cause, 100% of tuition costs and fees paid by Santaquin City over the previous 0-12-month period must be reimbursed to the City.
  - (b) **12-24 Months.** If the employee resigns or is terminated for cause, 50% of the tuition costs and fees paid by Santaquin City over the previous 12-24-month period must be reimbursed to the City.
  - (c) **After 24 Months.** The employee is not responsible for any reimbursement of tuition or fees paid 24 months prior to resignation or termination of employment for cause.
  - (d) **Termination of Employment without cause.** If an employee is terminated without cause, they are not responsible for the reimbursement of any tuition costs or fees.

Reimbursement shall be deducted from the employee’s final paycheck. In the event that reimbursement amounts exceed the amount of the employee’s final paycheck, the employee is responsible for paying the City for the debt outstanding. The City reserves the right to collect all outstanding debts.

The City reserves the right to place a time limit on the completion of the degree. The City also reserves the right to deny or to delay payment for classes for concerns such as, but not limited to duration of employment, performance levels, etc.

5. **Other.** Employees will attend, travel to or from, and study on their own time. To accommodate course scheduling, irregular work schedules may be authorized by the Functional Area Director.
- I. **Uniform Allowance** - The City will provide employee uniforms when uniforms are required to fulfill job responsibilities. Uniforms will be maintained and worn in accordance with City and Department policies.



Santaquin City's termination of employment procedures ensure that all department directors, supervisors and managers follow an established and prescribed separation from employment process including the timely reporting and processing of terminations of employment, exit interviews and paperwork.

Types of terminations:

1. Resignation: an act by an employee or intern who chooses to resign their current merit or non-merit position for reason of his or her own choice. Employees should notify their supervisor in writing and provide at least 2 weeks of notice.
2. Resignation by Absence: an act by an employee who is absent for three or more scheduled workdays without notice, permission, or without good reason will be considered as having resigned.
3. Retirement: an act on behalf of an employee who meets the eligibility of the Utah Retirement System to retire from active service with the City. Employees should work with URS and provide notice to the City at least 90 days before their scheduled retirement date.
4. For Cause: an action taken by the City in regard to severing employment from an employee who has been disciplined through the proper process and steps of the City's discipline policy.
5. Reduction in Force: an action taken by the City due to business needs to reduce the workforce and following the proper policy (2.4 Employee Reduction in Force Policy) with a workforce adjustment plan.

## SECTION 4: EMPLOYEE CONDUCT

### 4.1 CODE OF CONDUCT

- A. Professionalism - Santaquin City is a public entity 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. City employees shall conduct themselves in a way that will bring trust and respect to themselves and the City.
- B. Honesty - Employees shall be honest in word and conduct and never use their position to benefit themselves personally, or another party, through the disclosure of or by acting on confidential information, award of work, procurement of supplies, or use of City facilities, equipment, or resources.
- C. Privileged Information - Santaquin City employees that are involved with Information of significant public interest may not use this privileged information for personal gain, nor to benefit friends, acquaintances, or any other individual or entity. If an employee has an outside interest which could be affected by any Santaquin City 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 ("GRAMA").
- D. Confidentiality - Employees shall not disclose, or willfully allow to be disclosed, any information gained by reason of their position, for any reason other than its official or authorized purpose. Employees will comply with the confidentiality requirements of State Law and the City Code, including restrictions against disclosing or using private protected, or controlled information acquired by reason of a member's official position for the employee's or another's private gain or benefit.
- E. Outside Activities - Santaquin City employees shall not use Santaquin City owned property in support of outside interests and activities when such use would compromise the integrity of Santaquin City or interferes 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 Santaquin City 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 Santaquin City offices.
  - 3. Discourage any phone, mail or visitor contact related to the outside interest at Santaquin City offices or while on duty.
  - 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 L of this section, an employee shall not use data processing equipment, software, postage metering machines, copiers, other Santaquin City owned equipment or supplies for the outside interest.
- F. Political Activities - City employees shall not use City owned property, work time, or influence of position over other employees while engaging in any political activity.

- G. Secondary Employment - The Municipal Officers and Employees' Ethics Act establishes standards of conduct for City employees and appointed city officials for the disclosure of actual or potential conflicts of interest between public and personal duties. Employees are required to provide written notification to the Mayor, or designee, in the form of a sworn disclosure statement, of any secondary or outside employment, or before starting any secondary or outside employment, or if the employee has an interest in an entity that does business with Santaquin City. The written disclosure statement must contain the name and address of the City employee, the name and address of the person or business entity, and the position that would be held by the City employee with the person or business entity and the nature of his or her business interest.
1. Secondary Employment must be pre-approved by the Mayor, or designee.
  2. Secondary Employment must in no way interfere, conflict with, or affect a City employee's duties.
  3. If an employee's performance is distracted by secondary employment, the employee will be asked to discontinue the secondary employment, or face disciplinary action, up to and including termination of employment.
- H. Additional Secondary Employment for Sworn Police Officers.
1. Utah State Law outlines specific Secondary Employment requirements and regulations for Sworn Police Officers. These requirements and regulations are outlined in the Santaquin City Police Department Policies and Procedures.
- I. Gifts & Gratuities - Acceptance of gifts and gratuities shall be governed by Utah State Law 67-16, Utah Public Officer' and Employees' Ethics Act, unless department policy is more restrictive.
- J. Attendance - All employees shall meet attendance and punctuality requirements in accordance with department and supervisory guidelines.
- K. Appearance - In order to maintain a professional atmosphere and appearance, all employees including those who wear uniforms, shall maintain the following minimum standards:
1. Employees must maintain a high standard of personal hygiene. Employees must appear neat and clean and have no offensive odors. An employee's hair must be clean and groomed.
  2. Employees must wear clothing appropriate to their employment. Appropriateness may vary, depending upon the nature of work performed, safety concerns, and degree of public contact.
  3. Employees must wear clothing that is clean and neat, and not torn or frayed. Employees must avoid clothing that is unduly revealing, immodest, or otherwise inappropriate for a professional office setting or other work environment.
  4. In addition to the above, all employees shall meet department dress and appearance policies.
- L. City Owned Electronic Communication Devices - City electronic communication devices, including but not limited to, phones, cell phones, desktop and laptop computers, etc. and all their content are the property of the City, and there is no expectation of privacy for any

employee. These devices are provided to facilitate the effective and efficient completion of job duties. The City retains the right to monitor, deny access, or copy content at any time, including communications made on a third-party server.

1. Employees shall not intentionally use City electronic communication devices to download, view, print, or store any sexually explicit content, except as necessarily required by the employee's official job duties. Inadvertent exposure shall be immediately reported to the employee's supervisor.
  2. Employees shall not use City electronic communication devices for on-line gaming, gambling, and unauthorized peer-to-peer file sharing.
  3. Employees shall not use City electronic communication devices to violate the City's harassment, discrimination, or other policies.
  4. Unauthorized audio and/or video streaming is prohibited, to preserve the City's bandwidth capacity.
- M. Use of Social Media – All employees shall adhere to the policies and procedures outlined in the Santaquin City Social Media Policy. This Resolution is appended to this, the Santaquin City Employee Policies and Procedures Handbook, as Addendum C.
- N. Personal Use of City Equipment - Limited personal use of City owned equipment may be authorized by supervisors, consistent with this policy. Further clarification can be found in Santaquin City Resolution No. 06-02-2019.
1. Computer Equipment. An employee's use of City computer equipment must comply with the following provisions.
    - (a) The use offers an opportunity for the employee to increase the employee's job-related knowledge and skills.
    - (b) The employee is not compensated for the work performed, unless the employee has received prior written approval by the Mayor, or designee.
    - (c) The employee pays for the cost of consumables and other attendant expenses (diskettes, paper, computer on-line/access charges, etc.).
    - (d) The employee uses the computer system after hours, or on the employee's personal time.
    - (e) The employee does not use the computer system for permanent storage of data.
    - (f) Use does not conflict with the employee's Santaquin City responsibilities or normal Santaquin City business.
    - (g) All data stored on, and software developed on, Santaquin City owned computer equipment is the property of Santaquin City and may be viewed/reviewed by the Mayor, or designee, at any time.
  2. Postage Meters. No employee shall be allowed to use Santaquin City 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 Santaquin City owned FAX or copying machines for items of a personal nature may do so after paying for such use at the rate established by resolution of the City Council on the consolidated fee schedule.
4. Telephones. Employees are expressly prohibited from making long distance telephone calls of a personal nature on Santaquin City owned telephones. Employees may use Santaquin City owned telephones for local personal calls. Personal local telephone calls will be limited to necessity and must not disrupt the carrying out of employee responsibilities.
5. Cellular Phones. Cellular phones are a tool to be used as a convenience for the City and to increase productivity of those authorized to use them. They are to be properly maintained and functional during work times for the City. Employees authorized to use cell phones shall do so primarily for City business. Any non-City use shall be reimbursed to the City, if "local" minutes exceed the package allotment. Cell phones privileges may be revoked at any time by the Mayor, or designee.
6. E-mail, voicemail, Internet, etc. cannot be used for any improper purposes, such as harassing or annoying anyone, obtaining illegal or copyrighted materials, or transmitting or receiving messages that insult, degrade or poke fun at gender, sexual orientation, race, color, national origin, age, religion, disability, citizenship, etc.
  - (a) Employees are to comply, in all respects, with the "Unsolicited Commercial and Sexually Explicit Email Act", UCA §13-36-101, which prohibits sending, forwarding, or otherwise transmitting commercial or sexually explicit emails which are unsolicited.
  - (b) Employees shall not intentionally pass on viruses or other items which might affect the city computer system.
7. Use of personal communication devices during work hours. The use of personal communication devices shall not unreasonably interfere with the performance of the employee's duties or interfere with City business operations.
8. Vehicles. City vehicles are provided for use by employees for city business. Employees shall not use city vehicles for personal business unless authorized in advance by the Mayor, or designee. Exceptions would may include incidental use of a city vehicle while attending conferences or other business-related travel related, etc.-
9. Other Equipment. The personal use of any Santaquin City equipment or tools is strictly prohibited. However, reasonable use of Santaquin City tools and equipment to protect property and preserve life is authorized. Public Safety employees may be permitted to use body armor and firearms with prior approval from the Mayor, or designee.
10. Personal Equipment. From time to time a City employee may wish to use a personal tool or piece of equipment in the performance of a City duty. This equipment must be used safely and may be permitted at the Mayor, or designee's discretion on a voluntary non-paid basis. Unless otherwise approved in advance of its use, any voluntary use of personal equipment, though appreciated, is at no risk to the City for replacement or repair. No employee shall use a personal tool or piece of equipment not owned by the employee in the performance- of a City duty.

11. **Misuse of Equipment.** Misuse of any City owned equipment may result in disciplinary action, including termination.

O. **Abandonment** - An employee who is absent from work for 3 consecutive days and is capable of providing proper notification to their supervisor but does not, shall be deemed to have abandoned their position. The City considers abandonment as a voluntary resignation.

~~P. **Open Door Policy** - Santaquin City has an Open Door Policy for all employees. This means, literally, that every Functional Area Director, the City Manager and Mayor's door is open to every employee. The purpose of an open door policy is to encourage open communication, feedback, and discussion about any matter of importance to an employee. This means that employees are free to talk with any Functional Area Director, the City Manager, or Mayor at any time without creating repercussions for the employee.~~

## 4.2 HARASSMENT, DISCRIMINATION, & RETALIATION

A. **General Policy** - Santaquin City is committed to providing a work environment that is free of harassment or any other type of discrimination with regard to race, color, national origin, religion, gender, age, disability, pregnancy, or any other protected status. The City has a zero-tolerance policy towards any form of unlawful harassment or discrimination by or to any employee or retaliation against any employee protected under this policy. Misconduct identified in this policy is unacceptable behavior and is prohibited. The City will make reasonable efforts to prevent the conduct identified in this policy and will promptly investigate all complaints of violation of this policy. An employee's violation of this policy, whether legally constituting sexual harassment, discrimination, or retaliation, may result in disciplinary action, up to or including termination.

B. **Prohibited Conduct** - The City prohibits conduct that includes, but is not limited to:

1. Unwelcome sexual advances, requests for sexual favors, and other verbal or physical conduct of a sexual nature when
  - (a) submission to such conduct is made either explicitly or implicitly a term of the condition of an individual's employment,
  - (b) submission to or rejection of such conduct by such individual is used as the basis for employment decisions affecting such individual, or
  - (c) such conduct has the purpose or effect of unreasonably interfering with an individual's work performance or creating an intimidating, hostile, or offense working environment.
2. Other inappropriate conduct, such as
  - (a) derogatory comments, insults, suggestive remarks, or jokes involving sexual activity, or a person's race, color, national origin, religion, gender, age, disability, pregnancy, or any other protected status,
  - (b) display of photographs, drawings, cartoons, written material, objects, or use of electronic communication devices which would offend a reasonable person,
  - (c) inappropriate physical contact, such as patting or pinching,

- (d) intentionally brushing against another person's body,
  - (e) stating or implying that an individual's job performance is attributable to that person's race, color, national origin, religion, gender, age, disability, pregnancy, or any other protected status,
  - (f) giving of unsolicited or inappropriate gifts of a personal and private nature, or
  - (g) sexual assault of any kind.
3. Pervasive, unwelcome, demeaning, ridiculing, derisive, or coercive conduct towards another person based on race, color, national origin, religion, gender, age, disability, pregnancy, or any other protected status that
- (a) creates an intimidating, hostile, or offensive work environment,
  - (b) unreasonably interferes with a person's work performance, or
  - (c) otherwise adversely and unreasonably affects an employee's employment.
4. Retaliation against any employee for reporting, filing a complaint, or for assisting the City in its investigation of a complaint under this policy, even if such underlying complaint is determined to be unfounded. Retaliation may be deemed a separate violation of this policy and may subject the perpetrator to disciplinary action. Examples of retaliation include:
- (a) disciplinary action taken in bad faith,
  - (b) unwarranted changes in the terms of an employee's employment,
  - (c) spreading rumors about the employee,
  - (d) encouraging hostility from a co-worker,
  - (e) escalating the harassment, or
  - (f) disclosing confidential information with regards to an investigation being conducted under this policy, including discussing the investigation with unauthorized individuals such as witnesses, potential other victims, or alleged harassers.

C. Personal Employee Relationships -

- 1. Each City employee in a non-spousal romantic, dating, and/or sexual relationship with another City employee must promptly notify their Department Manager or Supervisor upon beginning or ending such relationship. The Department Manager or Supervisor shall notify the Functional Area Director, who is responsible for notifying the Mayor, or designee.
- 2. No employee shall have a romantic, dating, and/or sexual relationship with any employee that has direct or indirect supervisory responsibilities over the employee.

D. Employee Obligations -

1. Employees have the obligation to comply with this policy and avoid any prohibited conduct.
2. Employees have the obligation to report violations of this policy.
3. Employees have the obligation to fully cooperate in any investigation of an alleged violation of this policy, including the obligation to provide truthful and complete evidence and testimony in any investigation or proceeding.
4. Employees have the obligation to refrain from making any bad faith or known false complaint of violation of this policy.
5. Employees have the obligation to avoid retaliation against any person who files a complaint, or who participates or provides evidence or testimony in any investigation or proceeding under this policy.

E. Reporting Violations of This Policy -

1. Employees are required to report all incidents that they believe to be violations of the City's Harassment, Discrimination, & Retaliation Policy. These reports shall be made when the employee first feels they or someone else has been harassed, subjected to inappropriate conduct, discriminated against, or retaliated against. Employees must file such complaint with any one of the following: a supervisor, a Department Manager, Functional Area Director, Assistant City Manager, City Manager, City Attorney, or the Mayor.
2. If any supervisor, Department Manager, Functional Area Director, Assistant City Manager, or the City Manager becomes aware of possible discrimination, harassment, or retaliation, they shall immediately advise the Mayor and the City Attorney. Any employee employed in a supervisory capacity that has knowledge of an offense, and does not report the matter, shall be subject to disciplinary action.

F. Investigation - The City shall investigate all complaints, regardless of whether they are written or verbal, as expeditiously and professionally as possible. Confidentiality of the complaint will be maintained to the extent it is practical but cannot be guaranteed.

1. The Mayor, or designee, the City Attorney, and the involved Functional Area Director will coordinate the investigation.
2. The Mayor, or designee is responsible for moving the investigation forward, ensuring adequate documentation, and making recommendations.
3. The Mayor, or designee is responsible for accepting, modifying, or rejecting recommendations and, when appropriate, initiating disciplinary action.
4. Disciplinary action placed in any personnel file will not include the name of any victim.
5. An investigation determined to be unfounded will not be placed in any individual's personnel file. It will be retained as an investigative file. Access will be limited to appropriate Administrative Staff, City Attorney, and the Mayor, or designee.
6. Appeals about the conclusions of the investigation will be handled as follows:



- (a) Disciplinary actions arising from the investigation will be handled consistent with the Employee Discipline section in this chapter.
- (b) The adequacy or conclusions of the investigation will be handled consistent with the Employee Grievance Procedures section of this chapter but will begin directly at Step Three (Appeal to Mayor, or designee).

#### 4.3 ALCOHOL, DRUG, AND TOBACCO FREE WORKPLACE

- A. Alcohol & Drug Free Workplace - It is the policy of Santaquin City to promote a workplace free from the influence of drugs and alcohol. Working under the influence of alcohol, illegal drugs, or misused prescription drugs and other related conduct threaten the safety of the public and other employees and ~~under minds~~undermines effective and efficient City operations. A more detailed statement of the City's policy on drugs and alcohol is set forth in Ordinance No. 07-01-2010, an Ordinance amending the Santaquin City Code to include the Santaquin City Drug Free Workplace Policy (Chapter 6B of Title 1 of the Santaquin City Code). This Ordinance is appended to this, the Santaquin City Employee Policies and Procedures Handbook, as Addendum A.
- B. Tobacco-Free Workplace - Santaquin City is subject to and enforces the Utah Indoor Clean Air Act and is committed to providing a safe and healthy work environment.
  - 1. Employee Responsibility. All employees are prohibited from use of tobacco products (including chewing tobacco and vaping devices of any kind) throughout the workplace, including all City buildings, vehicles, and equipment. Use of tobacco products is also prohibited within 25 feet of any entranceway, exit, open window, or air intake of City buildings.

#### 4.4 VIOLENCE-FREE WORKPLACE

- A. General Policy - Santaquin City is committed to maintain a safe and efficient working environment where employees and the public are free from the threat of workplace violence.
- B. Employee Obligations -
  - 1. Employees are obligated not to engage in violence or behavior that carries the potential for violence including, but not limited to assault, fighting, or foul, abusive, or threatening language or gestures.
  - 2. Any possession of firearms or other weapons on City property, including City vehicles, or while conducting City business shall be in compliance with federal and state laws, and City Code.
  - 3. Employees must immediately report all incidents of violation of this policy to their supervisor.

#### 4.5 EMPLOYEE DISCIPLINE

- A. General Policy - It is the responsibility of all employees to observe rules of conduct necessary for the proper operation of City government. Administrative procedures have been established for the handling of disciplinary measures when required.
- B. Causes for Disciplinary Action - Causes for disciplinary action, up to and including termination, may include, but are not limited to the following:
1. Violation of the laws of the United States, the State of Utah, or ordinances of Santaquin City or any other jurisdiction determined to be job related.
    - (a) A conviction (including a plea in abeyance or no contest) for the violation of any criminal law shall be prima facie evidence in any City hearing process.
    - (b) Violation may also be established in any City hearing process under an administrative standard of whether the evidence shows more likely than not the violation occurred regardless of the pendency or dismissal of criminal charges.
  2. Violation of the code of conduct.
  3. Conduct which endangers the peace and safety of others or poses a threat to the public interest.
  4. Any behavior by an employee deemed inappropriate or disruptive to the work environment which may affect the ability of other employees to perform effectively.
  5. Misconduct.
  6. Malfeasance. (The performance of an act which is legally unjustified or conflicts with the law or City policy)
  7. Misfeasance. (The wrongful performance of a normally lawful act.)
  8. Nonfeasance. (The omission of some act which ought to have been performed.)
  9. Incompetence.
  10. Negligence.
  11. Insubordination. (The opposition to and usually in defiance of established authority)
  12. Failure to maintain skills.
  13. Inadequate performance of duties.
  14. Unauthorized or excessive absence or tardiness.
  15. Falsification or unauthorized alteration of records.
  16. Violation of City or department policies.
  17. Falsification of employment application.
  18. Discrimination.

19. Sexual harassment or prohibited sexual conduct.
20. Retaliation.
21. Misrepresentation (making false statements or knowingly allowing false statements or false impressions to be accepted as valid in the course of the employee's job-related duties).
22. Theft or removal of any City property, or the property of any employee from the work premises without proper authorization.
23. Gambling or engaging in a lottery on City property.
24. Failure of a public safety employee to maintain physical fitness/ability standards.
25. Inability to perform essential job duties, with or without reasonable accommodation.
26. Violation of the Drug Free Workplace ordinance.
27. Unlawful possession of firearms, weapons, or explosives on Santaquin City property.
28. Carelessness which affect the safety of personnel or the public.
29. Threatening, intimidating, coercing, or interfering with fellow employees on the job, or the public at large.
30. Recklessly misusing, destroying, or damaging any Santaquin City property or the property of any employee.
31. Misusing city owned equipment including but not limited to, office equipment, computers, the internet, tools, motorized equipment, etc.
32. Sleeping during working hours.
33. Fighting (verbal or physical) on Santaquin City premises, or while on city business, or in a city uniform. Exceptions will be made for Police Officers in altercations which occur in the line of duty.
34. Any other action or behavior contrary to the best interests of the City.

C. Types of Disciplinary Action - The following types of discipline are not written in progressive order and are not to be deemed a progressive disciplinary scheme or system:

1. Verbal Warning. A verbally communicated warning to an employee by a supervisor for a minor work behavior deficiency. Information including, but not limited to, date of the warning, reason for the warning, details of the discussion with the employee regarding the verbal warning should be kept for future reference.
2. Written Reprimand. A formal written notice outlining work performance deficiencies and required corrective action, to an employee by a supervisor for disciplinary purposes, which is documented in the employee's personnel file. Written reprimand shall be signed by the employee, the supervisor and the Functional Area Director, if they are not the supervisor.

3. Suspension. An employee may be suspended from work with or without pay for up to 30 days (240 hours) by the Mayor, or designee.
  4. Demotion. An employee may be demoted to a lower grade position with or without a reduction in pay by the Mayor, or designee.
  5. Transfer. An employee may be transferred to another position within a department by the Mayor, or designee or to another position in a different department within the City.
  6. Termination. Full-time & Part-time/Benefited merit employees may be terminated by the Mayor, or designee, pursuant to section 4.5.D. ~~At-will-Non-merit~~ employees including, Part-time/Non-benefited and, Seasonal employees, Volunteer Fire/EMS and Volunteers employees may be terminated from employment at the discretion of the Functional Area Director with the approval of the Mayor.
  7. Employees whose conduct constitutes grounds for discipline may be subject to one or more of the foregoing disciplinary actions depending on the severity of the improper conduct. The City reserves the right to impose disciplinary action, up to and including termination of employment on a first offense, depending on the nature and severity of the improper conduct.
- D. Pre-Disciplinary Hearing – The Mayor shall conduct a pre-disciplinary hearing before imposing on a Full-time or Part-time/Benefited merit employee, ~~who is not at-will~~: suspension without pay for more than 2 days (16 hours); demotion or involuntary transfer from one position to another with less remuneration; or, termination. Pre-disciplinary hearings are not required for non-merit, Part-time/Non-benefited and, Seasonal employees, and Volunteer Fire/EMS and Volunteers employees. Subparagraphs D.1 through D.3 apply to pre-disciplinary hearings:
1. The employee shall be given written notice of the hearing, prior to the hearing, which will include an explanation of the charges against the employee and notice that discipline, up to and including termination where appropriate, will be considered.
  2. The pre-disciplinary hearing shall be conducted by the Mayor, or designee for the purpose of allowing the employee to respond to the charges and present information the employee believes is relevant to the decision.
  3. A decision as to the disciplinary action to be taken, if any, shall be made by the Mayor, or designee, and the employee shall be notified of the decision in writing within 5 working days after the hearing. This written notification shall include:
    - (a) The grounds for disciplinary action.
    - (b) Any disciplinary action to be imposed.
    - (c) The effective date and duration of the disciplinary action.
    - (d) Any required corrective action necessary for the employee to avoid further disciplinary action.
    - (e) Notice and a copy of the post-disciplinary hearing process outlined in 4.5 (E), if the imposed disciplinary action is termination, a suspension without pay for more than 2 days (16 hours), or demotion or involuntary transfer from one position to another with less remuneration.

- E. Appeals – Merit employees may appeal any disciplinary action to the Appeals Board. by following the procedures set forth in Ordinance No. 08-01-2009, an Ordinance naming the Santaquin City Council (except for the Mayor) as the Appeal Board that is required by Utah law to hear and decide appeals of certain decisions regarding the discipline and/or discharge of city employees (Chapter 4 of Title 2 of the Santaquin City Code). This Ordinance is appended to this the Santaquin City Employee Policies and Procedures Handbook as Addendum B.

## 4.6 EMPLOYEE GRIEVANCE PROCEDURES

- A. General Policy - A grievance is defined as a complaint made by a City employee of a decision, or action taken by the City which affects an employee's employment status, except disciplinary actions. Disciplinary action appeals, if permitted, shall be handled consistent with the Employee Discipline policy (4.5).
- B. Grievance Process - The following process shall be followed in processing grievances made by City employees:
1. An employee wishing to grieve an incident or action meeting the definition above must submit the grievance in writing to his/her immediate supervisor within 10 business days of a decision or action. The written grievance should include at a minimum, the date, description of the decision or action in question, and the remedy sought. The employee's immediate supervisor shall respond to the employee's grievance in writing, detailing his or her decision, within 10 business days of receipt of the grievance.
  2. If the employee is not satisfied with the response of the immediate supervisor, the employee may submit a written grievance to their Functional Area Director within 10 business days of the immediate supervisor's response. The Functional Area Director shall respond to the employee's grievance in writing, detailing his or her decision, within 10 business days of receipt of the grievance.
  3. If the employee is not satisfied with the response of the Functional Area Director, the employee may submit a written request to the Mayor, or designee within 10 business days of receipt of the Functional Area Director's response. The Mayor, or designee, shall respond to the employee's grievance in writing, detailing his or her decision, within 10 business days of receipt of the grievance. The decision of the Mayor, or designee, is final and not appealable.
- C. Documentation - Copies of all grievances and responses shall be forwarded to the Administration Office for filing upon receipt or issuance.
- D. Open Door Policy - Santaquin City has an Open-Door Policy for all employees. This means, literally, that every Functional Area Director, Assistant City Manager, City Manager and the Mayor's door is open to every employee. The purpose of an open-door policy is to encourage open communication, feedback, and discussion about any matter of importance to an employee. This means that employees are free to talk with any Functional Area Director, Assistant City Manager, City Manager, or the Mayor at any time without creating repercussions for the employee.

## 4.7 SOCIAL MEDIA POLICY

- A. Purpose - The purpose of this policy is to provide guidelines and clarification for participation in both Santaquin City-hosted social media and for employee's personal use of social media when the employee's City affiliation is known, identified, or presumed. This policy is not intended to guide personal online communications when employees do not associate or identify themselves with Santaquin City.

While this policy does not attempt to articulate all required or proscribed behavior, it does seek to assist in such judgment by providing guidelines. The same principles and guidelines that apply to employees in general apply to activities online. However, due to the nature of the internet, more accountability is to be expected. If you are unclear about the acceptable content or use of social media seek clarification from your supervisor beforehand.

- B. Reference – Santaquin City Resolution 12-03-2014.

- C. Personal Use of Social Media:

- 1 Employees should not be accessing social media sites during work hours unless it is a function of their job and they have been authorized to do so whether they are using City equipment or their own. Employees may access social media sites while on a break or during their lunch period. Appropriate caution should be taken when accessing anything on the internet at work in order to avoid potential risks, including security risks and other threats such as viruses, worms, and etc.

- 2 Employees should make sure that they are aware of the Code of Ethics for their own license or discipline and follow that accordingly, as well as the Code of Conduct for City employees, when participating in social media.

- 3 It is strongly recommended that you use a disclaimer if you publish a blog, post a comment, or share an image and it has something to do with the work that you do at City or you acknowledge/imply that you are an employee of City. The following standard legal disclaimer language may be used:

"The postings on this site are my own and do not represent Santaquin City's positions, strategies, or opinions."

OR

"DISCLAIMER: This is a personal Website, produced on my own time and solely reflecting my personal opinions. Statements on this site do not represent the views or policies of my employer, past or present, or any other organizations with which I may be affiliated. All content is copyrighted."

- 4 Santaquin City discourages staff in management/supervisory position from initiating "friend" requests (or similar requests on social media) with employees that they manage. Managers/supervisors may accept "friend" requests if initiated by the employee and if the manager/supervisor does not believe that it will negatively impact the work relationship.

- 5 General guidelines for social/personal media use (when you associate yourself in some way with the City) include the following:

- a. Be helpful and supportive. You are encouraged to share your insights, express your opinion, and share information as appropriate, especially when it is helpful to others.

- b. Do not misrepresent your position or credentials when associating yourself with the City on social media. Do not give advice or the appearance of giving advice beyond your credentials and experience and what would be appropriate on social media.
- c. Please post knowledgeably, accurately, and use appropriate professionalism.
- d. Be quick to correct your own mistakes and admit when you are wrong.
- e. Do not use ethnic slurs, insults, obscenities, bullying or engage in other conduct that would be unacceptable at work or in social situations.
- f. Be considerate of other's privacy and topics that could be considered personal.
- g. Do not pick fights.
- h. Make it clear that the words and thoughts you write online are your own and not your employer's.
- i. Speak in the first person (I, not We) when referring to your work.
- j. Be aware that your actions captured via images, videos, posts, tweets, or comments can reflect on the reputation and/or perception of the City.
- k. You are legally liable for anything you write or present online.
- l. Unless given specific permission, you are not authorized to speak on behalf of the City or to represent that you do so.
- m. Employees can be appropriately disciplined and/or have litigation brought against them for commentary, content, videos, or images that are defamatory, pornographic, proprietary, harassing, libelous, or can create a hostile work environment.
- n. Ensure that your social media activity does not interfere with your work commitments.
- o. When appropriate, please direct others to the official website and social media accounts of the City for information.
- p. The Santaquin City logo may only be used on city-approved sites or blogs.
- q. Any employee found to be in violation of this policy may be subject to disciplinary action up to and including termination of employment.

~~B. General Policy The City's official website at [www.santaquin.org](http://www.santaquin.org) (or any domain owned by the City) will remain the City's primary means of internet communication.~~

- ~~1. The establishment of City social media sites is subject to approval by the Mayor, or designee. Upon approval, City social media sites shall bear the name and/or official logo of the City and/or the department logo for which it was established.~~
- ~~2. All content on the City social media sites shall be reviewed, approved, and administered by the Mayor, or designee.~~

- ~~3. City social media sites shall clearly state that such sites are maintained by the City and that the sites comply with the City's Social Media Policy.~~
- ~~4. City social media sites shall link back to the City's official website for forms, documents, online services and other information necessary to conduct business with the City.~~
- ~~5. The Mayor, or designee, shall monitor content on City social media sites to ensure adherence to both the City's Social Media Policy and the interest and goals of the City.~~
- ~~6. City social media sites shall be managed consistent with the Utah Open and Public Meetings Act (Utah Code Ann. 52-4-101 et seq. (1953 as amended))("the Act"). Members of the City Council, Commissions and/or Boards shall not sue the site or any form of electronic communication in violation of, or to circumvent the provisions of the Act.~~
- ~~7. The City reserves the right to terminate any City social media site at any time without notice.~~
- ~~8. The City reserves the right to hide inappropriate public comments. Inappropriate comments or material may include but are not limited to content that promotes, fosters, or perpetuates discrimination on the basis of race, creed, color, age, religion, gender, marital status, or status with regard to public assistance, national origin, physical or mental disability or sexual orientation, as well as any other category protected by federal, state, or local laws.~~
- ~~9. City social media sites shall comply with usage rules and regulations required by the site provider, including privacy policies.~~
- ~~10. The City's Social Media Policy shall be displayed to users or made available by hyperlink.~~
- ~~11. All City social media sites shall adhere to applicable federal, state and local laws, regulations and policies.~~
- ~~12. City social media sites are subject to the Utah Public Records Act. Any content maintained on a City social media site that is related to City business, including a list of subscribers, posted communication, and communication submitted for posting, may be considered a public record and subject to public disclosure. All postings on City social media sites shall be sent to an official City email account and maintained consistent with the Public Records Act. The email account dedicated to this purpose is records@santaquin.org.~~
- ~~13. Employees representing the City on City social media sites shall conduct themselves at all times as professional representatives of the City and in accordance with all City policies.~~
- ~~14. All City social media sites shall utilize authorized City contact information for account set-up, monitoring and access. The use of personal email accounts or phone numbers by any City employee is not allowed for the purpose of setting up, monitoring, or accessing a City social media site.~~
- ~~15. City social media sites may contain content, including but not limited to, advertisements or hyperlinks over which the City has no control. The presence of such advertisements and/or hyperlinks placed on City social media sites by the social media site's owners, vendors, or partners does not constitute endorsement by the City or any of its officials, officers, employees or agents.~~
- ~~16. The city reserves the right to change, modify, or amend all or part of this policy at any time.~~

~~B. Content Guidelines~~



- ~~1. All content of City social media sites shall pertain only to City-sponsored or City-endorsed programs, services, and events. Content includes, but is not limited to, information, photographs, videos, and where appropriate, hyperlinks.~~
- ~~2. Content posted to the City's social media sites must contain hyperlinks directing users back to the City's official website for in-depth information, forms, documents or online services necessary to conduct business with the City of Santaquin, whenever possible.~~
- ~~3. The City shall have or obtain full permission or rights to any content posted by the City, including photographs and videos, before posting the same. The City does not relinquish any property rights by posting content on such sites.~~
- ~~4. Any employee authorized to post items on any of the City's social media sites shall review, be familiar with, and comply with the social media site's use policies and terms and conditions.~~
- ~~5. The City's social media sites are for informational purposes only. No employee authorized to post items on any of the City's social media sites shall express his or her own personal views or concerns through such postings. Instead, postings on any of the City's social media sites by an authorized City employee shall only reflect the approved policies of the City.~~
- ~~6. Postings must only contain information that is freely available to the public and that is not confidential in nature as defined by any City policy or state or federal law.~~
- ~~7. Except as required by the Government Records Access and Management Act ("GRAMA"), postings may NOT contain the names, telephone numbers, addresses, birth dates, social security numbers, except for the names of employees whose job duties include being available for contact by the public.~~
- ~~8. Postings to City social media sites shall NOT contain any of the following:~~
  - ~~1. Comments that are not topically related to the particular posting being commented upon;~~
  - ~~2. Comments in support of, or opposition to, political campaigns, candidates or ballot measures;~~
  - ~~3. Profane language or content;~~
  - ~~4. Content that promotes, fosters, or perpetuates discrimination on the basis of race, creed, color, age, religion, gender, marital status, or status with regard to public assistance, national origin, physical or mental disability or sexual orientation, as well as any other category protected by federal, state, or local laws;~~
  - ~~5. Sexual content or links to sexual content;~~
  - ~~6. Solicitations of commerce;~~
  - ~~7. Encouragement of illegal conduct or activity;~~
  - ~~8. Information that may tend to compromise the safety or security of the public or public systems;  
or~~
  - ~~9. Content that violates a legal ownership of interest of any other party.~~

- ~~9. These guidelines shall be displayed to users or made available by hyperlink on all City social media sites. Any content removed based on these guidelines must be retained, including the time, date and identity of the poster, when available, in compliance with applicable record retention policies, laws and ordinances.~~
- ~~10. The City reserves the right of the mayor, or designee, to implement or remove any functionality of its social media site, in order to further or comply with the provisions of this policy. This includes, but is not limited to, information, articles, pictures, videos or any other form of communication that is posted on a City social media site.~~
- ~~11. Except as expressly provided in this Policy, City officials, officers and employees accessing any social media site shall comply with all applicable City policies pertaining to communications and the use of the internet by employees, including email content.~~
- ~~12. All of the content on City social media sites must be provided to the City's Mayor, or designee, for posting to the social media site.~~

## SECTION 5: FINANCIAL POLICIES & PROCEDURES

### 5.1 PURCHASING

~~A.~~ A. ~~General Policy~~ - Santaquin City shall comply with all applicable federal laws and regulations, state laws, and city ordinances and resolutions regarding the purchasing of goods. All purchases of goods to be made by or on behalf of the city shall be made only by a full-time employee of the city, or such other person as may be authorized by a purchase order.

1. Purchasing authorization levels are established by Ordinance of the City Council and may be changed from time to time pursuant to their direction and within parameters established by state statute.

~~1. Purchases of Less than \$100. Purchases less than \$100 made by authorized individuals within their departments do not require a purchase order. The mayor or his/her designee may, at his or her discretion, require approval of all purchases by an individual employee or department of less than \$100 if in his or her discretion there is concern regarding proper and prudent spending of public monies.~~

~~2. Purchases of \$100 to \$500. Purchases of \$100 to \$500 require a purchase order, properly completed, and identified with the appropriate general ledger number, signed and approved by the head of the department for which the funds are being drawn.~~

~~3. Purchases from \$500 to \$15,000. Purchases from \$500.00 to \$15,000 require a purchase order, properly completed, and identified with the appropriate general ledger number signed and approved by the mayor, or his/her designee. Supporting signatures may include the city manager, the Functional Area Director over the department for which the funds are being drawn, and the head of the department for which the funds are being drawn.~~

~~4. Purchases Over \$15,000. Purchases of more than \$15,000 require City Council approval in accordance with advertising requirements as outlined by Utah state law.~~

~~5. Waiver of Requirements: The City Council may waive any of the foregoing requirements upon its determination that said waiver is in the best interests of the city.~~

~~9.2.~~ 6. ~~Emergency Purchases: Each department supervisor shall be allowed to purchase emergency supplies for the following situations:~~

- (a) Any problem which could cause equipment downtime.
- (b) Broken service lines.
- (c) Traffic obstructions.
- (d) Major crimes.
- (e) Auctions; persons as only designated by the city council may purchase at auctions.

(f) Fuel and oil purchases.

(g) Health and public safety emergencies.

37. Violation. Any violation the provisions of this section may result in disciplinary action, up to or including termination of employment.

B. Bidding Requirements -

1. Bidding requirement authorization levels are established by Ordinance of the City Council and may be changed from time to time pursuant to their direction and within parameters established by state statute.

~~Informal Bids: Prior to any purchase of goods in an amount greater than \$1,000 and less than \$15,000, at least 3 informal bids must be obtained and submitted to and approved by the City Council.~~

~~2. Notification of Intent to Purchase: Prior to any purchase of goods in an amount of \$15,000 or more, the City shall advertise in a newspaper of general circulation in such a format notifying sellers and providers of the city's intent to purchase a specific item or service. Said notice shall be run twice, once a week, for two (2) consecutive weeks, with a specific closing date identified, which date is at least five (5) days after the last publication date. In addition, notice shall be published on the website established by and in accordance with Utah Code Annotated section 45-1-101 (1953, as amended).~~

~~3. Formal Bids Submitted: Prior to any purchase of goods in excess of \$15,000, at least three (3) formal sealed bids must be obtained and submitted to and approved by the City Council.~~

24. City Not Limited: Nothing herein limits the city from rejecting any and all bids, nor requires the city to accept the lowest bid.

C. Surplus Property & Equipment - All property or equipment owned by the city must be declared surplus by the City Council prior to discarding or selling. Once declared surplus, city owned property and equipment can be discarded, sold or advertised for submission of sealed bids.

D. Credit Cards - City credit cards shall be used for official City business only and all use shall comply with the provision of this section.

## 5.2 TRAVEL POLICY

A. General Policy - From time to time employees are required to travel in the course of performing their job-related duties or to obtain training through attendance at job-related seminars. Requests for travel must be made in writing by the employee on a travel form and approved in advance by the Mayor, or designee. All out of state travel is subject to the approval of the city council.

1. Reimbursement. When an employee is to travel in the course of performing their work related duties or attend any training course, conference, seminar, or certification course, that has been approved prior to attendance, Santaquin City will provide the necessary time off with pay and will reimburse the employee for all approved costs including tuition or registration fees, authorized travel, meals, and lodging. Reimbursement rates are as follows:

- (a) Meals. Meals will be reimbursed at the rate published by the State. If meals are provided as part of the work-related activity, training, conference, or seminar, reimbursement shall not be made to the employee. The location of the travel will determine which rates will be used (in-state or out-of-state). The State of Utah travel policy is located at <http://www.finance.utah.gov/travel/>. It is the Department Directors responsibility to review the registration form to confirm when meals are provided as part of the registration fee.
- (b) Lodging. Lodging will be reimbursed at the actual room rate. Lodging arrangement should be made prior to attending the training and paid for with a check or the city credit card. In extenuating circumstances if an employee places room rental on their personal credit card, approved reimbursement will take place upon presentation of a receipt.
- (c) Travel/Mileage. If available and practical, employees should make arrangements to use a city vehicle for all work-related travel. If a city vehicle is not available and with approval from the Functional Area Director, the employee will be reimbursed mileage at the prevailing federal rate for use of a personal vehicle. Time spent traveling that is not included in the employee's regular work schedule will be reimbursed at the Functional Area Directors discretion.

When an employee must fly to a travel destination, the city shall pay for the plane ticket in whole. Plans to fly must be pre-approved by the Mayor, or designee.

- (d) Registration. Santaquin City shall pay for training registration fees at the rate noted on the registration form.
- (e) Books/Materials. Santaquin City shall pay for books and materials at the rate noted on the registration form.

## SECTION 6: RISK MANAGEMENT

### 6.1 RISK MANAGEMENT PHILOSOPHY

- A. General Policy - It is the philosophy of Santaquin City to reduce the potential for loss from exposures through sound risk management practices in all City, department, and individual employee activities. Within the constraints of the budget and the City's obligation to provide certain public services, City risk management and safety practices will reflect a strong consideration for the safety of employees and the public.
- B. Department Responsibility for Risk Management and Safety - Each Functional Area Director is responsible to implement risk management programs established by the City insurance carriers, the City Risk Committee, and the Mayor, or designee to protect the health, safety and welfare of City employees and public; prevent financial losses and reduce insurance premiums; conduct the affairs of the department to reduce insurance premiums and to reduce the potential for claims and lawsuits against the City. To this end each Functional Area Director will:
1. Implement all applicable risk reduction policies or programs available through the City's insurance carrier;
  2. Risk Coordinators - Appoint one or more Department Risk Coordinator(s) to oversee the implementation of risk management and safety within the department; and
  3. Department Policies and Practices - Develop and maintain policies and practices designed to meet the particular risk management needs of the department.
- C. Individual Responsibility for Risk Management and Safety - Individual employees shall take responsibility for their own safety as well as the safety of other employees, citizens, and property. Employees shall abide by reasonable safety precautions and exercise due care while on the job. Adequate training, appropriate supervision, reasonable scheduling, proper equipment and other management tools should be utilized by the department and followed by each individual employee to create a safe working environment. Individual employees are responsible to immediately report to their supervisor any potential hazards likely to cause an accident and should be forthcoming in identifying and bringing to the attention of supervisors, Risk Coordinators, and their Functional Area Director, safety concerns that cannot be addressed and resolved by the individual employee.
- D. Risk Committee - The Risk Committee is hereby established to formulate and implement formal policy and philosophy relative to risk management and safety.
1. Members of the Risk Committee. The Risk Committee shall be comprised of a designated Risk Manager and one representative from each functional area or department.
    - (a) The Risk Committee shall assist the Risk Manager in formulating objectives for risk management in Santaquin City and in implementing those objectives.
    - (b) The Risk Committee shall meet at least quarterly as part of a regularly scheduled meeting. The Risk Manager, or designee shall be responsible for preparing

agendas for the meetings and for keeping minutes of all Risk Committee meetings.

## 6.2 PROCESSING RISK-RELATED INCIDENTS

- A. General Policy - In order to effectively manage and administer potential and actual risk-related incidents involving Santaquin City, its agents, employees, assigns and/or property, it is necessary to establish a comprehensive procedure for the processing of incidents and claims involving persons or property directly or indirectly connected with City operations. Irrespective of whether an accident, loss or claim results in actual liability to the City or actual injury to persons or other property, it is crucial that all incidents with or without potential for claim against the City be adequately and properly reported and processed. An employee who becomes aware of any occurrence which may give rise to a lawsuit, which receives a notice of claim, or is sued because of an incident related to his employment shall give immediate notice to his or her supervisor, the Mayor, or designee.

As a general policy, all reportable traffic accidents involving a Full Time or Police Department Santaquin City employee while on or off duty, shall be investigated by an outside agency, ~~excluding traffic citations~~.

- B. Processing Incidents -

1. Risk-related Incident Defined. A risk-related Incident ("Incident") is defined as any event or occurrence involving a Santaquin City employee or Santaquin City owned property or equipment where there is property damage exceeding ~~\$400~~500.00 or any physical injury to any person where medical examination, diagnosis or treatment is necessary and/or there is a reasonable likelihood of a claim or lawsuit being filed against the City as a result of the event or occurrence. Any given Incident will present its own unique issues. Therefore, if there is any question as to appropriate action to be taken at any point during the processing of an Incident, these issues should be immediately directed to the City's Risk Manager.
2. Initial Action by Employee Following an Incident. Immediately following an Incident, any employee involved in or aware of the Incident shall seek appropriate medical attention, notify other public safety agencies as the situation reasonably dictates, and notify his/her supervisor. Injured employees shall follow the Workers Compensation Policy as outlined in this, the Santaquin City Employee Handbook.
3. Notification of an Incident. Generally, the City is made aware of an Incident in one of three ways. Following the occurrence of an Incident, the following process shall be followed:
  - (a) Employee or Department Involvement - If an employee is involved in or becomes aware of an incident, the employee shall contact his or her supervisor immediately. The supervisor will make sure post-accident drug/alcohol testing procedures are followed (if applicable). The supervisor will prepare a written Incident report and submit it to the Functional Area Department Director. Within one business day from the occurrence of the Incident, the Functional Area Director shall notify the Risk Manager of the Incident in writing (written memorandum or email). The writing shall include: the date, time and location of the incident; a statement from the employee summarizing the Incident and include all facts, conditions and events leading to the Incident; witness statements, photographs and any other information that would aid in accurately

and fully documenting the Incident. Any injuries to City employees arising from an Incident shall be handled pursuant to the City Workers' Compensation Policy.

- (b) **Claim against the City.** If an individual desires to make a claim against the City, the department contacted by the individual shall refer the individual to the Risk Manager. The individual may complete the standard "Notice of Claim" form as provided by the Risk Manager or submit their claim in a manner compliant with the Governmental Immunity Act of Utah. Completed claims should be returned with any accompanying documentation, as required, to the City Recorder's Office, and the Risk Manager.
  - (c) **Legal Process Served on the City.** Any legal process served on the City by a constable or other law enforcement officer, such as a 60-day Notice of Claim or formal lawsuit (whether that lawsuit be for equitable relief and/or monetary damages), shall be immediately forwarded to the Risk Manager, with the original copy kept on file by the City Recorder.
- 4. **Analysis of Incident.** Upon receipt of notice of the Incident, the City Recorder shall (1) notify the Mayor, or designee, the City Attorney, and the City's insurance carrier of the Incident if the Incident involves an actual or potential claim against the City; and (2) forward to the City Attorney any formal 60-day Notice of Claim or formal lawsuit served on the City.
- 5. **Additional Investigation of Incident.** The Risk Manager shall conduct an additional investigation as appropriate, or as advised by the Mayor, or designee, the City Attorney or the City's insurance carrier. Such investigation may include gathering police reports, supplemental reports, expert witness statements, bids on damage or loss from the City's independent contract appraiser and other relevant information. City departments are expected to cooperate fully in gathering information and assisting the Risk Manager as needed.
- 6. **Incidents Involving Actual or Potential Claims against the City.** Following the investigation by the Risk Manager, Incidents involving actual or potential claims against the City shall be processed by the City's insurance carrier.
  - (a) **Claims Processed by the City's insurance carrier.** Any Incident where the damages claimed exceed \$500.00, or any Incident that involves a claim for personal injury or a violation of constitutional rights, shall be tendered to the City's insurance carrier. The City shall provide whatever support is necessary. In situations where the claim is in litigation, the City Attorney shall be the liaison between the City's insurance carrier, outside counsel and the City. In situations where the claim is not in litigation, the Risk Manager shall be the liaison between the City and its insurance carrier, advising the City Attorney as the claim proceeds.
  - (b) **Incidents Involving No Actual or Potential Claims against the City.** Incidents involving no actual or potential claims against the City shall be processed in-house by the Risk Manager.
  - (c) **Opposing Attorney Involvement in Claim.** If at any time throughout the Incident process outlined above an attorney representing an actual or potential claimant becomes involved in the process, the City Attorney shall immediately be notified. The City Attorney shall take the lead in processing the claim or in being liaison for the City, consistent with the terms of this policy.



- (d) Settlement of Claims. The Mayor, or designee, with recommendation of the City Attorney and consent of the City Council, may chose to settle any claims, the disposition of lawsuits, the imposing of penalties on departments or employees at fault, or any other issues that in the opinion of the Mayor, or designee affect the rights or liabilities of the City.
  - (e) Repair of Damage to City Property Arising from Incidents. It shall be the responsibility of each City department to initiate the repair or replacement of damaged City property. The department which has responsibility for the use of the City property shall be responsible for preparing a requisition for the repair of such property. Upon completion of the repair, the Functional Area Director shall notify the Risk Manager that the repair is acceptable and complete. Where practicable, the Risk Manager shall pursue subrogation for any costs incurred by the City as a result of damage to City property. Costs recovered by the Risk Manager for materials used or replaced property shall be forwarded to the department that paid for the repair or replacement of the damaged property unless otherwise determined by the City Manager.
- 7. Paid Claims Where Employee is at Fault. If it is determined that an employee is partially or wholly responsible for a claim, an appropriate penalty or discipline may be imposed upon the employee in accordance with these policies and procedures.
  - 8. Paid Claims Where Department Policy or Practice is at Fault. If it is determined that a Department policy or practice is at fault, the Functional Area Director will make an appropriate remedy.

## 6.3 WORKERS COMPENSATION

### A. Workers Compensation Program Overview -

- 1. Program Oversight and Administration. City employees injured during the performance of their job duties are covered by the City's worker's compensation program (the "Program"), which provides medical reimbursement and indemnity benefits, as provided by state law. The Program is overseen by the Risk Manager. Claims administration is provided by a contract worker's compensation program administrator "Program Administrator".
- 2. Medical Provider. Employees injured during the performance of their job should seek appropriate medical attention to care for work related injuries. If the injury is life threatening, 911 should be called and the employee will be treated by the nearest emergency facility. If the injury is not life threatening, the employee may select a "Medical Provider" of their choice to provide such care.
- 3. Employee Discipline - Failure by an employee to follow program reporting protocol, treatment policies, transitional duty requirements, or any other law, policy, or procedure related to the program in a timely and complete manner, shall result in employee disciplinary action up to and including termination.

### B. Treating and Reporting an Injury -

- 1. Medical Treatment. When injured, an employee shall immediately obtain appropriate medical treatment from a medical provider "Medical Provider". If the condition is life

threatening the employee should call 911. Once initial emergency medical treatment is given and the employee is physically able, the employee shall report to a Medical Provider for follow-up treatment.

2. **Reporting an Injury.** Immediately following any injury, however minor, or immediately following emergency medical treatment, the employee shall report the injury to the employee's supervisor and to the Risk Manager. The report shall be made NO LATER THAN 24 HOURS following the occurrence of the injury. Although initial notice of the injury to the Risk Manager may be made by telephone or by leaving a message (if the injury occurs after regular City business hours), a claim is not deemed "reported" until the employee speaks personally with the Risk Manager and the appropriate injury report required by the Program Administrator is completed. The employee is responsible to follow up with the Risk Manager and to assure that all details of the injury are reported. If an injury is so severe as to render the employee physically incapable of following the reporting process as required, the employee's supervisor shall assure that the required reporting is completed. Once an injury has been reported, the Risk Manager will initiate a claim and will be provided a claim number. The claim numbers shall be reported to the Medical Provider as soon as possible.

C. Return to Work -

1. **Return to Full Duty Allowed by Medical Provider.** Immediately following initial treatment for a work-related injury, the employee shall obtain a written return to work release "Work Release" from the Medical Provider and SHALL CONTACT THE RISK MANAGER BEFORE RETURNING to the employee's regular place of work. The employee shall return to work for regular full duty ("Full Duty") unless directed otherwise by the treating Medical Provider. An employee shall not return to the work site following a work-related injury without a Work Release signed by the employee's Medical Provider being delivered to Risk Manager. The Risk Manager will provide a copy to the Personnel Officer. The employee's supervisor shall verify that the employee has contacted the Risk Manager before allowing the employee to return to the work site.
2. **Return to Full Duty Not Allowed by Medical Provider.** If an employee is directed by the Medical Provider to not return immediately to Full Duty, the employee shall immediately notify the employee's supervisor and Risk Manager of the following:
  - (a) that the Medical Provider has directed the employee to not return to Full Duty;
  - (b) the reasons for such direction and the prognosis of the injury;
  - (c) the expected date and time the employee will be released by the Medical Provider to Full Duty; and
  - (d) the work restrictions the Medical Provider has placed on the employee.
3. **Return to work with restricted duty "Restricted Duty".** An employee may return to work if there is work available that will accommodate the Restricted Duty outlined by the Provider. The Functional Area Director will determine if such work is available.
4. **Employee to Report to the Risk Manager with Work Release and Written Work Restrictions.** Upon release to work by the Medical Provider for Full Duty or Restricted Duty, the employee shall immediately report to the Risk Manager with a work release and any work restrictions from the Medical Provider. THE EMPLOYEE SHALL NOT RETURN TO THE WORK SITE PRIOR TO CONTACTING RISK MANAGER. Prior to

any work being performed the employee's supervisor shall verify that the employee has reported to the Risk Manager and shall confirm any Work Restrictions placed on the employee with the Risk Manager. If the employee has only been released to Restricted Duty, the Functional Area Director, or designee, will determine if there is work available that will accommodate the restrictions outlined by the Medical Provider. If it is determined that work is available, the employee's supervisor shall review any Work Restrictions with the employee before allowing the employee to return to the work site.

5. Secondary Employment - An employee on worker's compensation leave shall not engage in any secondary employment except as first authorized by Risk Management.

D. Workers Compensation Wage Replacement ("Indemnity Benefits") -

1. Wage Replacement Amount (Indemnity Benefit) - If a worker's compensation injury or illness causes total temporary disability (i.e. the employee cannot perform ANY work tasks for the City) as determined by the Medical Provider and confirmed by Risk Management, the employee receives weekly wage replacement ("Indemnity Benefits") equal to  $66 \frac{2}{3}$  percent of the employee's weekly wages at the time of the injury, up to a maximum of the state weekly average, adjusted for eligible dependents. The Indemnity Benefit continues until the employee is released by the Medical Provider to Restricted Duty (if available) or Full Duty.
2. First Three Calendar Days After Injury Not Compensated. An injured employee does not receive Indemnity Benefits for the first three days after the injury occurs, unless the period of total temporary disability lasts more than 14 days.
3. Supplement to Indemnity Benefit. Employees may receive supplemental Indemnity Benefits on a taxable basis, to 100% of employee's regular wages where an employee has accrued sick leave, personal leave and/or vacation leave. No employee may receive more than the equivalent of 100% of his or her regular wages, adjusted for taxes and deductions. Supplemental compensation may be allowed when an employee submits documentation of the worker's compensation Indemnity Benefit received from the Program Administrator to the Administration Office. Request for supplemental compensation shall be submitted in writing to the Personnel Officer and must specify which leave will be used for compensation. Payments of supplemental compensation shall be made in accordance with regularly scheduled payroll.

E. Failure to Follow Applicable Law, Policies and Procedures –

1. Questions Concerning Program Requirements. Employees are strongly encouraged to contact the Risk Manager if questions should arise regarding the reporting, treatment, or processing of worker's compensation claims. Additional details pertaining to the City's program may be obtained by contacting the Risk Manager.
2. Loss of Benefits. Failure by an employee to follow procedures for reporting and processing worker's compensation claims as required by State law and the Utah Labor Commission may result in the denial of a claim and/or in the loss of benefits by the employee.

F. Accrual of Leave while on Workers Compensation Leave - Employees on Workers Compensation Leave for 5 consecutive working days, will not accrue sick or vacation leave or holiday pay.

## SECTION 7: VEHICLE POLICY

### 7.1 VEHICLE USE

- A. Authorization to Drive - To be authorized to drive a city-owned vehicle, an employee or volunteer must possess a valid Utah driver's license for the type of vehicle being operated.
- B. Training Requirements - Additionally, Departments may impose such familiarization or training requirements on vehicle operators as may be necessary.
- C. Pool Vehicle Use - Pool vehicles are authorized for use by authorized employees or volunteers who do not have a City vehicle assigned to them that need transportation to conduct City business, subject to availability.
- D. Personal Use - Personal use of City vehicles is prohibited, except for incidental local use such as taking breaks or meal periods or completing a personal errand that does not require indirect travel. The Police and Fire Departments have their own personal use policies.
- E. Permitted Passengers - Only authorized employees and volunteers are allowed to ride in City vehicles, except for the purpose of conducting City business or personal use incidental to City business.
- F. Emergency Use - Functional Area Directors may grant occasional overnight take home vehicle use due to an isolated incident of need because of the lateness of the hour or other circumstances where it is impractical for the user to return a City vehicle at the end of a duty shift.

### 7.2 DRIVER/OPERATOR DUTIES AND RESPONSIBILITIES

- A. Maintenance - All repairs or damage issues shall be reported immediately to driver's supervisor when the driver becomes aware of such issue. Supervisors shall notify the Functional Area Director.
  - 1. Each department is responsible for the care and general maintenance of City vehicles under their control or assigned to their department. Maintenance may be done by the Public Works Department or by a repair shop, whichever the Functional Area Director deems appropriate. Employees shall not,
    - (a) make any repairs or have any repairs made to the vehicle at any facility (other than simple repairs, i.e. light bulb, fuse, etc.) not authorized by the Functional Area Director, or
    - (b) add or remove auxiliary equipment to vehicles without the permission of the Functional Area Director.
    - (c) display unauthorized bumper stickers or other items.
  - 2. Records of all maintenance performed on a vehicle shall be kept by the department to which the vehicle is assigned. This information shall be available for inspection upon request.

- B. Cleanliness - Drivers shall maintain a high degree of cleanliness of both the interior and exterior of assigned vehicles. Failure to do so may result in disciplinary action.
- C. Mileage - Each time a City vehicle is refueled at a station using a Gas card, the driver/operator will accurately enter odometer/hour meter readings. If an incorrect reading is entered, the driver will notify his/her supervisor of the correct readings. If no notification is given, a warning will be issued for the first offense. A second or subsequent offense may result in disciplinary action.
- D. Vehicle Registration Renewals - It is the responsibility of each department to complete the state inspection/emissions test by the date required.
- E. Compliance with Laws - All City employees and volunteers shall drive and park in accordance with all state and local laws, including wearing seat belts. Any citation received shall be the responsibility of the driver.
- F. Idling - Drivers will not allow an unattended vehicle to idle excessively, except as required for safety reasons or operation of auxiliary equipment. Emergency vehicles are exempt during emergency situations.
- G. Locking Vehicles - Vehicles unattended for more than one hour should be locked.
- H. Abuse or Neglect of Vehicles - Drivers will not abuse or neglect City vehicles.
- I. Supervisor Responsibility - Supervisors will know the condition of the vehicles under their direct responsibility. Supervisors will keep in close touch with operators to make sure all equipment is properly cared for and maintained. Supervisors will notify Functional Area Directors when maintenance or repairs are necessary, prior to any maintenance being performed.

### 7.3 USE OF PERSONAL VEHICLES FOR CITY BUSINESS

- A. Employees are strongly discouraged from using personal vehicles for City business. City vehicles should be used when practical and available.
- B. When using a personal vehicle for City business, all relevant City policies and ordinances apply.
- C. Mileage reimbursement is available at the current IRS rate for authorized personal vehicle use. Requests for reimbursement must be approved and signed by the Functional Area Director.

### 7.4 GENERAL LIABILITY PROVISIONS

- A. City Vehicles -
  - 1. City vehicles are insured by the City.
  - 2. Third party claims are handled by the City's insurer to the policy limits.
  - 3. Injuries to City employees will be handled as worker's compensation claims.
- B. Personal Vehicles -

1. Personal vehicles shall be insured by the owner.
  2. Employees must have the state mandated minimum liability coverage on any personal vehicle they may be authorized to drive on City business.
- D. Limitation of Liability - The City reserves the right to limit insurance coverage and/or worker's compensation as provided by law, such as actions "outside the scope of an employee's employment."

## SECTION 8: SAFETY

### 8.1 SAFETY POLICY

- A. *General Policy* – It is the policy of Santaquin City to maintain an environment which is free from any recognizable hazard, which is likely to cause serious injury or death to any employee, through open communication with all employees. The following general safety rules will apply in all agency work places. Each department 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 powered equipment.
  2. Employees will use safety equipment and PPE 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 secured properly.
  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/manager.
  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 and laws will be provided and are required to be used by all employees including seat belts in all motor vehicles.
  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.

**ADDENDA:**

- A. ORDINANCE NO. 07-01-2010 (DRUG FREE WORKPLACE)
- B. ORDINANCE NO. 08-01-2009 (APPEALS BOARD)