

**WASHINGTON CITY  
EMPLOYEE HANDBOOK**

**2022**

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- A. Code of Ethics
- B. Ordinance No. 2014-24

- C. Drug and Alcohol Policy
- D. Comp Time Memorandum
- E. Social Media Policy

## FROM THE CITY MANAGER

Welcome,

The Washington City Employee Handbook is a written guide for Washington City employees. This Handbook not only outlines Washington City's policy on the various phases of the employer-employee relationship, it also indicates how policy is to be administered. Consequently, each employee is able to use this Handbook as a guide when policy needs to be applied to a given situation. As an employee of Washington City you will be expected to read, understand, and follow the policies and procedures contained in this Handbook.

Experience has shown that written policies promote consistency, continuity, and understanding within an organization. Written policies also aid in consistently achieving fair and equitable interpretation of policy. Employees always feel a deeper understanding of their role in the organization when they realize that policies are uniformly administered. Please be advised that it is the obligation of each employee of Washington City to conduct themselves in conformity with the principles of Equal Employment Opportunity at all times. All employment activities including, but not limited to, advertising, recruitment, hiring, promotion, demotion, transfer, disciplinary action, layoff, termination, compensation, and training, shall be conducted without unlawful regard to race, color, religion, sex, nation origin, age, or disability.

And finally, no employee, officer, agent or other representative of Washington City has any authority to enter into any agreement for employment for any specified period of time or to make any agreement or representation, verbally or in writing, which alters, amends, or contradicts the provisions of this Handbook.

Jeremy Redd,  
City Manager

## **WASHINGTON CITY**

### **EMPLOYEE HANDBOOK**

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This Employee Handbook sets forth the personnel policies and procedures of Washington City. These policies and procedures are not intended to create a contract between the City and any employee. Rather, these policies and procedures provide general guidance to City employees. The City reserves the right to modify, revoke, suspend, terminate, or change any or all of these policies and procedures, in whole or in part, at any time with or without notice. Nothing in this Handbook is intended to create any type of contract or guarantee of continued employment.

Employees are expected to read and become familiar with these policies and procedures and should feel free to discuss their contents with their department heads, supervisors, or the City's Human Resource ("HR") Director at any time. When shortcomings or errors are found in this Handbook, the necessary changes, improvements, corrections and updates should be reported to the HR Director for review and possible implementation.

It is anticipated that this Handbook will address most of the issues and questions that may arise during the course of employment with the City. However, given the nature of the employer-employee relationship, it is impossible to address every scenario and every issue in a written handbook before the fact. As a result, employees understand that management retains the prerogative and discretion to make employment and personnel decisions on a case-by-case basis and as the need arises.



## **1. EMPLOYMENT**

### **1.1. Employment Relationship**

All Washington City employees are employed for an indefinite period of time with no guarantee of continued employment. Employees may resign, quit, or be discharged at any time and, for applicable employees, subject only to the right to appeal as provided by Utah Code Ann. §§ 10-3-1105 and -1106 and as implemented by City ordinance.

### **1.2. Handbook is Not a Contract of Employment**

Nothing in this Employee Handbook creates any contractual obligations between the City and its employees. The information contained in this Employee Handbook is to provide you with general information about the City, its policies and procedures. All City policies, including those in this Employee Handbook may be amended, superseded or revised at any time by the City, in the City's sole discretion.

### **1.3. Employment Classifications**

The City has different classes of employees. An employee's classification helps determine eligibility for certain benefits, as well as procedural appeal rights as defined in Utah Code Ann. §§ 10-3-1105 and -1106 and City ordinance. There are generally four classifications of employees within Washington City:

- A. Full-time Employees.** A full-time employee is an employee hired for an indefinite period in a position for which the normal work schedule is 40 hours per week. Full-time employees are eligible to receive benefits offered by the City, provided specific qualifications of each type of benefit is met.
- B. Part-time Employees.** A part-time employee is an employee hired for an indefinite period in a position for which the normal work schedule is no more than 29 hours per week, or 1,508 hours in any 12-month period. Part-time employees do not qualify for and are not eligible to receive Washington City benefits.
- C. Temporary Employees.** A temporary employee is an employee hired for a position that is for a specific, known duration, usually less than six months. Temporary employees do not qualify for and are not eligible to receive Washington City benefits.
- D. Seasonal Employees.** A seasonal employee is an employee hired for a position which is required only for the summer or winter months. Seasonal employees do not qualify for and are not eligible to receive Washington City benefits.
- E. Volunteers.** Volunteers are individuals who donate their time to the public on City sponsored activities. Volunteers are not City employees. Depending on the specific volunteer program, volunteers may be rewarded with nominal compensation as a thank you from the City for their service. Volunteers are not eligible for City benefits. Listing "volunteers" under this section, "Employment Classifications," is for convenience of reference only. Volunteers are considered volunteers—not "employees" of the City.

Part-time, Temporary, and Seasonal employees are eligible to work up to a total of 1,508 hours in a 12-month period.

If you have questions about your employment classification, please contact the HR Director.

#### **1.4. Job Titles and Duties**

Job titles and duties are covered and addressed in separate documents maintained by the HR Department. In addition to your employment classification, your job title and duties determine your eligibility for the procedural appeal rights set forth in Utah Code Ann. §§ 10-3-1105 and -1106 and City ordinance.

## **2. EQUAL EMPLOYMENT OPPORTUNITY**

### **2.1. Equal Employment Opportunity Policy**

Washington City is an equal employment opportunity employer. The City prohibits any discrimination based on race, color, religion, sex (including pregnancy), national origin, age (40 or older), disability, sexual orientation, gender identity, or genetic information. Discrimination is prohibited throughout all phases of employment - including recruitment, job advertising, application and hiring, assignments and promotions, pay and benefits, discipline and discharge, employment references, reasonable accommodation, and training and apprenticeships.

The City's policy is to investigate any complaints of unlawful harassment or discrimination and to take any necessary corrective action to address the situation, up to and including terminating the employment of the individuals found to have engaged in the prohibited conduct. The City prohibits retaliation against anyone who has reported illegal harassment or discrimination.

### **2.2. Sexual Harassment**

The City prohibits any form of illegal harassment in the workplace, including sexual harassment. Sexual harassment is generally defined as unwelcome sexual advances, requests for sexual favors, and other verbal or physical conduct of a sexual nature, where

- A.** Submission to such conduct is made either explicitly or implicitly a term or condition of an individual's employment;
- B.** Submission to or rejection of such conduct by an individual is used as the basis for employment decisions affecting such individual; or
- C.** Such conduct has the purpose of interfering with an individual's work performance or creating an intimidating, hostile, or offensive working environment.

Sexual harassment may include a wide variety of behaviors and occurs on various levels, including harassment perpetrated by or against supervisors, co-employees, customers, and any business invitees or guests. Sexual harassment can occur by and between individuals of the opposite or same sex, and may be perpetrated by both males and females. Examples of conduct that may constitute sexual harassment include, but are not limited to, the following:

- D.** Unwelcome physical contact of a sexually suggestive nature such as patting, pinching, unnecessary touching, or brushing against another's body.
- E.** Overt or implied threats against an individual to induce him or her to perform sexual favors or to engage in an unwelcome sexual relationship.

- F. Verbal harassment or abuse of a sexual nature including hints of a desire for sexual relations, explicit sexual propositions, sexual innuendos, sexually suggestive jokes, jokes about gender specific traits, or foul or obscene language or gestures to or in front of a person who finds them offensive.
- G. Use of sexually suggestive terms or gestures to describe a person's body, clothing, or sexual activity.
- H. Gender stereotyping: Making jokes or derogatory comments about individuals who do not conform to prevailing standards of masculinity or femininity, or who otherwise express their gender differently from prevailing societal standards for their biological sex.
- I. Displaying, forwarding, or posting in the workplace any printed or visual material which is foul, obscene, or otherwise contains sexually suggestive pictures or jokes.
- J. Leering or staring at a person's body.
- K. Asking about, discussing, or questioning a person's sexual activity.

### **2.3. Other Forms of Discrimination and Harassment**

Race, Color, Religion, National Origin, Sex (including pregnancy), Age (40 or older), Disability, Sexual Orientation, Gender Identity, and Genetic Information

Discrimination and harassment in the workplace is not limited to sexual harassment. It includes any discriminatory or harassing conduct towards individuals because of or based upon a status protected by law: an individual's race, color, religion, sex (including pregnancy), national origin, age (40 or older), disability, sexual orientation, gender identity, or genetic information. Discrimination and harassment may take many different forms, all of which are prohibited by the City. This conduct may include, but is not limited to:

- A. Verbal harassment, innuendos, suggestive jokes, or offensive language or gestures about an individual's race, religion, or disability;
- B. Displaying, forwarding, or posting in the workplace any printed or visual material (including material on computer monitors, e-mails, text messaging, or any social media) about an individual's race, religion, or disability which is obscene or offensive or might be viewed as such by other individuals.
- C. Any other conduct that is hostile or abusive towards an individual because of that individual's race, color, religion, national origin, age, disability, or genetic information and that creates an intimidating, hostile, or abusive working environment.

### **2.4. Reporting Harassment or Discrimination**

Any employee who feels that he or she has been subjected to harassment must immediately report the incident to his or her immediate supervisor. Any employee who observes conduct that he or she feels constitutes any form of unlawful harassment or discrimination should immediately report the incident to his or her immediate supervisor.

The reason for reporting to an immediate supervisor is to provide employees with convenient and immediate access to that person to lodge the complaint.

If reporting an incident to an immediate supervisor would make any employee uncomfortable *for any reason* (for example: the employee's immediate supervisor is the individual whom the employee believes is engaging in the offending conduct; the supervisor is friends with the alleged harasser; or there is a perception that the supervisor will not address the complaint) the employee must report the incident to his or her Department Head or report directly to the HR Director. If an employee is not comfortable going to the HR Director, the employee must go to the City Manager. If an employee is uncomfortable going to the City Manager, then the employee must go to the Mayor. In other words, there is no excuse for not reporting an incident of harassment or discrimination.

In reporting the incident you must include a description of what occurred, the dates of occurrence, the participants, names of witnesses, and provide and preserve any evidence that you may have concerning the event. The City cannot properly investigate an incident for which it has no specific information.

Any supervisor or Department Head who receives a report of, information concerning, or otherwise observes conduct which may constitute harassment or discrimination shall immediately report it to the HR Director regardless of whether or not the supervisor or Department Head believes the incident or conduct involved constitutes unlawful harassment or discrimination. Any supervisor or Department Head who fails to report any such incident or conduct to the HR Director may be subject to disciplinary action as set forth in this Handbook, up to and including termination.

The City will treat all complaints as confidentially as possible under the circumstances. The City will investigate each complaint of harassment or discrimination and take appropriate action as warranted by each situation, including possible disciplinary steps up to and including termination. All parties involved in an investigation must cooperate fully with the City's investigation, regardless of culpability. Refusal to cooperate with an investigation may be grounds for discipline.

As indicated in the City's EEO policy, the City will not tolerate retaliation or adverse employment action against any individual who reports any alleged incident of harassment or discrimination and will take corrective action, up to and including termination against any individual who harasses, embarrasses, or retaliates in any respect against any individual who reports any alleged incident of harassment or discrimination. Retaliation includes any action that is likely to deter a person from or punish an individual for engaging in a protected activity to complain or report unlawful harassment.

## **2.5. Requests for Reasonable Accommodations**

Any employee that thinks he or she needs a reasonable accommodation in order to perform essential job functions because of a disability has a responsibility to inform

the City of that need. These requests should be made to the HR Director. Upon receiving the request, the City will evaluate the request, including the disability, job requirements, potential accommodations, and whether the City can make a reasonable accommodation without undue hardship.

## **2.6. Nursing Mothers in the Workplace**

For at least one year after the birth of a child, the City will provide reasonable breaks to allow an employee to breastfeed or express milk. In addition, the City will provide private and screened locations near the employee's work area to allow for such breaks during the workday. City employees who are nursing mothers should consult with the City's HR Director to determine the frequency and duration of the breaks. To the extent possible, these breaks should run concurrent with any other break periods provided to the employee.

The City prohibits discrimination in all phases of employment—including recruitment, job advertising, application and hiring, assignments and promotions, pay and benefits, discipline and discharge, employment references, reasonable accommodation, and training and apprenticeships—against any employee because that employee breastfeeds or expresses milk in the workplace. Any employee who believes that she has been the subject of discrimination or harassment because of her breastfeeding or expressing milk in the workplace must report the harassment or discrimination in accordance with the City's harassment and discrimination reporting requirements.

### **3. EMPLOYEE HIRING**

#### **3.1. Recruitment and Advertising**

The City will conduct recruitment of and advertising for potential employees in accordance with the City's Equal Employment Opportunity Policy. In addition, the City should generally adhere to the following procedures and guidelines for advertising positions of employment with the City:

- A.** Job descriptions defining the essential functions and qualifications for the vacant position should be drafted and determined before the vacancy is posted or otherwise advertised internally or externally.
- B.** Only the City Manager and the HR Director are authorized to post positions for hire.
- C.** Each job opening notice should contain a statement indicating that Washington City is an Equal Opportunity Employer.
- D.** Job opening notices may be advertised in the appropriate media or through any other channels the Human Resource Director deems appropriate. The City may provide current employees with an opportunity for career enhancement or promotion. All in-house applicants who meet the minimum qualifications will be given an opportunity to interview for the posted job. The position will be advertised for a minimum of five days.
- E.** All job opening notices should specify the name and the office of the person from whom job applications are to be obtained, the name and office of the person to whom completed applications are to be returned, and the deadline for filing an application.
- F.** To the extent not prohibited by law, advertisements may state that qualified job applicants residing in Washington City may be given hiring preference.

To the extent authorized by State law, the City need only post for positions that are new or vacant. It need not post if there is a reassignment of positions, reclassification of duties, a modification of a job title, or a restructuring of a department.

#### **3.2. Application Process**

To apply for any job opening with the City an individual must complete and submit an employment application on a form or online application platform provided by and made available by the City. Employment applications must be completed and signed, physically or digitally, by the applicant and the truth of all information contained therein shall be certified by the applicant's signature. The City may require, in addition to an application, such other forms and releases that it deems necessary to properly evaluate an applicant for a particular position. The applicant must provide a copy of required certified educational transcripts, licenses, and certifications either with the application or upon hire as required by the City. All applications and resumes received for the job opening will be forwarded to the HR Department for review and processing. Upon receipt, each application and supporting materials (e.g., resumes, releases) will be placed in an applicant's file for at least one year from the date of the application

unless a longer period is required by applicable state or federal law; provided, however, that nothing shall prevent the City from maintaining such records for a longer period of time.

Testing is often a practical way to measure an applicant's fitness for a particular position, including screening to determine whether an applicant is qualified for a position. As such, the City may require applicants to take tests that are generally designed to measure an applicant's knowledge, skills, and abilities to perform a particular job or position. The City will make reasonable accommodations in testing for disabled applicants as may be required by law.

Washington City may contact the references for each job applicant and ask job-related questions. In addition, job applicants may be required to sign an Authorization to Release Information for Pre-Employment Background Check thereby authorizing the City to obtain and former employers and other public and private concerns to release information concerning the job applicant's personal history. This background check may include a criminal records and background check.

The City may reject an application from consideration for any of the following reasons:

- A. The applicant does not meet minimum qualifications established for the position.
- B. The applicant is physically or mentally unable to perform the essential duties and responsibilities of the position with, or without, reasonable accommodations determined only after a conditional offer of employment, pending the results of a medical examination, has been extended to a job applicant.
- C. The applicant has falsified the application.
- D. The applicant has failed to complete the application.
- E. The applicant failed to timely submit the application.
- F. The applicant failed a pre-employment drug test administered in accordance with the City's Drug & Alcohol Policy.
- G. The applicant has an unsatisfactory employment history or poor work references.
- H. The applicant has failed to attain a passing or satisfactory score on any required test.
- I. When it is discovered that hiring an applicant would violate anti-nepotism laws.

The City Manager, Human Resource Director, and Department Head will generally select applicants to interview from the pool of qualified applicants—those who have passed any preliminary screening tests and whose job applications show that the applicant is qualified for the position. Supervisory and other personnel, and in some cases City officials, may also be involved in the interviewing process. Job related duties and qualifications will provide the basis for initial screening of job applicants.

### **3.3. Hiring and Selection**

Ultimate job selection decisions are made in the discretion of the City and may be based on both objective (e.g., educational background, certifications) and subjective



(e.g., interview performance) criteria. The HR Director will notify an applicant if the City determines to extend an offer of employment to the applicant for the position to which the applicant has applied. The HR Director may extend a conditional offer of employment contingent upon the applicant being administered and passing further background checks, drug tests, medical/physical examinations, verification of references and application information, and other applicable tests to the extent that such tests and checks were not performed as part of the initial application process.

Once an applicant has been selected for, offered, and accepted the position, the HR Director should notify the other job applicants that they were not selected for the position.

The City may require an applicant to submit to a medical examination only after a conditional offer of employment has been made. The medical examination or interview will be conducted by a health professional chosen by the City to determine a job applicant's ability to fulfill essential job related requirements. Only the City Manager or HR Director may authorize such interviews or physical examinations. All costs for required medical interviews or physical examinations will be borne by the City. The prospective employee must sign a written release of this information to the City. The information obtained and the medical examination will be considered confidential by the City.

Employment of relatives and household members is governed by Title 52, Chapter 3 of the Utah Code. The City should make reference to this law in any circumstance where a relative or household member of a public officer is seeking employment with or is employed by the City.

The City will process job applications received from former City employees using the same procedures and standards that govern regular employment applications. Upon application from a former City employee, the City Manager or HR Director will review the former employee's personnel records and the circumstances surrounding the separation of previous employment with the City.

In the absence of exigent circumstances, employees who have been discharged for violation of any City rule or regulation (including personnel policies and procedures set forth in this or any previous employee handbook) or for performance-related problems are not eligible for rehire and will not be considered for employment if they apply for another position with the City.

Employees who are laid off, whose positions are eliminated or who leave the City voluntarily may thereafter apply for other positions within the City. The City will review the former employee's personnel file relating to the prior period(s) of employment and may discuss the former employee's application with the former employee's supervisor and Department Head. Former employees who are eligible for rehire are not guaranteed employment and will be considered along with all other applicants for the position. In addition, the City may decide, based solely on the former employee's

personnel file and discussions with supervisory personnel, not to offer the former employee a position with the City.

Employees whose employment is terminated because of reduction in workforce will maintain their original anniversary date for seniority purposes if they are re-employed by the City within one year after the date of termination.

Former employees who are rehired will be required to serve the same new hire probationary period as any other new employee.

### **3.4. New Hire Procedure**

The HR Director is responsible for having new employees fill out all pre-employment forms, benefit applications, enrollment forms and providing basic information, where applicable, on Washington City's policies concerning pay, vacation, holidays, and sick leave, benefits, parking and work hours during the employee's first day of work.

Each employee will be provided with access to a digital copy of this Handbook and will sign an acknowledgement of its receipt which will be placed in the employee's personnel file. Each employee has the obligation to review and become familiar with this Handbook. New employees should also be given a tour of the work place with a brief overview of City rules and benefits. Employees who desire a hard copy of the Handbook in addition to the digital copy should make a request with the HR Director.

The City complies with federal and state immigration laws and therefore will require new employees to fill out and return such forms as are requirement by these law to confirm eligibility for employment.

### **3.5. New Hire Probationary Period**

All new full-time employees must serve an initial six month probationary period. During this period, probationary employees may be terminated with or without notice for any or no reason, and shall have no right to due process, notice, or an explanation in connection with termination. The new hire probationary period for employees performing a public safety function (police and law enforcement officers) is 18 months.

Probationary employees will receive a performance **evaluation** at the end of the probationary period. This performance evaluation may be used to provide information to both the employee and supervisory personnel regarding the probationary employee's performance. A performance evaluation and the results of such evaluation shall not obligate the City to a particular course of action relative to the probationary employee nor shall it create any property or due process rights for the probationary employee. Results of the performance evaluation will determine whether the employee is eligible for full-time employment status, a period of extended probation (the length of which shall be determined by the City but shall not exceed 12 months), or terminated—all of which will be in the City's discretion.

Employees who are promoted to new positions within the City may be required to serve a probation period in the manner as new hire probationary employees.

### **3.6. Volunteers**

The City Manager may, with approval of the City Council, establish volunteer programs. In the event volunteer programs are established, the City Manager should develop guidelines for the use of volunteers. A volunteer should be provided the protections as an employee of Washington City for:

- A.** Workers' Compensation benefits for compensable injuries sustained by the volunteer while acting in the scope of employment.
- B.** Operating Washington City owned vehicles or equipment when the volunteer is properly licensed to do so and does so in accordance with the policies in this Handbook.
- C.** Liability insurance coverage that covers City employees.

The City may recognize and consider volunteer service should a volunteer later apply for a position of employment with the City.

### **3.7. Employment of Minors**

Minors under the age of 18 are eligible for employment, subject to the provisions of federal and state law governing employment of minors.

Minors ages 14 and 15 may be considered for employment by the City only under specific circumstances, and with express approval by the City Manager for each specific position considered. Any departments who receive approval to hire employees in this age category are required to meet all legal qualifications related to child labor laws. They will be required to report each month to the HR department and the City Manager that they followed all applicable federal and state requirements for hours and times worked and safety rules.

## **4. DRUGS AND ALCOHOL**

The City's policy is to promote a workplace free from the influence of drugs and alcohol. Stated differently, the City has zero tolerance for drugs and alcohol in the workplace.

This Drug and Alcohol Policy is established pursuant to the authority of Title 34, Chapter 41 of the Utah Code. It sets forth the City's policy on maintaining a drug and alcohol free workplace as well as its policy of requiring submission to drug and alcohol testing in furtherance of its drug-free workplace policy.

### **4.1. Statement of Purpose.**

- A.** Washington City believes that a healthy and productive work force, safe working conditions free from the effects of drugs and alcohol, and maintaining a high standard in the quality of services rendered to the public are important not only to the City but also to its employees and the general public. The abuse of drugs and alcohol creates a variety of workplace problems, including increased injuries on the job, increased absenteeism, increased financial burden on City benefit programs, increased workplace theft, decreased employee morale, decreased productivity, and a decline in the quality of the services rendered by the City to the public.
- B.** In order to maintain a quality work environment, free from drug abuse and alcohol abuse and their adverse effects on job performance, and to protect the health and safety of the City's employees and the general public, the City has established this Drug and Alcohol Policy.

### **4.2. Definitions.** For purposes of this Drug and Alcohol Policy the following definitions shall apply:

- A.** Alcohol means either ethyl alcohol or ethanol.
- B.** City or Employer means Washington City.
- C.** Drugs and/or controlled substance means any substance recognized as a drug in the United States Pharmacopeia, the National Formulary, the Homeopathic Pharmacopeia, or other drug compendia, including Title 58, Chapter 37, Utah Controlled Substances Act, or supplement to any of those compendia. This definition includes, without limitation, narcotics, hallucinogens, depressants, stimulants or other controlled substances, as defined by applicable federal, state or local laws or regulations. The term illegal drug does not mean the use of a controlled substance pursuant to, and in accordance with, a valid prescription or other uses authorized by law.

- D. Drug paraphernalia means objects used to manufacture, compound, convert, produce, process, prepare, test and analyze, pack repack, store, contain, conceal, inject, ingest, inhale, or otherwise introduce a drug into the human body.
- E. Employee means any person who engages in the service of the City for compensation, including full-time and part-time employees, probationary employees, seasonal employees, temporary workers, independent contractors, management personnel, and appointed officials.
- F. Prospective employee any person who has made a written or oral application to become an employee of the City. For purposes of this Policy, prospective employee includes a current City employee who has made a written or oral application for another position with the City.
- G. Prospective volunteer means any person who has made a written or oral application to become a volunteer of the City.
- H. Reasonable suspicion means an articulated belief based on the recorded specific facts and reasonable inferences drawn from those facts that an employee or volunteer is in violation of this Drug and Alcohol Policy.
- I. Safety sensitive position means any position involving duties which directly affects the safety of governmental employees, the general public, or positions where there is access to controlled substances, as defined in Title 58, Chapter 37, Utah Controlled Substances Act, during the course of performing job duties. Examples of employees and volunteers in safety sensitive positions include, employees performing duties which require a Commercial Drivers License (CDL), and public safety and law enforcement employees and volunteers.
- J. Sample means a sample of urine, blood, breath, saliva, or hair provided by an employee in a quantity and in a manner sufficient to allow for drug or alcohol testing.
- K. Volunteer means any person who donates services as authorized by the City without pay or other compensation except expenses actually and reasonably incurred.

#### **4.3. Drug and Alcohol Free Workplace.**

- A. The City's policy is to provide a drug and alcohol free workplace. Employees shall not manufacture, use, possess, distribute, dispense or sell alcohol, illegal drugs or controlled substances, or drug-related paraphernalia, or have alcohol or illegal drugs in their systems at or exceeding the levels specified in Addendum C to the Drug and Alcohol Policy, attached hereto, while: (i) working or engaging in other activities on behalf of the City; (ii) present in buildings or other facilities owned or controlled by the City; (iii) operating or riding in any City vehicle; (iv) traveling in a motor vehicle to or from a location where City business is to be, or has been, conducted; (v) wearing a City uniform, hat, or clothing; or (vi) otherwise representing the City or giving the appearance of representing the City.

- B.** Employees also shall not misuse prescription drugs or other medication, or take prescription drugs or other medication in a manner which may adversely affect their job performance or the safety of themselves or others. Employees involved in driving motor vehicles who are serving in a safety sensitive position are required to inform their supervisor any time they are taking any prescription or over-the-counter drug which may, according to label warnings or physician instructions, impair the employees' ability to safely perform their assigned duties. If a supervisor believes that an employee is impaired, the supervisor shall immediately release the employee from his or her responsibilities.
- C.** In accordance with Utah Code Ann. § 26-61a-111, Washington City will treat an employee's use of medical cannabis under a valid medical cannabis card in the same way it treats the use of any prescribed controlled substance, and such employee will not be subject to adverse action for failing a drug test due to marijuana or tetrahydrocannabinol unless there is evidence that the employee was impaired or otherwise adversely affected in the employee's job performance due to the use of the medical cannabis.
- D.** An employee who has reason to believe that the performance of another employee is impaired by alcohol, illegal drugs or controlled substances, or that another employee is otherwise engaging in conduct in violation of the City's Drug Free Workplace policy shall immediately notify their supervisor, Department Head, the City Manager, or the City's Human Resource Director.
- E.** An employee who is convicted under a criminal drug statute shall notify his or her immediate supervisor no later than five (5) business days after such conviction. Such a conviction will constitute reasonable suspicion and will require submission to a drug test.
- F.** Employees who violate any of the foregoing prohibitions or who otherwise fail to take any action required in the foregoing provisions shall be subject to disciplinary action, up to and including immediate termination of employment.

#### **4.4. Testing of Prospective Employees and Volunteers.**

- A.** The City shall have the right to test prospective employees and prospective volunteers for the presence of illegal drugs and/or alcohol as a condition of hiring or, in the case of a prospective volunteer, as a condition for selection as a volunteer. Such testing shall be in accordance with the provisions of this Policy.
- B.** Testing of prospective employees and prospective volunteers should not occur until such prospective employees or prospective volunteers have been selected for employment or volunteer service with the City, and offered a position with the City, subject to successfully completing the drug and alcohol testing that is required by the City.
- C.** Prospective employees and prospective volunteers may be required to submit to testing to detect the presence in the body of illegal drugs and/or

alcohol, at a time and place as directed by the City, before they are permitted to begin working for the City. If a prospective employee tests positive, refuses to submit to such testing, or substitutes or falsifies any test sample, the offer of employment shall be withdrawn, and the prospective employee will not be permitted to reapply for a position with the City. If a prospective volunteer tests positive, refuses to submit to such testing, or substitutes or falsifies any test sample, the City shall refuse to use the services of the volunteer.

#### **4.5. Testing of Current Employees and Volunteers.**

As a condition of continued employment (or continued volunteer service), the city shall have the right to test its employees and volunteers for the presence of illegal drugs and/or alcohol, in accordance with the provisions of this policy. The city may test its employees and volunteers for illegal drugs and/or alcohol as part of one or more of the following types of testing:

##### **A. Post-Accident Investigation Testing.**

1. An employee may be required to submit to testing for the purpose of investigating work-related accidents or near-accidents (including accidents or near-accidents involving the operation of equipment or motor vehicles), or an violation of safety precautions or standards, whether or not an injury resulted from such accident or violation.
2. If such testing is required by the City in connection with the investigation of an accident, it shall be conducted as promptly as circumstances permit after the City becomes aware of the accident or incident. An employee who is subject such testing shall remain readily available for such testing or shall be deemed to have refused to submit to the testing (unless the employee's failure to remain available is necessitated by his or her receiving emergency medical treatment).
3. If the employee has been taken to an emergency medical facility for medical treatment, the supervisor, Department Head, or the City's HR Director should make a reasonable attempt to obtain a sample at such emergency medical facility for testing. All employees shall be required as a condition of employment to sign in advance and to be kept of file a consent to the taking of a blood sample in case of an on the job injury rendering them incapable of giving consent.
4. The employee tested shall not engage in the operation of any City equipment or engage in any employment related duties, which his or her supervisor deems dangerous to him/herself or others until the results of the tests are received and the employee is released back to work by the City Manager or the Human Resource Director.

##### **B. Reasonable Suspicion Testing.**

1. An employee may be required to submit to testing for the purpose of investigating possible individual employee impairment where the City has a reasonable belief or suspicion that the employee has

used illegal drugs or alcohol or engaged in controlled substance abuse, or has illegal drugs or alcohol in his or her system or possession, in violation of the terms of this Drug and Alcohol Policy.

2. Reasonable belief or suspicion may be based on, among other things, observable indicators of use, possession or symptoms of illegal drugs or alcohol, such as slurred speech, unusual outbursts of temper, abrupt changes in attitude, attendance, or quality or output of work, the smell of alcohol or drugs, or other observable indicators, a pattern of abnormal conduct or erratic behavior, taking unreasonable risks or engaging in unsafe practices, knowledge of drug-related investigation, arrest or conviction, information of drug or alcohol use in violation of this Policy provided from a credible source, or evidence that the employee has tampered with a previous drug test.
3. If such testing is required by the City based upon a reasonable belief or suspicion of drug or alcohol use or possession in violation of this Policy, it shall be conducted as promptly as circumstances permit after the City perceives that the employee has used illegal drugs or alcohol or engaged in controlled substance abuse, or has illegal drugs or alcohol in his or her system or possession, in violation of the terms of this Policy.
4. Any time there is suspicion that an employee has used illegal drugs or alcohol or engaged in controlled substance abuse, or has drugs or alcohol in his or her system or possession, in violation of the terms of this Policy, the City shall:
  - a. Require the employee to immediately discontinue performing work for the City and submit to testing.
  - b. The employee shall be taken immediately by the Department Head or a supervisor to an appropriate testing facility. Employees may not travel to the testing facility alone. If the employee cannot be transported to a testing facility, the testing facility shall be notified of the location of the employee.
  - c. After the testing the employee will be placed on and remain on administrative leave until the results of the testing have been received and such results establish that the employee is not in violation of the terms of this Policy.

**C. Testing as Part of a Rehabilitation Program.** The City may test employees as part of a rehabilitation programs, such as, for example: (i) a condition for return to duty after testing positive for illegal drugs or controlled substances or alcohol; (ii) part of follow-up procedures to employment related drug or alcohol violations; (iii) periodic testing after a return to duty after testing positive for illegal drugs or controlled substances or alcohol.

**D. Random Testing.**



1. Employees in safety sensitive positions may be required to submit to testing as part of an unannounced random testing program, which program is for the purpose of protecting and maintaining the safety of the City's other employees and the general public, and maintaining productivity, quality of services, and the security of the City's property or information.
  2. The testing for illegal drugs and alcohol under an unannounced random testing program shall not be limited to circumstances where there are indications of individual, job-related impairment of the employee.
- E. Application to Volunteers.** The provisions of this Section 5 are made applicable to volunteers.

#### **4.6. Disciplinary Action.**

- A.** If a verified or confirmed positive drug or alcohol test result (as set forth below) indicates a violation of the City's drug-free workplace policy, or if an employee, volunteer, prospective employee, or prospective volunteer refuses to provide a sample or consent to testing, the City may, as it determines and in its discretion:
1. require the employee to enroll in a rehabilitation, treatment, or counseling and educational program, approved by the City as a condition of continued employment or volunteer service;
  2. suspend the employee with or without pay for a period of time;
  3. immediately terminate the employment or voluntary services;
  4. refuse to hire a prospective employee or use the services of a volunteer; and/or
  5. impose such other disciplinary measures in conformance with the City's usual procedures, including those set forth in the City's Employee Handbook.

#### **4.7. Requirements for Collection of Drug testing samples.**

- A. Independent Testing Facility.** The collection of samples and drug testing shall be performed by an independent laboratory certified for employment drug testing by either the Substance Abuse and Mental Health Services Administration or the College of American Pathology.
- B. Employee Identification.** Employees, prospective employees, volunteers, and prospective volunteers shall be required to present reliable identification to the person collecting the samples. In order to ensure that there is no tampering, bags, briefcases, purses, and other containers may not be carried into the area where the sample is produced.
- C. Designation of Type of Sample.** In order to dependably test for the presence of drugs, the City or the testing facility may designate the type of sample to be used for testing.

**D. General Collection and Testing Requirements.** All sample collection and testing for illegal drugs and alcohol pursuant to this Policy shall be performed in accordance with the following requirements:

1. The collection of samples shall be performed under reasonable and sanitary conditions;
2. Samples shall be collected and tested with due regard to the privacy of the employee being tested, and in a manner reasonably calculated to prevent substitutions or interference with the collection or testing of reliable samples;
3. Sample collection shall be documented, and the documentation procedures shall include:
  - a. labeling of samples so as reasonably to preclude the probability of erroneous identification of test results; and
  - b. an opportunity for the employee or prospective employee to provide notification of any information which he or she considers relevant to the test, including identification of currently or recently used prescription or nonprescription drugs, or other relevant medical information.
4. Sample collection, storage, and transportation to the place of testing shall be performed so as reasonably to preclude the probability of sample contamination or adulteration; and
5. Sample testing shall conform to scientifically accepted analytical methods and procedures.

**E. Drug Testing Samples.** Employees, prospective employees, volunteers, or prospective volunteers shall submit a split urine sample for testing or retesting. A split urine sample shall consist of at least 45 ml of urine. The urine shall be divided into two specimen bottles, with at least 30 ml of urine in one bottle and at least 15 ml of urine in the other. If the test results of the 30 ml urine sample indicate the presence of drugs, the donor of the test shall have 72 hours from the time he is so notified to request, at his or her option that the 15 ml urine sample be tested for the indicated drugs, the expense of which shall be divided equally between the donor and the City.

**F. Alcohol Testing.** Testing for alcohol will be administered via a breath alcohol test ("BAT") and conducted by a qualified breath alcohol technician. A breath test which indicates the presence of alcohol shall be followed by a confirmatory test at an interval of at least 15 minutes and no longer than 20 minutes following the initial test.

**G. Consent to Testing.** Prospective employees and prospective volunteers and employees and volunteers must sign such forms as may be required by the City and/or the testing company prior to testing, agreeing to the testing, authorizing the release of the test results to the City, and authorizing the disclosure of the results by the medical personnel to authorized employees of the City. Failure or refusal to sign such forms will

constitute a refusal to consent to the testing.

#### **4.8. Confirmation of Test Results**

- A.** Before the result of any drug test may be used as a basis for any action by the City, the City shall verify or confirm any positive initial screening test by gas chromatography, gas chromatography-mass spectroscopy, or other comparably reliable analytical methods.
- B.** An employee, prospective employee, volunteer, or prospective volunteer shall be notified as soon as possible by telephone or in writing at the last-known address or telephone number of the result of the initial test, if it is positive, and told of his/her option to have the 15 ml urine sample tested, at an expense equally divided between the donor and the City.

**4.9. Time and Cost of Testing.** The city shall pay all costs associated with the testing of an employee or prospective employee for all illegal drugs or alcohol including the costs of transportation if the testing of a current employee or volunteer is conducted at a place other than the workplace and the cost of the initial screening test and any confirmation test. Any drug testing of an employee shall occur during or immediately after the regular work period of any employee or volunteer being tested and shall be considered as work time for purposes of compensation and benefits, where applicable.

**4.10. Positive Test Determination.** The drug and alcohol testing shall be deemed “positive” if the amount of illegal drugs or alcohol present in the body is at or exceeds the level specified in ADDENDUM “C” attached hereto, or if it is determined that the employee has submitted a sample which, when submitted, had been tampered with, altered, contaminated or adulterated in any way, or if it is determined that the sample submitted is not that of the person being tested.

**4.11. Consequences of multiple violations.** If an employee tests positive for drugs and/or alcohol twice within a period of thirty-six (36) consecutive months, that employee shall be terminated from employment. The city manager may, in his or her discretion, and for good cause shown, suspend the automatic termination requirement.

**4.12. Confidentiality of Information.** All information, interviews, reports, statements, memoranda, or test results received by the city in connection with its drug and alcohol testing program shall be kept in confidence by the city and disclosed only: (1) To those individuals who have a legitimate need to review such information; (2) As required by applicable law or regulation; (3) In a proceeding related to any personnel action taken by or involving the city; (4) To respond to a request from a federal, state, or local law enforcement agency or other government official in response to a written request on the agency’s letterhead; (5) To respond to administrative or

judicial orders or any subpoena; and/or (6) to respond to requests for discovery in the course of litigation.

- 4.13. Inspections to Administer and Enforce Policy.** In order to promote a safe, productive and efficient work place, the city reserves the right to inspect employees, as well as any articles and property in their possession. The city also reserves the right to inspect lockers, desks, boxes, city vehicles, employee vehicles on city property, packages, lunch boxes, containers, articles in such areas, and other objects brought onto city property that might conceal alcohol, illegal drugs, drug paraphernalia, and/or other inappropriate materials.
- 4.14. Notice to Employees.** This drug and alcohol policy shall be distributed in writing to all prospective employees and volunteers and made available for review by all prospective employees and prospective volunteers.
- 4.15. City's Right to Amend Policy.** The city reserves the right to amend or revise this drug and alcohol policy at any time, as it deems appropriate.
- 4.16. No contract for Continued Employment.** Nothing contained herein is intended or may be construed to create any express or implied promise or agreement that any employee's employment with the city may be terminated only for good cause or only for conduct which violates the city's drug and alcohol policy, or to alter the at-will relationship between the city and its employees. Either the employee or the city may terminate the employee's employment with the city at any time and for any reason, with or without cause, and with or without notice.

## **5. STANDARDS OF CONDUCT**

### **5.1. Professionalism and Public Service**

Washington City is a municipal corporation. Its purpose is to serve its citizens and the public. Its employees must adhere to high standards of public service that emphasize professionalism and courtesy. Employees are required to carry out efficiently the work items assigned to their responsibility, to maintain good moral conduct, and to do their part in maintaining good relationships with their supervisors, fellow employees, the public, and City officials.

### **5.2. Public Safety Personnel**

The standards of conduct in this section apply to all City employees. However, in addition to these standards, employees employed in public safety positions—in the police or fire departments—may have additional policies and procedures that outline standards of conduct specific to their job duties. Public safety personnel are expected to fully adhere to standards of conduct as issued by their department in the same manner as those set forth in this Handbook.

### **5.3. Privileged Information**

Washington City employees involved with information of significant public interest may not use this information for personal gain, nor to benefit friends, acquaintances, or any other individual or entity. If an employee has an outside interest that could be affected by any Washington City plan or activity, it must be reported to the City Manager or Human Resource Director 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”) and should only be released through and as authorized by the office of the City Recorder or City Manager.

### **5.4. Attendance**

Regular attendance and punctuality are essential to providing high quality work, service to the public, and to avoid extra work for fellow employees. Failure to report to work as scheduled can result in delays in production, increased burdens on your co-workers, and may result in discipline, up to and including termination. The City expects all employees to be at their workstations at the start of their shifts and to remain in their work areas except during break and meal periods. Failure to arrive promptly, leaving your workstation without authorization or for extended periods of time, or leaving early are all grounds for discipline. When an employee is going to be late or will not be able to report to work, the employee must notify their supervisor prior to the scheduled work time. If the employee is ill or has an emergency, they should notify their supervisor as soon as possible on each day of absence as further set forth in Section 17 of this Handbook.

## **5.5. Appearance**

Generally, all employees are expected to maintain a neat and clean personal appearance to create and present a favorable impression during any contact with the public. Standards of dress and appearance shall be appropriate to the job and the tasks to be accomplished. Dress codes may be modified to specific requirements of what each Department Head finds appropriate, including the issuance of mandatory uniforms appropriate to specific positions.

## **5.6. Smoking**

Smoking, including vaping, is not permitted in City facilities or in City owned vehicles.

## **5.7. Personal Use of City Items**

No employee may use Washington City owned postage metering machines at any time for posting and mailing of any material of a personal nature without paying the City for the exact amount of postage at the time of use. Any employee desiring to use Washington City owned fax or copying machines for items of a personal nature may do so after paying for such use at the local competitive rate which is in effect at the time of use. This policy on personal use of City items is in addition to those established elsewhere in this Handbook and by applicable law.

## **5.8. Purchasing**

All purchasing shall be in accordance with the City's approved purchasing policy. Any questions concerning purchasing shall be referred to the City Manager or City Financial Supervisor.

## **5.9. Time Cards**

Non-exempt employees are required to maintain an accurate and legible record of all their hours worked for Washington City. This record shall be kept on time cards, which shall be signed and dated, or electronically approved, by the employee and the employee's direct supervisor, and then forwarded to the Payroll Clerk, as directed for review and payment.

## **5.10. Credit Cards**

Washington City credit cards shall be used for official City business only. City credit cards shall not be used for the personal convenience of an employee.

## **5.11. Conflicts of Interest**

If an employee or relative has a financial interest in a matter coming before him or her, a legislative body, or the department in which he is employed, the employee should disclose this information and disqualify him or herself from participation in the

matter. Employees and City officials are at all times to comply with current federal, state, and local laws regarding disclosure and abstentions from conflict of interest issues.

#### **5.12. Political Involvement and Participation**

Employees may engage in political involvement and participation consistent with governing local, state, and federal laws.

#### **5.13. Outside Employment**

Employees should not be engaged in any outside employment which involves the performance by them of any work which will come before them as officers or employees of the City, or under their supervision, for approval or inspection. Employees should not engage in outside employment or business activities which involve such hours of work or physical effort that it would or could be reasonably expected to reduce the quality or quantity of the employee's services to the City. Before accepting outside employment, an employee must disclose to his or her Department Head the nature of the employment and receive written approval from that Department Head and the City Manager to engage in such outside employment.

#### **5.14. Acceptance of Gifts and Gratuities**

Employees should not accept money or other considerations or favors from anyone other than the City for an act which they would be required or expected to perform in the regular course of their duties. This includes, but is not limited to accepting any gifts, gratuities, including meals or favors of any kind from individuals or firms doing business or proposing to do business with the City, if considering all the circumstances acceptance would give the impression that possible preference or special privileges is being sought or given by the City.

No employee or City official shall accept or receive from any person, firm, or corporation to whom any contract or purchase order may be awarded any money, trips or anything of value, or any promise, obligation or contract for future reward or compensation.

#### **5.15. Confidentiality**

Employees shall not disclose confidential information acquired by or available to them in the course of their employment with the City or use such information for personal gain. This applies to improper disclosure within the City itself as well as to the public.

#### **5.16. Use of City Position, Equipment, or Name**

Employees shall not use, for private gain or advantage, their City time, or the City's equipment, supplies or facilities, nor should they use or attempt to use their

position with the City to secure unwarranted privileges or exemptions for themselves or others. Personal letters shall not be written on City letterhead.

#### **5.17. Code of Ethics**

In addition to those sections in this Handbook which address ethics and conflicts of interest, the City has adopted a Code of Ethics. The Code of Ethics is appended to this Handbook as Addendum A. Each employee has the responsibility to review and understand the Code of Ethics. Moreover, each employee is responsible for reporting ethical violations committed by fellow employees to their supervisor, Department Head, or the HR Director. Any employee who violates the Code of Ethics will be subject to disciplinary action in accordance with this Handbook, up to and including termination.

#### **5.18. Telephone Conduct**

Often the first contact others have with the City is on a telephone call. As a result, the caller's impression of the City is drawn only from the employee's voice and manner in handling the call. Employees should answer calls promptly and be alert, pleasant, and friendly, and give the caller undivided attention. If the caller waits on the line, the employee should be sure to thank the caller when he or she returns. An employee should always remember to say "thank you" and "I'm sorry," hang up gently, use the caller's name in the conversation, give individual consideration, be tactful when it is necessary to refuse a request because of City policy, apologize for errors or delays, and take time to be helpful.

Employees should keep personal telephone calls to a minimum consistent with important family or personal business.

#### **5.19. Volunteer Activities**

The City encourages employees to participate in their communities, both on their own and through City-sponsored events such as blood drives and canned food drives. It is the City's belief that in order to be a good citizen it is important that it encourage employees to participate in different activities and organizations. In certain circumstances, the City may even encourage employees to participate in community and charitable activities during working hours.

#### **5.20. Compliance with other Laws**

Employees are expected to comply with the law in the conduct of the City's affairs. Failure to do so will be cause for disciplinary action, up to and including termination.



## **6. VEHICLE POLICY**

Use of City vehicles and use of personal vehicles for City purposes is governed by the City's Vehicle Policy.

### **6.1. Scope/Purpose:**

This policy applies to all Washington City permanent full-time, part-time, and seasonal employees, except for the City Manager, Department Heads and Public Safety employees. This policy is applicable for all motor vehicles that are owned, leased or used for official City business, by any of the above listed employees.

The City recognizes its responsibility to manage City vehicle and equipment usage to ensure the appropriate image within the community, the ability to respond immediately to emergencies outside of normal working hours, as well as the responsibility to employees for equity between departments. As such, this policy outlines the various rules, regulations and procedures that shall be followed by all personnel utilizing City vehicles and equipment, or personal vehicles and/or equipment used for official City business. This policy also specifies maintenance standards and responsibilities.

### **6.2. Policy & Procedure:**

#### **Definitions:**

**Assigned Vehicle:** A vehicle that is assigned to one employee for their exclusive use during work hours, and which may be taken home at night; requires City Manager approval.

**Designated Vehicle:** A vehicle that is provided for one employee for their exclusive use during work hours, but which may not be taken home at night; requires Department Head approval.

**On-Call:** On-call is a formal assigned time in which an employee is required to respond immediately to a call-out outside of regular scheduled hours. The on-call employees in all divisions are required to take a city vehicle home. This is to allow employees to respond more readily and to more quickly address emergency situations with proper equipment and tools during non-working hours. All vehicles/employees in this category shall be authorized by the city manager upon recommendation of the department director.

**Motor Operated Vehicle:** Anything that is mounted on wheels and motorized or towed by a motorized vehicle.

### **6.3. City-Owned Vehicles:**

Markings and Registration: City owned vehicles and equipment with exempt license plates shall be plainly marked with a City emblem as designated by the City Manager. Each vehicle shall carry a photocopy of the vehicle registration and insurance verification in the glove compartment.

City owned vehicles that are taken home are to be used only for commuting to and from work or when performing official city duty. City owned vehicles are not to be used for personal purposes of any kind, unless otherwise noted. When going to lunch, employees should use their personal vehicle, unless traveling to change vehicles is out of the way, or the potential to be called back to work during lunch is present.

Authorized Vehicle Operators: Only City employees whose job description requires the operation of a city vehicle or equipment, and other persons as required in the performance of legitimate City business, shall be allowed to operate City vehicles and equipment. All City vehicle and equipment operators shall have:

- A. A valid Utah driver's license appropriate for the class of vehicle or equipment being driven.
- B. Proper training and required certification or specialized licensing before they are allowed to operate equipment.
- C. While the licensing or certification will be verified at the time of hire, the supervisor is required to ensure the employee maintains the documentation on an on-going basis.

#### **6.4. Designated Vehicles:**

- A. Whenever circumstances warrant, an employee may be provided a vehicle for their exclusive use during work hours. Normally, a vehicle is designated to an employee whose job requires that they need to frequently go to other work sites on a daily basis. Designating a vehicle to an employee requires Department Head approval. Designated vehicles cannot be taken home at night or used for personal use.
- B. A designated vehicle belongs to the City and not to the employee. Thus, the status of the vehicle can be changed at any time by department management, and may be given for the use of another employee anytime it is not in use by the designated employee.

#### **6.5. Assigned Vehicles:**

The City does not grant personal City vehicles, nor use City vehicles as a perk or incentive. However, there are circumstances where the City benefits when an employee is assigned a City vehicle for their exclusive use during the daytime, and which may be taken home at night. Normally, vehicles are assigned whenever the authorized employee's job requires that they may need to go to other work sites during the day, and may need to provide quick attention and response to after-hour City programs, emergencies or provide specialized equipment for after-hours response as outlined below:

**A. Emergency Responses:**

Assigned vehicles may be assigned to city employees who:  
Are called out at least 12 times per quarter, or 48 times a year and have primary responsibility to respond to emergencies which require immediate response to protect life or property; and cannot use alternative forms of transportation to respond to emergencies; and cannot pick up city-owned assigned vehicles at designated sites without impacting the employee's ability to respond to emergencies, which require immediate response to protect life or property.

**B. Special Equipment Vehicles:**

Assigned vehicles may be assigned if an employee needs specialized equipment or a special vehicle, that is not already covered by an on-call vehicle, to perform city work outside of an employee's normally scheduled workday. Communication access shall not normally be considered a valid justification for a specially equipped assigned vehicle. Employees must have primary responsibility to respond to emergencies. Special equipment vehicle assignments shall be supported by information describing the special equipment needed to perform the city work

There may be instances where the department head determines the need for an assigned vehicle where the employee does not meet all the criteria in section 6.5, respond to another work location, etc. Those exceptions are submitted for approval to the City Manager, requesting the exception and explaining why it is necessary in the "Comments."

In most instances when an assigned vehicle is needed, the employee will be given a City vehicle. In cases that are approved by the City Manager, a Vehicle Allowance in the amount set by the City Manager, may be substituted for a City Vehicle.

Employees who are assigned a vehicle are authorized to take the vehicle home; however, the vehicle is to be used only for official City business. Because of the potential negative public image of seeing City vehicles parked at churches, shopping, movies, etc., personal use of assigned vehicles is prohibited. Since assigned vehicles are not allowed for personal use, taxes are not assessed to the authorized employee. However, employees must adhere closely to the "no personal use" policy, as the employee is required by the IRS to pay taxes on their personal use anytime they use a City vehicle for personal reasons.

**6.6. Re-authorization of Assigned Vehicles:**

Assigned vehicle assignment period shall not be greater than twelve months unless re-authorized by Department Head.

Assignment of a vehicle or a vehicle allowance shall be allowed only with the recommendation of the Department Head and approval by the City Manager. The department head will make written application to the City Manager on the "Request for Assigned Vehicle or Vehicle Allowance" form, with the following information: (See Attachment 1.)

- A. A request for an assigned vehicle or vehicle allowance
- B. The number of miles from the City boundaries to the employee's home, if the employee lives outside the City limits.
- C. Justification for the assignment of the vehicle

An assigned vehicle is given to an employee for only as long as the employee has a City business need to use the vehicle after hours to respond to a location other than their normal work location. Anytime the employee's job changes, where he/she no longer is required to respond after hours to other than the normal work location, the assigned vehicle will be rescinded by the Department Head.

#### **6.7. On-Call:**

Employees who are assigned official on-call duty, where the site they may have to respond to is other than their normal work site, may take a City vehicle home. Anytime the employee will respond to a call-out by going to their normal work location, a City vehicle cannot be taken home.

Employees who take a City vehicle home while on-call, are allowed to use the City vehicle as long as they are constantly aware of public image and use good judgment in deciding where to take the vehicle. The following requirements must be met:

- A. Must have a communication device with them at all times so they can be notified of a call-out.
- B. Must remain drug and alcohol free.
- C. Must be prepared to respond immediately from any location they may be at.
- D. Must not travel outside a distance of 20 minutes from the city and would allow them to respond immediately to a call-out.
- E. Must have a predetermine plan for drop-of of any passengers they take with them in the event of a call-out, which will allow them to respond immediately.

On-call employees may not use the City vehicle for inappropriate use such as:

- F. Hauling non-City materials or equipment
- G. Pulling non-City trailers, boats, or recreational vehicles
- H. Traveling to locations or on terrain which would prevent a quick response

#### **6.8. Vehicle Allowance:**

Any employee who receives a Vehicle Allowance shall use the employee's personal vehicle without reimbursement from the City to attend meetings, or otherwise conduct City business or other functions in the capacity of a City employee.

##### **Insurance Coverage**

Vehicle Insurance for Employees Receiving a Vehicle Allowance or Using an Approved Personal Vehicle for City Business:

Any employee receiving a Vehicle Allowance, or any employee using an Approved Personal Vehicle for City business, shall furnish their own insurance and be required to furnish proof of insurance to the City. It shall be the responsibility of each department head to assure that the employee provides a photocopy of the insurance coverage summary page to Human Resource Director each year at the time of renewal, and that the required coverage is continually in effect. Coverage shall be "business use" coverage and shall provide for the following minimum amounts:

Personal Bodily Injury:	\$100,000 per person
Property Damage:	\$ 50,000 per occurrence
Aggregate Liability:	\$300,000 per occurrence

#### Employees Receiving a Vehicle Allowance:

An employee receiving a Vehicle Allowance shall be responsible for any property damage to the personal vehicle, whether or not the damage results from the negligence of the employee. Should any third party liability arise as a result of the use of the personal vehicle, whether or not through the negligence of the employee, and whether or not the liability involves personal injury or property damage, as it relates to the City, the personal insurance coverage of the employee shall be the primary coverage to which all parties shall look for compensation. The liability coverage of the City shall be considered only after the insurance coverage of the employee or any third parties has been exhausted. Car allowance and mileage reimbursements are the employee's compensation for all costs including gas, maintenance, wear and tear, insurance and capital investment.

### **6.9. Use of Personal Vehicles:**

Where a vehicle is necessary to conduct City business, except where otherwise provided in this Vehicle Policy, such vehicle will be a City-owned vehicle. Exceptions to this policy are as follows:

Employees receiving a vehicle allowance may use a personal vehicle for City business.

The City Manager or a department head may allow an employee who does not receive a vehicle allowance, to use his or her personal vehicle for City-business use on a temporary basis, if the employee does so voluntarily and is compensated. Any long-term or continuous use of a personal vehicle for City business by an employee not receiving a Vehicle Allowance shall not be allowed.

#### Compensation for Use of Personal Vehicle:

Unless otherwise provided in the Vehicle Policy and/or determined by the City Manager, official City business mileage shall be compensated at the mileage rate established by the IRS for tax deduction purposes. It shall be the responsibility of the employee accruing the mileage to submit the required documentation for processing.

## **6.10. Other:**

### **A. Passengers in City Vehicles:**

It is the responsibility of the driver of a City vehicle to require all passengers to follow City regulations while in a City vehicle. Drivers of City vehicles or equipment shall not permit the carrying of passengers in or on any such vehicles, with the following exceptions:

1. Other City employees.
2. Other persons engaged in, or advising on, matters relating to City services or improvements.
3. Other persons who are being transported as part of an approved City activity, e.g., spouse on business trip, etc.
4. Other persons when approved in advance by the Department Head or City Manager.

### **B. Personal Use of City Vehicles:**

Except as otherwise outlined, any use of City vehicles, including designated or assigned City vehicles, for personal use or non-City business purposes is strictly prohibited.

Lunch periods are unpaid personal time, and as such, employees are not to use a City vehicle to go to lunch, unless they are in the vehicle on legitimate City business, which requires the employee to go directly to lunch from a location where his personal vehicle is not available, and directly back to that same location, or where the employee must go directly to a different work site from lunch. Anytime an employee who has use of a City vehicle is at a location at lunchtime where his personal vehicle is parked, the personal vehicle is to be used to go to lunch.

### **C. Emergency Use:**

An employee may take a vehicle home after normal work hours in an emergency situation or for a special assignment, providing the employee has received prior approval from the Department Head.

### **D. Crashes Involving City Vehicles:**

Any incident or crash involving City vehicles shall be reported in accordance with the City's accident reporting procedures. City employees shall advise individuals involved in any accident with a City vehicle to contact the Human Resource Director regarding claims.

At the time of the crash or incident, the following should be done:

1. Stop immediately and render assistance to any injured person.

2. Contact the appropriate law enforcement agency and immediately notify department management.
3. Obtain all the information needed to complete the accident reporting form.
4. Obtain the name and address of the other party's insurance carrier.
5. File the Accident Report with Risk Management within 24 hours.
6. Submit to an immediate drug and alcohol test.

**E. Miscellaneous Regulations Governing Use of a City-owned or City-controlled Vehicle:**

1. A seat belt must be worn at all times by everyone in a moving City vehicle.
2. It is the responsibility of each Department to make spot inspections of vehicles assigned to their employees to ensure compliance with this Vehicle Policy.
3. Unattended City vehicles shall be locked at all times.
4. Employees are responsible for the appearance and cleanliness of vehicles, both interior and exterior.
5. Employees at all times shall drive City-owned vehicles with reasonable prudence in order to conserve their usefulness and preserve them at their highest operating efficiency.
6. Damage to a City vehicle caused by willful misconduct or negligence of the employee will be cause for disciplinary action. Such action may include restitution for the cost of repairs.
7. All traffic rules shall be observed when any vehicle is used for City business or when using a City vehicle off-duty, for whatever reason.
8. No City employee shall knowingly operate a vehicle (whether such vehicle is owned by the City or another person or entity) during the conduct of City business, if such vehicle is unsafe or otherwise not in compliance with federal, state, or local regulatory laws. Any employee who knowingly operates such a vehicle shall be subject to disciplinary action.
9. Employees will comply with all state and local ordinances regarding the use of alcoholic beverages.
10. Under no circumstances will City vehicles be operated by on- or off-duty employees who are consuming, or who have, within the previous eight hours, consumed alcoholic beverages, or who are under the influence of drugs that may diminish one's ability to operate a vehicle or other machinery.
11. Many of the positions within the City require that an employee have a valid Utah driver's license. While many other positions do not require driving as a major job responsibility, the position still requires that the employee do incidental driving, e.g., secretary who drives to pick up the mail, worker sent to pick up a tool, etc. In addition, Utah state law requires that an individual convert their out-of-state license to a Utah license within 60 days of establishing residence here, or of becoming employed here.

## **7. WORKPLACE VIOLENCE**

The City is committed to providing a workplace that is free from acts and threats of violence. In keeping with this commitment, the City prohibits any employee from threatening or committing any act of violence in the workplace, while on duty, while on City-related business, or while operating any vehicle or equipment owned or leased by the City. This policy applies to all employees, including Department Heads and supervisors. The City has zero tolerance for individuals and employees who make threats, engage in threatening behavior, or commit acts of violence against employees, visitors, guests, or other individuals. Compliance with this policy is every employee's responsibility.

Employees must immediately report to a supervisor, their Department Head, or to Human Resources any incident involving a threat of violence or violent behavior. Where the circumstances warrant, call the police. If a report is made to a supervisor or Department Head, that individual must immediately inform Human Resources, and the matter will be investigated promptly and appropriate corrective action, if appropriate, will be taken. This action may include disciplinary action, up to and including immediate dismissal of employees involved. Employees making good faith reports may do so without fear of retaliation.

Employees who become aware of any workplace security hazards, or who have suggestions for improving security in the workplace, should speak with their supervisors, Department Heads, or the HR Director. The City encourages employees to help make the workplace as safe and secure as possible.

To further its workplace violence policy, and to the extent not prohibited by law, the City reserves the right to conduct background checks on any and any employee where it is determined that the employee may pose any sort of threat to the safety of themselves and others in the workplace.



## **8. DISCIPLINARY ACTION AND PROCEDURES**

### **8.1. Types of Disciplinary Action**

The City, in its sole discretion, will determine when to warn, reprimand, place on probation, place on corrective action, terminate, or otherwise discipline employees in the manner and degree the City deems appropriate. Generally, the City may impose the following disciplinary measures:

- A. Verbal Warning.** The employee is verbally counseled and a written notation of the warning should be made in the employee's personnel file that such counseling occurred.
- B. Written Reprimand.** The employee is given a written notice of discipline and is counseled about the conduct warranting the discipline.
- C. Suspension.** Employees may be suspended from employment, without pay, for up to 30 days. On or before the effective date of the suspension, the City Manager or Department Head shall furnish the employee with an employee disciplinary action summarizing the reason(s) for suspension. In addition, an employee may be withheld from service pending investigation as to whether discipline is appropriate. If the City determines suspension is appropriate, the employee will not be paid for the period of the suspension. If the City determines suspension is not appropriate, or if suspension of less than the time the employee is withheld from service is appropriate, the employee may be paid for all or part of the time he or she was withheld, as the City determines appropriate in each circumstance. An employee on suspension may be responsible for making full employee contributions to their employee medical insurance benefits. The City may include a corrective action plan for the employee upon the employee's return or as a condition for the employee returning to work from a suspension.
- D. Demotion.** The City Manager or an employee's Department Head, may demote an employee, including transferring an employee to another position within the City. On or before the effective date of the demotion, the City Manager or Department Head shall furnish the employee with a notice of personnel action summarizing the reasons for demotion.
- E. Termination.** Employees who do not comply with City policies, rules, or regulations despite previous counseling and employees who commit violations that the City believes merit severe discipline regardless of whether previous discipline was issued, may be terminated. On or before the effective date of the termination, the Department Head or City Manager shall furnish the employee with a written termination letter summarizing the reason(s) for termination.

This is not a progressive disciplinary system. The City may begin the discipline process at any step, including immediate termination, and may otherwise advance to any step of the process as the City deems appropriate in its sole discretion.

A copy of the disciplinary action, notice, and corrective action plan, where applicable, will be maintained in the employee's personnel file. The employee may be required to sign the written notice of discipline and corrective action plan regardless of whether the employee agrees with the disciplinary action. If the employee refuses to sign the notice or form, the Department Head, City Manager, or HR Director may note that fact for the personnel file.

## **8.2. Corrective Action Plans**

The City may place an employee on a corrective action plan as a means to address disciplinary or performance based issues. The corrective action plan may stand alone or may be in addition to any other disciplinary measure imposed by the City. The purpose of a corrective action plan is to assist the employee in correcting any deficiencies in the employee's performance or correct behavior or conduct that resulted in disciplinary action. The term and duration of the corrective action plan is at the discretion of the City. The duration of a corrective action plan is no guarantee that an employee will be given an opportunity to complete the term of the plan. Rather, lack of demonstrated improvement or effort or conduct warranting discipline while on corrective action may result in termination of the plan and discharge from employment, demotion, or other disciplinary action as the City determines warranted by the situation.

## **8.3. Grounds for Disciplinary Action**

Reasons and grounds for disciplinary action against an employee include, but are not limited to, the following:

- A.** Failure to adhere to any provision of this Handbook, whether or not the provision at issue specifically references that disciplinary action may be taken for a violation of that provision.
- B.** Failure to adhere to the City's Code of Ethics.
- C.** Incompetence, negligence, misfeasance, or malfeasance.
- D.** Failure to maintain skills necessary to perform the job.
- E.** Failure to maintain necessary certifications or licenses.
- F.** Inadequate performance of duties.
- G.** A history of performance reviews falling below accepted standards.
- H.** Violation of federal, state, or local laws, other than minor traffic offenses.
- I.** Conduct that endangers the peace and safety of others or poses a threat to the public interest.
- J.** Unjustified interference with work of other City employees.
- K.** Indulging in offensive conduct or using offensive language.
- L.** Fighting (verbal or physical) on City premises, while on City business, or while wearing a City issued uniform.
- M.** Gambling on duty, on City premises, or using City equipment.
- N.** Failing to attend any mandatory training.
- O.** Vexatious conduct that is targeted towards and for the sole purpose of undermining the authority of a superior.

- P. Engaging in any other conduct that violates commonly accepted employment performance standards.

#### **8.4. Conduct Warranting Immediate Termination**

All employees are on notice that their employment may be terminated , without prior warning, for any of the following violations:

- A. Any conduct that violates the City's Equal Employment Opportunity policies or that otherwise violates any state or federal law governing equal employment opportunity.
- B. Insubordination: A willful disregard of a superior's instructions, including any act of disobedience of authority or refusal to obey an order that a superior is authorized to give.
- C. Any conduct that violates the City's Code of Ethics.
- D. Conviction of a felony.
- E. Deliberate or careless conduct endangering the safety of the public or other employees.
- F. Inducing or attempting to induce any City employee to commit an unlawful act or an act which violates any City regulation, official policy or order.
- G. Using, threatening to use, or attempting to use personal or political influence in any effort to secure special consideration as a City employee.
- H. Carelessness or negligence with City monies or property.
- I. Theft or intentional destruction of City property.
- J. Falsification of personnel records, time reports, or other City records.
- K. Violating the City's Drug and Alcohol Free Workplace Policy.
- L. Sleeping on duty.
- M. Unauthorized disclosure of City information or records.
- N. Any conduct which violates a universal standard of behavior that the City has the right to expect from its employees.
- O. Repeat offenses of any nature, including a history of discipline or corrective action plans involving the same or similar types of issues and problems.
- P. Violating any City policy, rule, regulation, or procedure while on a corrective plan.
- Q. Any conduct as set forth in this Handbook that provides for or allows termination.
- R. Refusal to attend any mandatory training.
- S. For police officers, fire fighters, and those employed within these public safety departments: Any conduct that violates a policy, rule, regulation, or procedure specific to that department where the policy, rule, regulation, or procedure provides for or allows termination.
- T. Any conduct, action, or inaction that disqualifies the employee from performing his or her duties.
- U. Any conduct, action, or inaction that an applicable federal, state, or local law authorizes or mandates termination.

## **8.5. Off Duty Conduct**

The City may discipline employees for their off duty behavior where the off duty behavior interferes with job performance or otherwise reflects poorly on the City and is adverse or detrimental to the public interest and confidence in light of the employee's profile, position, and job duties with the City. Moreover, where employees who occupy a position of public trust or high public visibility, such as law enforcement officers, are charged with a felony the City may discipline the employee as a result of the charge, including immediate suspension without pay pending resolution of the charge.

## **8.6. Conducting an Investigation**

The City Manager, Human Resource Director, or Department Head may conduct an investigation into the allegations which form the grounds for disciplinary action. During an investigation to determine the facts upon which disciplinary action may be imposed, the employee who is the subject of the investigation may be placed on administrative leave. Other employees must cooperate with any investigation undertaken as it relates to any other employee and may be required to provide written statements concerning any conduct or investigation at issue.

## **8.7. Imposing Disciplinary Action**

The City should do its best to impose disciplinary action in a consistent manner. However, every situation is different and subject to different variables and facts. As a result, there is no guarantee of and should be no expectation of consistency in every disciplinary action. In determining the type and severity of the disciplinary action, the City may consider aggravating and mitigating circumstances which include, but are not limited to: (1) the repeated nature of misconduct; (2) prior disciplinary action imposed; (3) the severity of the misconduct; (4) the position held by the employee; (5) the employee's work and performance record; (6) the effect on City operations; and (7) the potential of the misconduct to harm persons, property, the public interest, or public trust.

Before imposing disciplinary action, the employee should be given the opportunity to review the disciplinary action with his or her Department Head, the City Manager, or the HR Director, or a combination of these individuals. The employee shall have the opportunity to respond to the allegations. The employee's written response, if any, and other related documents shall be placed in the employee's personnel file.

Suspension, demotion, transfer, or termination of an employee requires the approval of the HR department or the City Manager and the Department Head.

## **8.8. Appeal Process and Procedure**

If an employee to which Utah Code Ann. § 10-3-1105 applies is discharged, suspended for more than two days without pay, or involuntarily transferred from one position to another with less remuneration for any reason, the employee may appeal the discharge, suspension without pay, or involuntary transfer to the Washington City Employee Appeals Board. The process and procedure for the appeal is set forth in

Washington City Ordinance No. 2014-24, as amended from time to time, a copy of which is appended to this Handbook as Addendum B.

Employees to which Utah Code Ann. § 10-3-1105 does not apply (such as, by way of example but not limitation, Department Heads and probationary, part-time, temporary, and seasonal employees) have no right to an appeal of any adverse employment action. Such employees may have their employment terminated at any time, for any reason, with or without notice.

There is no right to appeal any disciplinary action that is outside of the appeals process provided in Utah Code Ann. § 10-3-1106.

## **9. EMPLOYEE GRIEVANCES**

### **9.1. Open Door Policy**

The City recognizes that from time to time employees may have concerns about their jobs, supervisors, co-workers, or the City in general. Employees are encouraged to discuss these concerns with their supervisor, Department Head, the HR Director, or the City Manager. To that end, supervisors and Department Heads should adopt an open door policy and make a reasonable amount of time available to meet with and discuss these issues with employees. To the extent possible, discussions with employees in this setting will be kept confidential. That is, only other employees or City representatives with a business or legal reason to know should be told about these discussions.

### **9.2. Formal Grievances**

The City provides a formal grievance procedure to employees as a means to assure employees that their concerns have been expressed to City management. Employees are encouraged but not required to avail themselves of this grievance procedure.

An employee may file a grievance about any perceived work-related issue or injustice they believe has occurred. An employee desiring to pursue a formal grievance must prepare and submit a separate written grievance to the HR Director. Written grievances shall contain, at a minimum, the following information:

- A.** The name of the employee;
- B.** Date the occurrence or action underlying the grievance occurred;
- C.** The nature of the grievance (explain what has happened);
- D.** Any historical information related to the grievance (e.g., is there is a history of this type of conduct; have you attempted to address it informally);
- E.** What resolution are you are seeking; and
- F.** The signature of the employee filing the grievance along with the date it was filed.

The HR Director may create forms for employee use in preparing grievances.

Employees should recognize that a significant lapse of time between the date the employee believes the grievance occurred and the date of filing the grievance makes it more difficult for the City to address the grievance and makes it less likely that the grievance will be given credence by the City, particularly if the grievance is made in advance of expected discipline, a pending disciplinary investigation, or shortly after disciplinary action is taken against the employee. As a result, a formal employee grievance must be filed within ten days of the event giving rise to the grievance or within ten days of when the employee acquires knowledge of the occurrence or event giving

rise to the grievance. If the grievance is filed later, the City reserves the right to take no action on it.

Employees who spend an inordinate amount of time preparing and submitting grievances that are without merit or are otherwise intended to have no legitimate purpose other than to harass supervisors, Department Heads, or other City employees or officials may have their grievances summarily rejected and may—in the case of the filing of numerous such grievances—be subject to disciplinary action.

If an employee is the subject of the grievance, the HR Director will provide that employee with notice and an opportunity to respond to and rebut the allegations. That response should be made within two weeks from the notice unless the HR Director, in his or her discretion, allows for a longer period, not to exceed an additional two weeks. If the grievance remains unresolved or the decision is considered unacceptable or the supervisor or Department Head fails to respond within the allotted time, the employee may pursue the grievance through the following chain of command:

1. Immediate Supervisor
2. Department Head
3. City Manager
4. Mayor
5. City Council

If an individual in this chain of command is the subject of the grievance, then the process will begin at the next step in the chain. Only the issues presented in the original grievance will be considered up the chain of command. The decision of the City Council constitutes the final consideration of a grievance. The HR Director shall be involved at all points in the process, and will be responsible for guiding the issue through the chain of command and corresponding with the grievant about the status of the matter.

This grievance policy is implemented as a mechanism to address and avoid problems as they arise and to provide for greater communication and a better working environment. It provides no guarantee that a grievance will be considered, it creates no property right and no cause of action, and it should create no expectation that a particular grievance will be addressed to the grieving party's satisfaction. Furthermore, given the nature and confidentiality concerns with personnel issues, the grievant is not entitled to specific information concerning the outcome of the grievance and whether and to what degree disciplinary action is undertaken, if at all. The grievant, however, should be advised that the matter has been resolved.

This grievance procedure does not apply to issues arising under the City's Equal Employment Opportunity Policy (Section 2) or formal appeals arising under Utah Code §§ 10-3-1105 and -1105. Those matters should be handled in accordance with the specific policies and laws that govern them. Thus, employees who believe they have been subjected to unlawful harassment or discrimination based on their status in a protected class should follow the complaint procedure in Section 2 of this Handbook.

Likewise, employees with a right of appeal under Utah Code §§ 10-3-1105 and -1106 should follow the procedure in City Ordinance 2014-24 governing employee appeals. The HR Director has the discretion to review grievance complaints as they come in to determine if they are more appropriately addressed through a different process.



## **10. PERSONNEL FILES AND EMPLOYEE RECORDS**

### **10.1. Contents of Personnel Files**

Personnel files are maintained on each employee and kept by the Human Resource Department. All appropriate personnel information related to an employee should be filed and maintained in the employee's personnel file. The information in the personnel file generally includes, but is not limited to, the employee's job application, resume, interview forms, Employment Eligibility Verification (Form I-9), Withholding Allowance Certificate (Form W-4), other forms required by state or federal law; a signed copy of the employee's acknowledgment of receiving a copy of this Handbook, the performance standard and job description for the position the employee currently occupies (if applicable), any releases or acknowledgments signed by the employee; all personnel action forms and evaluations, including any disciplinary actions or corrective action plans; and any other document that this Handbook indicates should be maintained in the personnel file.

### **10.2. Employee Privacy**

Employee personnel files and all contents therein are confidential and classified as private and protected. As such, the City will limit disclosure of any information in an employee's files to situations in which the City determines, in its discretion, that release of the information is necessary due to business or legal reasons. This includes, but is not limited to, any action before the Employee Appeals Board, defense of the City in any legal action, threatened legal action, or in any investigation conducted by a government agency. In situations where disclosure is not supported by a business or legal reason, disclosure of employee information is generally limited to those circumstances in which an employee or former employee has consented to the disclosure.

Access to employee personnel files will be limited to the HR Director, City Manager, Department Heads, City attorneys, insurers, and other individuals who have a business or legal reason to know what is in an employee's file. Employees who, because of their job duties, have access to personnel files will be expected to maintain the confidentiality of those files or be subject to disciplinary action for an unwarranted disclosure.

### **10.3. Employee Inspection of Personnel Files**

Personnel files remain the sole property of the City. Employees, however, may review their own files on a quarterly basis. An employee wishing to review his or her file should submit a written request to the HR Director. The employee will be permitted to review the file during normal business hours and in the presence of the City Manager, a Department Head, or the HR Director. Employees may not remove any information from the file or take the file off the premises, but the City will provide copies of one or two documents at the employee's request. An employee desiring a copy of the entire

file is responsible for paying the costs of such copying. The normal charge for copying is 25 cents per page.

#### **10.4. Release of Information to Law Enforcement Authorities**

Employee information, including information maintained in a personnel file, will be released to federal, state, and local law enforcement agencies and other officials in response to a subpoena or in response to a written request on the agency's letterhead. The City reserves the right to disclose any and all information in an employee's file when necessary to cooperate with medical, law enforcement, or public safety personnel.

## **11. PERFORMANCE REVIEW POLICY**

### **11.1. Purpose**

Supervisors and employees are strongly encouraged to routinely discuss job performance and goals on an informal basis. Routine and ongoing discussions with supervisors about job duties, performance, and the work environment are excellent opportunities for employees to clarify any questions they have about their job. The review gives the employee and supervisor an opportunity to discuss job tasks, encourage and recognize strengths, identify and correct weaknesses, and discuss constructive, purposeful approaches for meeting goals.

Performance evaluations are an ongoing process which requires that supervisor and subordinates meet periodically to discuss achievements, review performance and mutually agree on strategies to eliminate performance deficiencies. Formal employee reviews will be maintained in an employee's personnel file.

Department Heads and supervisory personnel are required to conduct and prepare performance evaluations when scheduled and as requested by the City. Performance reviews may include self-evaluations. Employees may also be given the opportunity to prepare relevant comments to accompany their evaluations.

### **11.2. Probationary Employees**

Performance evaluations shall be completed for probationary employees following or near the end of their probationary period. These performance evaluations and the results of such evaluations, even if positive, shall not obligate the City to a particular course of action relative to probationary employees, nor shall it create any property or due process rights for probationary employees relative to their employment with the City.

### **11.3. Full-time Employees**

Full-time employees will receive performance evaluations at least once a year.

### **11.4. Favorable Performance Evaluations**

While the City applauds good performance evaluations, a favorable performance evaluation is not a safe harbor from disciplinary action. Employees should have no expectation that a good evaluation will somehow lead to lesser discipline in the event of subsequent conduct that the City determines warrants disciplinary action. A favorable performance evaluation does not change the City's right to terminate the employment relationship or otherwise impose disciplinary action, and does not assure the employee of continued employment for any term.

## **12. COMPENSATION**

### **12.1. Compensation**

Compensation for all employees is set and determined by the City. Increases in compensation for merit and market increases may be made from time-to-time as determined in the City's sole discretion subject to budgetary and other monetary constraints and considerations. The City shall comply with all applicable federal and state wage laws in determining and fixing compensation.

### **12.2. Overtime**

The City will pay overtime in accordance with and as required by the Fair Labor Standards Act ("FLSA"). Except as noted below, full-time employees classified as "nonexempt" under the FLSA are not authorized to work more than 40 hours in any one week without the advance written consent of the City Manager or their Department Head. If an emergency arises, and an employee is unable to obtain prior written consent, the employee may work more than 40 hours in a week. However, the City Manager or the employee's Department Head must be notified as soon as possible and written consent for such excess hours must be obtained. All authorized overtime will be compensated at one and one-half times the employee's regular rate of compensation. If it is determined that an employee works excess hours without advance consent and not under emergency conditions, the City may reduce an employee's hours and corresponding pay for a subsequent week.

For purposes of computing overtime, only actual hours spent working are to be applied to an overtime computation. Thus, unless specifically required by the FLSA, paid leave (e.g., vacation, sick, bereavement, jury, etc.) granted to an employee by the City does not constitute actual hours worked and will not be credited toward overtime compensation.

Overtime is calculated for all non-exempt employees, other than public safety employees, at the rate of one and one-half (1 ½) times the employee's regular hourly rate) for all hours worked over 40 hours in any given work week. Overtime must be approved by the employee's supervisor and is not guaranteed as part of an employee's regularly scheduled shift. For pay purposes, jury, military, funeral, vacation, sick, and/or any other time defined by FLSA, with the exception of holiday pay, will not be considered "time worked." Any day defined as a Holiday is considered "time worked" for calculating overtime pay.

Overtime is calculated on a single workweek which includes seven consecutive days beginning at 12:00 am on Monday and ending at 11:59:59 pm on Sunday.

Employee Class	Work Period	Hours Worked Before Overtime
Firefighters	24 Days	182
Police	14 Days (Coincides with Pay Period)	80
Non-Exempt Employees	7 Days (Mon. 12:00 AM to Sunday 11:59:59 pm)	40

The Police and Fire Departments may adopt different work periods as authorized by the FLSA to govern overtime for their police officers and fire fighters. Law enforcement officers and firefighters employed by the City (non-volunteers) may work overtime without prior authorization in emergency situations but should notify the Police or Fire Chief, as applicable, as soon as possible about the overtime worked. Any policy distributed by the Police or Fire Department governing work periods must first be reviewed and approved by the City Manager before implementation.

### **12.3. Compensatory Time**

Employees may opt to take compensatory time off in lieu of overtime pay. Compensatory time will be governed by a memorandum of understanding that employees must sign to be eligible. Please refer to that memorandum for further information concerning compensatory time which is appended to this Handbook as Addendum D.

### **12.4. Time Keeping**

Accurately recording time is the responsibility of each employee. Time worked is all the time actually spent on the job. All nonexempt employees are required to use a time sheet that will be collected bi-weekly. Employees shall complete and sign a time sheet showing all hours worked, including overtime, and submit the time sheet to their Department Head or the City's Payroll Clerk, for examination and filing. An employee's signature constitutes that employee's verification of the time sheet's accuracy. It is essential that employees turn in time sheets on time. Employees who do not comply with the City's timekeeping policy will be subject to disciplinary action, including but not limited to immediate discharge. Employees who complete time sheets for other employees or who allow other employees to complete their time sheets will also be subject to disciplinary action, including but not limited to immediate discharge. Notwithstanding the above, the Payroll Clerk is authorized to discuss any time sheet discrepancies or questions with the employee, the HR Director, or the Department Head and, with notice to the employee, to correct such discrepancies.

Department heads and other exempt employees are required to track and submit for time for vacations, time off, and other leave taken.

For pay purposes, jury, military, funeral, vacation, sick, and/or any other time defined by FLSA, with the exception of holiday pay, may not be used with hours worked to exceed the total number of hours normally scheduled during the week (generally 40 hours per week for full-time non-exempt employees).

## **12.5. Breaks and Meal Policy**

Employees working no more than four hours in a day are provided with one, ten-minute break period. Employees working more than four hours in a day are provided with two, ten-minute break periods—one during the morning work period and one in the afternoon work period. Generally, employees will be compensated for these break periods. The time of an employee's break must be arranged with the appropriate supervisor.

Employees are also provided with a one-hour, unpaid lunch break each workday, in the middle of the day. Lunch periods should be scheduled to accommodate operational requirements, as determined by supervisory personnel. Changes to an employee's normal lunch hour can be made with the supervisor's permission. Employees working no more than four hours in a day do not have a lunch break.

## **13. PAYROLL ADMINISTRATION**

### **13.1 Payroll Administration**

The City issues paychecks for its employees bi-weekly (i.e., every two weeks). The City is required by law to make certain deductions from paychecks each time one is issued. Among these are your federal, state, and local income taxes and your contribution to Social Security. These deductions are itemized on your check stub. Other deductions may be made as authorized by the employee, such as, for example, direct deposit into a bank or financial institution, group life insurance, pension, or savings plan, or as required by court order, such as a court-ordered garnishment.

### **13.2. Salary Advancement**

Payroll advances are not made.

### **13.3. Garnishments**

Within seven days of receipt of a garnishment notice, the employee who is the subject of the garnishment notice will be notified, either verbally or in writing that the garnishment has been served on the City. No employee may be discharged because the employee's earnings have been garnished. Any questions regarding garnishments and how they are handled and their effect upon an employee's check should be directed to Human Resources.

### **13.3. Indebted to the City**

If an employee is indebted to the City for any reason, the City may deduct such debt from the net pay of the employee if the employee has been given notice of the debt and has failed to pay it, or if the employee's employment with the City is terminating.

## **14. REIMBURSABLE EXPENSES**

### **14.1. General Policy and Procedure**

With prior approval, the City will reimburse an employee's legitimate work-related expenses. Reimbursement may be in the form of petty cash or a separate check. Records must be kept reflecting the amount of reimbursement each employee has received. Employees shall submit original receipts or other evidence of expenses to be eligible for and obtain reimbursement—no exceptions. Requests for reimbursements must be within thirty days of the date the expense was incurred and must be accompanied by an original receipt and pre-authorization for the purchase by the employee's Department Head. The City may refuse to reimburse any employee who fails to provide this information within this thirty day time frame.

### **14.2. Training and Conferences**

If the City requires an employee to attend training seminars, conferences, briefings, or gather information, the City will pay the employee his or her regular pay and will reimburse the employee for any tuition or fees.

### **14.3. Travel Policy**

Travel outside of Washington City limits for City purposes in City vehicles may be authorized when the use of the vehicle does not detract from the operational needs of Washington City. Overnight use of City vehicles for travel purposes must be authorized by the City Manager or an employee's Department Head and shall be in compliance with the City's Vehicle Policy. If travel is outside the range of service of Washington City's repair shop, and vehicle repair becomes necessary, repair costs in conjunction with the use of Washington City vehicles shall be paid by the employee with receipts being kept for reimbursements as outlined above.

All hotel or other sleeping accommodations and airplane or other travel accommodations for employees and officials on City business shall be arranged in advance for overnight trips and paid in advance of the trip with an appropriate City credit card. If such payment in advance is not possible, Washington City shall reimburse to the employee the cash amount of the cost of such sleeping and travel accommodations after receiving the appropriate receipts to verify that the employee has expended their own money for such purposes. Failure to produce a receipt in such circumstances will necessitate the withholding of reimbursement. Receipts for hotel accommodations shall be turned into Washington City by the employee as a verification of attendance no matter what the form of payment.

Use of an employee's personal vehicle may be authorized when circumstances warrant. The employee shall keep track of the mileage associated with the approved travel and submit a request for reimbursement to his or her Department Head based



upon this record. The mileage rate will be consistent with the established rate used for Internal Revenue Service travel deductions.

In lieu of reimbursement for mileage and the assignment of City vehicles, specific City employees may be authorized a monthly travel allowance, according to regulations established in the City Vehicle Policy.

The established maximum daily per diem allowance for City employees will be granted at the daily amount recommended by the City's Financial Supervisor. No per diem is authorized for spouses of employees or others traveling with the employee at their own expense. Receipts are not required for per diem advancements or compensation unless the employee requests reimbursement above the authorized amount.

## **15. BENEFITS**

### **15.1. General Benefit Plans**

The City offers benefits to only eligible employees. These benefits may include health, life, and disability insurance, and retirement plans. Eligibility for benefits also depends upon the specific requirements of each benefit plan. Elected officials may also qualify for certain benefits. All benefits provided by the City are described in official documents that are kept on file with or distributed by the Human Resources Department. These documents are available for examination by any plan participant or beneficiary. These documents are the only official and binding materials concerning the City's benefits programs.

The federal Consolidated Omnibus Budget Reconciliation Act (COBRA) of 1986 gives employees and their qualified beneficiaries the opportunity to continue health insurance coverage under the City's health plan when a qualifying event would normally result in the loss of eligibility. Employees, spouses, and dependents covered by the City's health benefit plan will be notified, when appropriate, of the opportunity to continue their health care coverage, at their own expense, for a qualifying event. Examples of qualifying events include layoff, termination, reduction in hours of employment, and separation or divorce. In addition, they will be provided, when required, with a certificate of prior health coverage when they lose coverage under the health benefit plan. If you would like more information on COBRA, please contact the Human Resources Department.

Full-time employees who are covered under another medical insurance plan, such as through a parent or spouse, may opt-out of coverage through Washington City and receive a payment in lieu of health insurance coverage. To be eligible for the benefit, the employee must provide proof of coverage to Human Resources at the time of enrollment and thereafter during annual open enrollment. Under IRS regulations, this benefit is classified as taxable income.

### **15.2. Suspended Employees**

Employees who are eligible for and receive benefits remain eligible to continue to receive those benefits during any period of a disciplinary suspension, provided that the employee shall be responsible to pay his or her portion of any insurance premiums during any period of suspension without pay. As a result, if an employee is suspended without pay, and has his or her premiums normally deducted from his or her paycheck, the employee should arrange with the HR Director to make the premium payments to ensure continuing coverage during the period of suspension.

### **15.3. Continuing Education and Job Training**

Employees are encouraged to obtain continuing education through attendance at job related seminars. Requests for attendance must be approved in advance by the City Manager or the employee's Department Head.

When the City requires an employee to attend any education or training course, conference, seminar, or certification course, the City will provide the necessary time off with pay and, consistent with its general policy on reimbursements, will reimburse the employee for all associated costs including tuition or registration fees, authorized travel, meals, and lodging. Provided, however, that if an employee fails to pass any such course after two attempts, the employee shall be solely responsible for all costs and expenses related to taking the course thereafter.

Employees are encouraged to further their education and training in areas that will enhance their job performance, even where not necessarily required by the City. Upon advance approval by the City Manager and the employee's Department Head, and upon successful completion of relevant training courses, employees may be reimbursed for half (½) of their tuition fees for such education and training. Proof of successful completion will include one of the following: (1) a certificate indicating successful course completion, if applicable; or (2) a grade "C" or higher on an "A, B, C, D, F" grading scale.

#### **15.4. Retirement Incentives**

Employees with at least fifteen years of service as an employee of the City and meet the eligibility requirements for and are receiving benefits under the Utah State Retirement System may receive a credit of one hundred percent (100%) of their accumulated sick leave (not already compensated to or used by the employee under Section 17.4 of this Handbook) to be applied toward the payment of medical insurance premiums during retirement.

Employees with at least twenty five years but fewer than thirty years of retirement service credit with the Utah State Retirement System may voluntarily authorize the City to apply some or all of their accumulated sick leave with the City (not already compensated to or used by the employee under Section 17.4 of this Handbook) toward the employee's purchase of additional retirement service credit for the employee in the Utah State Retirement System. The employee may not purchase additional retirement service credit that, when combined with an employee's current years of retirement service credit, would exceed thirty years of total retirement service credit.

#### **15.5. Elected Officials and Retirement Benefits**

For purposes of Utah Retirement Systems (URS) coverage, the City classifies all Tier 2 elected officials as part-time. Eligibility for retirement coverage under Utah Retirement Systems shall be administered in accordance with the statutory rules governing Utah Retirement Systems. (See Utah Retirement Systems Employer's Guide).

## **16. FAMILY AND MEDICAL LEAVE**

In compliance with the Family and Medical Leave Act of 1993 (“FMLA”), the City will provide up to twelve work weeks’ leave for employees eligible for leave under the FMLA. The following policy outlines the requirements for obtaining leave, the amount of leave that may be taken, and how the leave relates to other time off provided by the City. An eligible employee that desires FMLA leave should contact the HR Director to request FMLA leave.

### **16.1. Eligibility for FMLA Leave**

Employees who have at least twelve months’ service at the City and who have worked at least 1,250 hours in the twelve months preceding the date the requested leave is to begin are eligible for FMLA leave. Employees who do not satisfy these requirements are not eligible for FMLA leave, but may be eligible for other unpaid leave in accordance with City policy.

Employees may take FMLA leave in the following circumstances (or as otherwise authorized by the FMLA):

- A.** To care for a newborn child so long as leave is completed before the child’s first birthday;
- B.** Placement of a child for adoption or foster care so long as leave is completed before the one-year anniversary of the initial placement;
- C.** To care for a spouse, child, or parent of an employee who requires such care because of a serious health condition; or
- D.** Because the employee has a serious health condition which renders him or her unable to perform his or her job.

### **16.2. Amount of FMLA Leave**

In no event can FMLA leave last for longer than twelve weeks. Employees on FMLA leave must exhaust all accrued but unused vacation and sick leave before being placed on unpaid status. No additional vacation or sick leave will accrue while an employee is on FMLA leave. However, upon returning to work, employees will continue to accrue both vacation and sick leave.

An employee who is taking FMLA leave on account of his or her health may take leave intermittently or on a reduced schedule basis. Where necessary, an employee on intermittent or reduced schedule may be transferred to another position, with no loss in pay or benefits, which will more easily accommodate the need for the leave.

Employees taking FMLA leave for any other reason are not entitled to leave on an intermittent or reduced schedule basis.

### **16.3. Health Benefits During FMLA Leave**

During FMLA leave, an employee's health insurance will continue on the same basis as when the employee was on active status. If this requires employee contribution for health insurance, the employee must make timely premium payments in order to maintain insurance for himself/herself and dependents. At the employee's option, at the beginning of the FMLA leave, the employee may prepay all insurance premiums.

If an employee voluntarily decides not to return from FMLA leave, the City is entitled to collect from the employee all health premiums the City paid for the employee during the employee's FMLA leave.

### **16.4. Notice of FMLA Leave**

An employee seeking FMLA leave must provide, to the extent practicable, thirty days' written notice that he or she intends to take FMLA leave. If an employee does not provide at least thirty days' notice, an explanation must be provided as to why less notice was given. Forms for notifying the City of the need for FMLA leave are available in the Human Resources Department.

### **16.5. Certification of Need for FMLA Leave**

Each employee requesting FMLA leave on account of a medical condition of the employee, spouse, child, or parent must provide certification from a health care provider. The required forms are available from the Human Resources Department.

### **16.6. Reinstatement Following FMLA Leave**

At the beginning of the FMLA leave, the employee is to inform the City of his or her expected return date. To the extent possible, employees will be returned to the same position occupied before FMLA leave begins. If, however, that position is not available, employees returning from leave will be offered an equivalent position in the City.

### **16.7. Notice Concerning FMLA**

An employee who requests or is on FMLA leave has no greater protection against disciplinary action for reasons not related to his or her FMLA request or leave than he or she did before submitting the request or taking FMLA leave. An employee may be disciplined (up to and including termination) if the action would have been taken in the absence of the FMLA request or leave.

## **17. LEAVES OF ABSENCE**

### **17.1. Unexcused Absences**

Any unauthorized or unexcused absence is grounds for disciplinary action, up to and including termination.

Any employee who is absent for two or more consecutive work days without authorized leave shall be deemed to have voluntarily resigned their position and employment without notice. Where extenuating circumstances are found to have existed, however, such absence may be retroactively authorized by the City Manager or the employee's Department Head by subsequent grant of leave with or without pay as the circumstances dictate, in the City's sole discretion.

### **17.2. Vacations**

The City provides paid time off for vacation, which enables employees to take personal time away from the job primarily for the purposes of rest and recreation. Full-time employees receive annual vacation leave at the following rate:

- A.** From hire date through five years of service, ten work days of annual vacation leave shall accrue at the rate of 3.08 hours per pay period.
- B.** From six years through ten years of service, 15 work days of annual vacation leave shall accrue at the rate of 4.62 hours per pay period.
- C.** For 11 and above 11 years of service, 20 work days of annual vacation leave shall accrue at the rate of 6.16 hours per pay period.

Persons hired on an emergency, part-time, seasonal, temporary, or contract basis shall not accrue annual vacation leave.

The maximum annual vacation leave which can be accrued and carried forward from year to year is 120 hours. Any annual accrued vacation in excess of 80 hours may be paid out to the employee at their regular pay rate, up to a maximum of 40 hours in a given calendar year, if approved by the Department Head, HR Director and City Manager. Payments must be made in the year in which the vacation was accrued. Any accrued annual vacation leave in excess of 120 hours shall be forfeited on the employee's hire date of the year in which the leave was accrued. Employees employed in the police or fire department may carry over their vacation in accordance with departmental procedures adopted by the chief of the department and approved by the City Manager.

A holiday which falls on an employee's annual vacation leave shall be counted as a paid holiday and not as annual vacation leave.

An employee who is separated from employment may be compensated for all accrued annual vacation leave.

All annual vacation leave requests must be submitted a reasonable time in advance of the desired time off to the City Manager or Department Head. If an excessive (being the number of requests if granted that would render the department or organization ineffective) amount of employees request annual vacation leave for the same time period, annual vacation leave shall be granted in order of application (first-come-first-served) at the discretion of the City Manager or Department Head.

Vacation time shall not accrue when an employee is on short-term disability, long-term disability, FMLA leave, or any other leave of absence. In addition, employees on FMLA leave will be required to use any accrued, but unused vacation while on leave.

### **17.3. Holidays**

The City observes the following holidays:

<b><i>Holiday</i></b>	<b><i>Date observed</i></b>
New Years' Day	January 1
Martin Luther King Jr. Day	3rd Monday in January
President's Day	3rd Monday in February
Memorial Day	Last Monday in May
Juneteenth	June 19
Independence Day	July 4
Pioneer Day	July 24
Labor Day	1st Monday in September
Columbus Day	2nd Monday in October
Veteran's Day	November 11
Thanksgiving	4th Thursday in November
day after Thanksgiving	4th Friday in November
Christmas Eve	December 24
Christmas Day	December 25

If any of the above holidays fall on Saturday, the City will observe the preceding Friday as the holiday. If any of the above holidays fall on Sunday, the City will observe the following Monday as the holiday. Full-time employees will be paid for eight hours time on each holiday; provided, however, that full-time employees who are on any type

of unpaid leave at the time of the holiday will not receive holiday pay for that holiday. All other employees are not eligible for holiday pay.

#### **17.4. Sick Leave**

The City provides paid time off in the form of sick leave to prevent loss of pay for incidental illness of short duration. Sick pay may be used by eligible employees who are absent from work due to personal illness or injury, to attend to personal illness or injury of family members (spouse, children, parents), or to keep medical and dental appointments for themselves, provided that such appointments do not take more than two hours.

Sick leave shall be available to all full-time employees, including full-time employees who are in a probationary period of employment. Part-time, seasonal, and temporary employees are not eligible for sick leave.

Sick leave is accrued at the rate of 3.69 hours per pay period. Averaging to one day per month. The employee will begin to accrue sick leave immediately upon being hired by Washington City. Sick leave shall not accrue if an employee is on a leave-without-pay status. Records will be kept by the Human Resource Director. There is no limit to sick leave accumulation.

An employee who voluntarily terminates his or her employment shall be compensated one-half (1/2) of his or her accrued and unused sick leave up to a maximum of 45 days. Employees who are terminated by the City automatically forfeit all accrued and unused sick leave.

In order to qualify for sick leave usage, an employee must notify their Department Head or direct supervisor no later than one hour before normal starting time on each day of absence unless the circumstances surrounding the absence make such notification impossible. The Department Head, Human Resource Director or City Manager, should also be kept advised of the employee's progress and expected date of return to duty.

Any absence for illness beyond accrued sick leave will result in the employee being carried on annual leave status until all annual leave has expired, then be carried in a leave-without-pay status.

For sick leave in excess of three consecutive working days, or if abuse of sick leave is indicated, the City Manager, or Department Head, may require a certificate from the attending physician stating that such illness prevented the employee from working.

An employee will be paid only when the employee (or, if the employee is unable, a member of the employee's immediate family or household) notifies their Department Head, Supervisor, or Human Resource Director, within one hour before the employee's scheduled reporting time. Continued reporting for more than a one-time absence will require a call for each day missed. The City Manager or Department Head, may request



a doctor's release any time they question the reasonableness of an absence of one (1) day or more. This type of request should be the exception, not the rule.

### **17.5. Military Leave**

The City complies with all legal requirements regarding military leave. Generally, an employee who enters active service in any branch of the armed forces of the State of Utah or of the United States shall be granted a leave of absence during that service. Such employees shall be restored to the same position, or to a position equivalent to the same position, which the person held immediately prior to the commencement of active military service. As set forth in Utah Code Ann. § 39-3-1, a request for restoration of employment must be submitted within 40 days after release from active service. The City shall restore employment within 20 days after submission of the request by the employee. Employee's restored to employment shall, as required by law:

- A.** retain all personal, sick, and other leave to which the person was entitled immediately prior to the commencement of active military service;
- B.** receive and earn benefits and compensation at a level not less than that to which the person would have been entitled had the officer or employee not been absent due to active military service; and
- C.** may not be prejudiced, by the pre-service employer or that employer's successor in interest, as to employment, appointment, reappointment, reemployment, or promotion by reason of the employee's active military service.

Employees who are members of the organized reserve of the United States armed forces, including the National Guard of the state of Utah, are allowed up to full pay for all time not in excess of 15 days per calendar year spent on duty at annual encampment or rifle competition or other duties in connection with the reserve training and instruction requirements of the armed forces of the United States, including the National Guard of the State of Utah.

This military leave policy shall be deemed to include any other requirements imposed by federal or state law.

### **17.6. Jury Duty and Legal Proceedings**

The City recognizes the importance of having individuals in the community serve on civil and criminal juries and encourages employees to respond positively when summoned for jury duty. An employee who receives a jury summons should immediately inform his or her supervisor of the date(s) he or she has been called to duty. Employees may take leave for jury duty for as long as the employee is required to serve. Upon conclusion of jury duty leave, an employee will be reinstated to the same position held before the leave began. 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.

Jury duty pay will be calculated at the base rate of eight hours straight time for each day absent. No overtime or holiday pay will be paid. All compensation received from the court, including travel expenses, will be set off against the base pay and the employee will receive the difference.

For purposes of this policy, leave is also granted where the employee is required to serve as a witness in any litigation matter involving Washington City in any municipal, state, or federal court, or before any administrative tribunal. Paid leave will not be granted when the employee is serving as his own witness in financial and related suits which he or she has initiated.

The City recognizes that there may be public hearings, such as Board of Adjustment hearings or hearings before the Employee Appeals Board, which may be of general interest to employees. While employees are welcome to attend such public hearings as is any other member of the public, the City will not grant leave to do so and does not authorize the taking of any leave to do so where the hearing is conducted during that employee's scheduled working hours unless that employee is a participant in the proceedings, and consistent with the above-stated policy.

#### **17.7. Bereavement Leave**

In the event of the death of an immediate family member, the City will grant up to three days' paid leave to enable an employee to attend any funeral or memorial services. For purposes of this bereavement policy, immediate family is defined as an employee's spouse, child, mother, father, mother-in-law, father-in-law, brother, sister, brother-in-law, sister-in-law, grandmother, grandfather, aunt, or uncle. The City Manager or Department Head must authorize bereavement leave. The City Manager or Department Head may approve bereavement leave for employees to attend to other than immediate family members on a case-by-case basis. Bereavement leave is not charged against accrued annual vacation or sick leave.

#### **17.8. Administrative Leave with Pay**

While performing authorized duties: Full-time employees, including full-time employees on probationary status, may be granted administrative leave with pay to perform authorized duties in connection with City business, attend trade or professional meetings which relate to official duties, participate in recognized and authorized training programs, or facilitate the needs of the City.

Pending Possible Disciplinary Action: Full-time employees, including full-time employees on probationary status, may be granted administrative leave with pay pending the outcome of an investigation undertaken to determine if disciplinary action against the employee is warranted.

#### **17.9. Administrative Leave without Pay**

The City Manager or Department Head with the approval of the City Manager may grant an employee leave without pay for a specified period of time, not to exceed

one year. At the expiration of the leave without pay, the employee should return to the same position, where feasible, or to a similar position. Failure of the employee to return to work at the expiration of leave without pay will be considered a voluntary resignation of their position and employment without notice.

Authorized leave without pay shall not constitute a break in service. However, during a leave without pay period in excess of 30 calendar days, an employee's annual vacation leave, sick leave, and time toward their performance evaluation, if applicable, shall not accrue.

Leave without pay may generally be granted:

- A.** For education purposes when the employee's course of study will be of direct benefit to Washington City, their absence will not be a hardship for their department, and the employee agrees to return to work at the end of the leave without pay period.
- B.** To attend funerals not covered by the funeral leave policy.
- C.** To attend to an ill or injured member of the employee's immediate family when the absence is not covered by sick leave.
- D.** Other extenuating circumstances that, in the discretion of the City Manager, warrant leave without pay.

Employees are expected to apply for leave without pay in advance and in writing, providing as much detail about the absence as possible so that the City Manager or the employee's Department Head may decide where the leave without pay is warranted.

Employees on leave without pay, for any reason, will not accrue vacation time and will not receive holiday pay.

#### **17.10. Other Leave Requests**

The City recognizes that there may be other situations in which employees need to take leave for personal reasons. In that event, employees should discuss the request with their supervisor and their supervisor shall consider such requests on a case-by-case basis, and should grant leave as appropriate.

#### **17.11. Documentation of Leave**

Some of the above absences must be supported by a copy of the official paperwork causing the absence. Such paperwork must be submitted to the City Manager, Human Resource Director, or their Department Head, as soon as possible. In some cases where official paperwork is not available, the City Manager or their Department Head, may request that the employee supply additional information in writing to support the absence.

#### **17.12. Donation of Leave Time**

Employees may donate their accrued vacation, sick leave, and comp time to other employees by filing a written request with the HR Director. Sick leave donations must be approved by the City Manager.

## **18. GENERAL SAFETY GUIDELINES**

The following general safety guidelines and rules govern conduct in the workplace. These guidelines and rules are in addition to any applicable to a specific area or Department and any training received by an employee for his or her specific job. These guidelines are also in addition to those imposed by applicable federal, state, or local law.

### **18.1. General Guidelines**

- A.** Proper licensing and extreme caution are required by all employees operating any type of power equipment.
- B.** Employees will use safety equipment appropriate to the job, such as safety glasses, gloves, toe guards, back supports, and hard hats, if required or appropriate to the work performed.
- C.** Employees will avoid wearing loose clothing and jewelry while working on or near equipment and machines. Long hair will be properly secured.
- D.** All accidents, regardless of severity, personal or vehicular, shall be reported immediately to the supervisor or Department Head.
- E.** Defective equipment must be reported immediately to the supervisor or Department Head.
- F.** Employees will not operate equipment or use tools for which licensing and training has not been received.
- G.** In all work situations, safeguards required by State and Federal Safety Orders will be provided.

**Due to the potential risk of serious injury or death, employees are prohibited from entertaining, or caring for, guests or family members in or around inherently dangerous work areas. These areas include, but are not limited to:**

- 1.** Road repair
- 2.** Construction areas
- 3.** Vehicle maintenance areas
- 4.** Swimming pools
- 5.** Animal control
- 6.** Power plants
- 7.** Sewers

### **18.2. Proper Use of Washington City Equipment and Tools**

The use of Washington City equipment or tools for private purposes is strictly prohibited. However, reasonable use of Washington City tools and equipment to protect property and preserve life is authorized.

Employees are required to attend City provided training; including an explanation of job hazards, safety procedures and training on all equipment, tools, etc., necessary

for the accomplishment of the employee's job description. Employees may attend additional training as approved by Washington City.

A commercial driver's license (CDL) is required for operators of commercial motor vehicles. No individual shall be allowed to operate such vehicles unless they have a current commercial driver's license in their possession. This license is required pursuant to the Commercial Motor Vehicle Safety Act of 1986. Employees must renew their CDL at four-year intervals.

Operators and passengers in a City vehicle equipped with seat belts must wear them when the vehicle is in operation, and all employees operating vehicles shall observe all applicable traffic laws.

Employees shall keep City vehicles which are used by them clean, presentable, and serviceable. Employees receiving car allowances shall also keep their vehicles clean, presentable, and serviceable.

## **19. COMMUNICATION AND INFORMATION SYSTEMS**

### **19.1. City Ownership of Systems**

The City provides communications and information tools, systems, equipment, technology, and devices for work-related use by its employees. These include: computers, laptops, notebooks and tablets, telephones, facsimile equipment, email accounts, Internet account and access, cell phones, pagers, cloud-based storage, data plans, and any other tools, systems, equipment, technology, and devices provided and paid for by the City for use by employees.

These tools, systems, equipment, and devices are owned by the City and provided to employees for business purposes. As such, these tools, systems, equipment, technology, and devices should be used properly, efficiently, and in accordance with City policy.

In order to protect City information, employees must not share their passwords to any City information systems with any other individuals, including other employees or outsiders. Nor is it appropriate to attempt to subvert network security either by accessing the Internet or other City owned systems without using your password or by seeking to discover other passwords to gain access. Violation of these principles will result in discontinuance of your right to use the City information systems and may lead to further disciplinary action, up to and including termination.

### **19.2. Right of Surveillance, Searching, and Monitoring**

Employees should hold no expectation of privacy when using City communications and information tools, systems, equipment, technology, and devices. The City reserves the right to access, intercept, review, search, and monitor all data sent over and using its communications and information tools, systems, equipment, technology, and devices for non-investigatory, work-related purposes or to investigate work-related misconduct. This includes but is not limited to e-mails, instant messaging, text messaging, browsing history, telephone, and voice-mail services. It also includes attachments and forwarded messages of any kind. By using City owned communications and information tools, systems, equipment, technology, and devices employees shall be deemed to have consented to the City's access, monitoring, and surveillance as set forth herein. Improper use of these items may subject an employee to disciplinary action, up to and including termination. Employees who seek to block or otherwise prevent monitoring and surveillance will be subject to immediate disciplinary action up to and including termination.

### **19.3. Telephone**

The telephone systems (including any City owned cell phones) are provided for business purposes only. Improper or excessive personal use, which increases costs, interferes with job performance, or is used to harass or insult others is strictly prohibited.

As indicated in Section 19.2 above, the City has the right to monitor all incoming and outgoing telephone calls made using City equipment. Monitoring will be done for the quality improvement, performance evaluation, and training purposes.

#### **19.4. Internet**

Employees will be provided with passwords and e-mail addresses to enable them to use the City's Internet account and cloud-based storage. This usage is subject to the same code of conduct that applies to all other actions in the workplace. As indicated in Section 19.2 above, the City may monitor Internet use, including maintaining a log of users, sites visited, and time spent on each site. Use of the City Internet account in a manner that violates any City rules or regulations constitutes grounds for disciplinary action, up to and including termination. The general rules and standards for Internet use are as follows:

- A. Professionalism.** Employees should remember that they are representatives of the City when using the City Internet account. Accordingly, they are expected to act and to communicate professionally on the Internet. Employees are not to engage in any commercial or illegal activities while using the City Internet account. Failure to observe this standard of conduct may result in disciplinary action, up to and including termination.
- B. Harassment Policy Applies.** The City will not tolerate employees downloading, viewing, or copying information from the Internet that may be viewed as harassing or defamatory. Internet use is subject to the City's harassment policy and employees suspected of violating the policy will be subject to investigation and possible disciplinary action, up to and including termination.
- C. On-Line Trading.** While the City will permit employees to occasionally check their accounts or submit trades, the City will not tolerate individuals who engage in "day trading" during working hours. In addition, the City does not guarantee that its system contains all the necessary security precautions that are advisable for employees transferring sensitive financial information to personal accounts. Therefore, the City will not bear any liability for errors or theft that may occur due to an employee's trading via the City computer.

#### **19.5. E-mail and Text Messaging**

The City provides an e-mail system for employees to communicate and conduct City business. In order to protect the confidentiality of communications, each employee has a distinct password to access his or her mailbox. As indicated in Section 19.2 above, all employees should be aware that the City has the ability to access the mailboxes of all employees and view the contents of the same. The City may monitor e-mail messages (whether incoming or outgoing) at any time. Employees must realize that this system is a business system, and not a personal communications network. Accordingly, employees will be expected to maintain the same degree of professionalism expected in all business communications when using e-mail. The City recognizes that from time-to-time employees may need to use their City e-mail account for personal communication but, consistent with this policy, should keep such



communications to a minimum and avoid it when other methods of personal and private communication are available to the employee.

In the event the City receives information that an employee is abusing the system or is sending harassing, damaging, or defamatory messages, an investigation will be conducted and the employee will be informed at the beginning of the investigation. If any employee has abused the right to use e-mail, he or she will be subject to discipline up to and including termination.

Complaints about information sent over the system or about messages sent to a specific employee should be brought to the supervisor's attention. Whenever possible, employees should obtain a hard copy of the message about which they wish to complain.

The confidentiality policy applies to all computerized information, including information on the e-mail system. Employees who permit others to have unauthorized access to the e-mail system will be subject to immediate discipline, up to and including termination.

Text messaging or instant messaging sent using a City owned cell phone or system or using a data plan paid for by the City is subject to this policy.

Use of private email accounts (e.g., hotmail, gmail, yahoo) that are accessed using City equipment over the City's Internet account are subject to this policy.

#### **19.6. Virus Protection**

Viruses are programs that are designed to reproduce themselves and destroy or otherwise interfere with files on a personal computer or a network. The risks associated with viruses on networks, such as the one operated by the City, are greatly increased since a virus can corrupt the entire system. A virus can be injected into the network or a personal computer by diskette or through electronic communications such as e-mail and Internet downloads. The City's systems continually scan for viruses and seek to prevent them from corrupting the system. Employees can help in the process.

Before loading any storage media, inserting any device, or downloading any files onto your work computer, use the virus protection software on your computer to scan for viruses. If there is no virus present, the program will let you know the disk or file is clean and you can proceed to open it. If a virus is detected, the program will clean it for you. If the virus cannot be cleaned, do not open the file. Call the City's technical representative immediately.

If you receive an email from an unknown person with an attachment, delete the email without opening it. In addition, the City's technical representative may periodically issue warnings about viruses that are being circulated via email. Employees are expected to read and abide by these warnings.

Employees who introduce viruses into the City's network or individual City personal computers, whether intentionally or negligently, will be subject to appropriate disciplinary action, up to and including immediate discharge. The City may hold employees responsible for any damage caused by the introduction of such virus.

#### **19.7. Personal Cell Phones**

While at work, the City expects employees to exercise the same discretion when using personal cell phones and devices as is expected for the use of City owned phones if those personal cell phones are utilized for work-related purposes. Employees may bring personal cell phones to work with them, however, excessive personal calls during working hours can interfere with productivity and be distracting to others. Use of personal cell phones for personal business is limited to use on breaks and for emergency purposes. For purposes of this policy, "use" of a cell phone includes any type of text messaging and time spent on social media sites and apps (Twitter, Facebook, Snapchat, Pinterest, Instagram, etc.) Employees shall not use personal cell phones while operating City equipment, including driving City vehicles. The City is not responsible for any lost or damaged personal cell phones or electronic devices brought into the workplace.

#### **19.8. Social Media Policy**

The City has adopted a policy that governs the use of social media. That policy is attached at Addendum E. In addition, the City may have its own social media, including a Facebook page and Twitter account. Only authorized employees may post to or "tweet" on behalf of the City from those social media sites, as well as from any other social media in which the City maintains an account. Use of the City's social media is subject to all policies set forth in this Handbook. An employee who makes an unauthorized post, tweet, or communication from or to these sites, or makes any post, tweet, or communication that violates a City policy will be subject to discipline up to and including termination.

## **20. PUBLIC SAFETY POLICY AND PROCEDURES**

In addition to the policies and procedures in this Handbook, employees working in the City's Police or Fire Departments will be subject to additional personnel policies, rules, and regulations as issued by the Police Chief or Fire Chief, respectively. Public safety personnel are expected to follow and adhere to those policies in addition to those provided in this Handbook. In the event of a conflict between the terms of any policy issued by the Police or Fire Department and this Handbook, the terms of this Handbook shall govern.

## **21. SEARCH POLICY**

The City reserves the right to conduct searches on City premises for non-investigatory, work-related purposes or to investigate work-related misconduct.

This includes engaging in any lawful method of investigation when the City property or the property of any customer, or employee is missing, or when the City suspects that information or equipment is being removed from the premises without proper authorization. One method the City may use is to search any and all offices, desks, file cabinets, computers and media storage and files, containers, employee belongings, or vehicles on City property. Employees must understand that anything they bring onto the property is subject to this policy that includes but is not limited to, briefcases, computer bags, purses, shopping bags, backpacks, and lunch boxes. The City also reserves the right to search any vehicles brought onto City property and any place on City property where property may be stored, including desks and lockers.

The City may also access and search all offices, desks, file cabinets, work stations, computers and media storage and files, email, etc. for the following reasons:

- A.** To retrieve work related materials;
- B.** To investigate potential violations or alleged violations of the provisions of this Handbook;
- C.** To investigate work-related employee misfeasance;
- D.** To respond to subpoenas;
- E.** To respond to government records requests;
- F.** To perform needed repair or maintenance of equipment;
- G.** To respond to administrative or judicial orders; or
- H.** To respond to requests for discovery in the course of litigation.

The City may, but shall not be required to obtain employee consent to conduct a search under this search policy. Any employee that inhibits or attempts to prohibit a search under this policy may be subject to disciplinary action.

## **22. MISCELLANEOUS PROVISIONS**

### **22.1. Bulletin Boards**

The City provides bulletin boards in employee break areas to convey information about the City. Employees should make it a practice to regularly review these bulletin boards for new and important information. Only the Human Resources Department or supervisory personnel are entitled to post information on the bulletin boards. Employees who post unauthorized information are subject to disciplinary action, up to and including discharge.

### **22.2. No Distribution/No Solicitation Policy**

The City does not permit employees to distribute information or solicit other employees for any reason during working time or in working areas. There are no exceptions to this policy. Non-employees are not permitted to distribute any literature or solicit any employees on City property at any time.

### **22.3. Copying or Removing City Documents**

The City copy machines are to be used for business-related purposes only. In addition, information relating to the City's operations, customers, methods, practices, and personnel is considered confidential and proprietary and is to be shared only with individuals who have a need to know such information.

Employees are not to make "extra" copies, whether hard or digital, of any City document or information for any purpose unrelated to the City's business. That includes making personal copies or forwarding City information to personal email accounts or digital storage.. Removal of any original City documents or copies of City documents from the premises, whether hard in copy or digital form, without express permission from their Department Head is expressly prohibited and will be viewed as theft of City information. Removal of private information related to other employees may also result in legal action for invasion of privacy. Employees who violate this policy will be subject to appropriate disciplinary action, up to and including termination.

### **22.4. Separation from Employment**

Upon an employee's separation from employment, for whatever reason, the employee is required to account for and return all equipment, records, or materials belonging to the City, which are in the possession of the employee.

### **22.5. Responding to Legal Claims**

It is not unusual for legal requests to be made of the City, such as, for example, requests for documents or information. In some situations legal documents may be delivered to employees to accept on the City's behalf. Employees are advised that only

the City Recorder is authorized to accept service of legal documents on behalf of the City. If an employee is presented with legal papers, the employee should immediately notify the City Manager, the City Attorney, or the City Recorder, or, if none is available, their Department Head or the HR Director.

Employees must immediately notify the City Manager, the City Attorney, or City Recorder if they are served with or receive legal documents which appear to arise out of or result from the employee's performance of work for the City. Employees should understand that there are important deadlines associated with legal documents. Therefore, it is imperative that any employee receiving any type of paperwork that appears to be legal in nature immediately transmit that paperwork to the City Manager, the City Attorney, or City Recorder. Once the documents have been transmitted to the appropriate individual a decision can be made as to what action, if any, must be taken. If the documents request that an employee provide documents or appear as a witness, the City may, to the extent the matter arises out of or results from the employee's performance of work for the City, advise the employee what to do, and if City business is involved the City or its insurance carrier may provide appropriate legal representation.

## **22.6. Media Contacts**

Employees should not speak to the media on the City's behalf or as a representative of the City without contacting and obtaining approval of the City Manager. All media inquiries should be directed to the City Manager's office or to the Public Relations Officer. This policy does not apply to any elected official, to the City Manager, to the Police Chief or designee on law enforcement or public safety issues, to the Fire Chief or designee on public safety issues, or to the City Attorney or the City's retained legal counsel on legal issues or litigation.

## **22.7. Use of Personal Tools or Equipment**

Employees may bring their own personal tools or equipment if they feel it will assist them to more adequately perform their work for the City. The City may reimburse employees for the employee's use of their own tools or equipment in the form of an allowance that will be paid on a monthly basis in an amount to be determined by the employee's Department Head. Prior to having any right to reimbursement, however, employees must receive prior written authorization from their Department Head to use their personal tools or equipment for their City work.

Employees should clearly mark their personal tools and equipment so that the tools and equipment are not confused with City property. Employees who use their personal tools and equipment on City work do so at their own risk. The City has no obligation to employees in the event their tools or equipment are lost or otherwise commingled with or mistaken and used as City equipment or property.

## **22.8. Other Laws; Required Postings**

The HR Director shall post those posters that federal and state law requires to be posted. Employees are encouraged to review and familiarize themselves with those postings and their rights and responsibilities as reflected and summarized therein.

## **QUESTIONS AND COMMENTS**

If you have any questions, comments, or concerns about this Handbook or any specific policy set forth in the Handbook, please feel free to discuss the same with your supervisor or the Director of Human Resources.

## **HANDBOOK AMENDMENTS**

This Handbook may be modified, amended, superseded, supplemented or replaced, in whole or in part, by the City at any time.

Modifications, supplements, or amendments may be accomplished by the City through the adoption of an entirely new handbook, handouts to supplement this Handbook, by e-mail, by Intranet, or by other means the City deems necessary and appropriate under the circumstances to accomplish the desired change.

## WASHINGTON CITY CODE OF ETHICS



### **Policy Declaration**

We, as officials and employees of Washington City, whether elected, appointed or employed, are guided by the following value statement:

*“Ethical behavior is critical to this organization’s ability to achieve its mission, goals, and objectives. The community’s perception of and confidence in city employees and officials are fundamental to quality government. As public servants, we are accountable for high standards of conduct.”*

### **Factors**

This code of ethics is an attempt to explain this value statement as it applies to our daily activities as city employees. In using this Code, several factors should be considered:

- A. The Code of Ethics is an official administrative policy
- B. This Code of Ethics is not intended to supersede existing law and policies as currently established in Washington City.
- C. Not all conduct fits neatly under the Code of Ethics. The standards and examples are designed to clearly guide conduct in common situations. Special circumstances may not be easily resolved by simply referring to the Code of Ethics. Your supervisor, department head, or Personnel Director can provide specific interpretation if necessary.

### **Goals**

- A. To protect and enhance the reputation of Washington City and its employees.
- B. To treat all citizens equally with courtesy and impartiality, and refrain from granting any special advantage to any citizen beyond what is available to all citizens.
- C. To give efficient, productive, and economic service to the public.
- D. To avoid real or potential conflicts between private and public duties, remembering that the public interest must be the principle concern.
- E. To keep confidential all information acquired by reason of one’s position which may be use for personal or financial gain for the employee or other persons.
- F. To refrain from securing special privileges or exemptions for one’s self or other persons that are not available to all citizens.
- G. To avoid receiving, soliciting or otherwise obtaining anything of value from any other public official, employee or citizen which is intended to influence the performance of official duties.



- H. To use city vehicles, equipment, supplies and/or property only for city work, and not for personal benefit or profit, except when it is available to the general public or as per adopted city policy.
- I. To disclose to the proper authority the nature and extent of any financial or personal interest in a city contract, legislation, or in any type of transaction involving the city, when participating in the development of or giving an official opinion on the matter.

### **Code of Ethics**

#### **A. Conflict of Interest:**

As a general rule, employees should not engage in or hold any direct or indirect interest in any business or transaction which may conflict with their official duties. This includes:

1. **Personal Investment**-If an employee, or a household relative, has a financial interest in a matter coming before him or her, a legislative body, or the department in which he is employed, he should disclose this information and disqualify himself from participation in the matter. Employees and city officials are at all times to comply with current state and local code regarding disclosure and abstentions from conflict of interest issues.
2. **Political Involvement**-Members share with their fellow citizens the right and responsibility to vote and to voice their opinion on public issues. However, in order not to impair their effectiveness on behalf of the City, employees should not participate in political activities to support the candidacy of individuals running for any city offices. Specifically, they shall not endorse candidates, make financial contributions, sign or circulate petitions, or participate in fund-raising activities for individuals seeking or holding elected office.
3. **Outside Employment**-Employees should not engage in outside employment or business activities which involve such hours of work or physical effort that it would or could be reasonably expected to reduce the quality or quantity of such person's services to the city. Employees should not be engaged in any outside employment which involves the performance by them of any work which will come before them as officers or employees of the city, or under their supervision, for approval or inspection. Before accepting outside employment, an employee must disclose to his or her Department Head the nature of the employment and receive written approval from that Department Head and the City Manager to engage in such outside employment.

#### **B. Acceptance of Gifts and Gratuities:**

Employees should not accept money or other considerations or favors from anyone other than the city for an act which they would be required or expected to perform in the regular course of their duties. This includes, but is not limited to:

1. Acceptance of gifts for special considerations or information-No employee or official should accept any gifts, gratuities, including meals or favors of any kind from individuals or firms doing business or proposing to do business with the city, if considering all the circumstances involved in a given situation, acceptance of said gifts, gratuities or favors would give the impression that possible preference or special privileges is being sought or given.
  2. Value of Gifts-No gift or gratuity shall exceed a value of \$50 as established under state statute.
  3. Awarding of Contracts-No employee or official shall accept or receive from any person, firm, or corporation to whom any contract or purchase order may be awarded any money, trips or anything of value, or any promise, obligation or contract for future reward or compensation.
- C. Confidentiality: Employees should not disclose confidential information acquired by or available to them in the course of their employment with the city or use such information for personal gain. This applies to improper disclosure within the city itself as well as to the public.
- D. Use of City Position, Equipment or Name: Employees should not use, for private gain or advantage, their city time, or the city's equipment, supplies or city's facilities, nor should they use or attempt to use their position with the city to secure unwarranted privileges or exemptions for themselves or others. Personal letters should not be written on city letterhead.
- E. Behavior in the Workplace: Employees are responsible for conducting themselves professionally and lawfully in the workplace. Employees are expected to be aware of and conduct themselves in accordance with the following policies of Washington City:
1. Sexual Harassment Policy
  2. Drug Free Workplace Policy
  3. Purchasing Policy
  4. Travel Policy
  5. Employee Personnel Manual

## **Penalty**

Ethical behavior, consistent with the foregoing value statement and Code of Ethics, is the responsibility of each employee. Moreover, each employee is responsible for reporting ethical violations committed by fellow employees to a supervisor, department head, or the Personnel Director. Any employee who violates this Code of Ethics will be subject to disciplinary action in accordance with the City Employee Personnel Manual.

## ORDINANCE NO 2014-24

### EMPLOYEE APPEALS BOARD

An Ordinance of Washington City creating an employee appeals board and approving an adopting procedures and rules for the conduct of employee appeals and clarifying the terms and duration of employment of individuals employed by Washington City.

#### PREAMBLE

WHEREAS Washington City Ordinance 2005-17 was established pursuant to and under the authority provided in Utah Code Ann. §§ 10-3-1105 and -1106 to create an employee appeals board establish the procedural rules governing appeals before the employee appeals board.

WHEREAS the Utah Legislature has since amended Utah Code sections 10-3-1105 and -1106. See 2012 Utah Laws Ch. 321. In addition, Utah's appellate courts have issued several decisions since the enactment of Ordinance 2005-17 which impact the conduct of employee appeals under sections 10-3-1105 and -1106.

WHEREAS the City Council of Washington City ("City Council") finds and determines that it is necessary to repeal Washington City Ordinance No. 2005-17 replace it with this ordinance in order to address these legislative changes and court decisions.

WHEREAS this ordinance is adopted pursuant to and under the authority provided in Utah Code Ann. §§ 10-3-1105 and -1106 (LexisNexis 2012) to create an employee appeals board establish the procedural rules governing appeals before the employee appeals board. In addition, this Ordinance is adopted to establish City policy regarding the term and duration of employment for individuals employed by Washington City.

NOW THEREFORE, BE IT HEREBY ORDAINED by the City Council as follows:

**1. Creation and Composition of Appeals Board.** There is hereby created an appeal board to be known as the Washington City Employee Appeals Board ("Board"). The Board shall consist of five (5) members who shall be appointed as follows:

(a) City Council Members. The Mayor shall appoint two (2) members of the City Council to the Board. The Mayor shall appoint one alternate member of the City Council to serve on the Board. Appointments by the Mayor are subject to confirmation by a majority of the City Council.

(b) City Employee Members. The City Manager shall appoint three (3) members who are either appointed officers or employees of the City (excluding the City Manager and City Recorder). The City Manager shall appoint at least

four (4) alternate members who are either appointed officers or employees of the City to serve on the Board. The alternates shall sit on the Board in place of the regular members in accordance with the numerical designation assigned to them by the City Manager. There shall be no more than one department head sitting on the Board during any hearing. Appointments by the City Manager are subject to confirmation by a majority of the City Council.

(c) Terms of Office. Terms of office for all members of the Board, including alternates, shall be two years. Nothing shall prevent any member of the Board from being appointed to successive terms of office. If any member is unable to complete his or her term of office or is unwilling to serve, then a new member shall be appointed as provided for herein to serve the remaining term.

(d) Vacancy; Emergency Appointments. In the event of there is a vacancy on the Board when an appeal has been filed, the City Manager shall have authority to appoint an interim Board member or members to serve on the Board and hear the appeal. The appointment shall be for that specific appeal only unless the interim Board member is thereafter confirmed by the City Council. Any vacancy that the City Manager fills on an interim basis must maintain the balance between City Council members and City Employee Members as specified in Sections 1(a) and (b). For purposes of this section, a “vacancy” may also occur when a conflict of interest prevents appointed Board members and alternates from serving on any particular appeal.

(e) Secretary. The City Recorder shall act as secretary to the Board.

(f) Administrative Law Judge; Board Attorney. The Board shall have the authority to retain an individual to act as the Administrative Law Judge and attorney and counselor to the Board (“ALJ”). The ALJ must be an attorney duly licensed to practice law in the state of Utah. The ALJ shall have the authority to: (i) meet and confer with the Board as its attorney; (ii) conduct the public hearing; (iii) make rulings on any procedural or evidentiary matters that arise at the public hearing; (iv) assist the Board in preparing findings and conclusions to the extent deemed necessary; and (v) assist or otherwise prepare for the Board any procedural rules or regulations that the ALJ, with the approval of the Board, deems necessary to aid in the conduct of the public hearing.

**Right to Appeal.** If an employee to which Utah Code Ann. § 10-3-1105(1)(a) applies is discharged, suspended for more than two days without pay, or involuntarily transferred from one position to another with less remuneration for any disciplinary reason, the employee may appeal the final decision to discharge, suspend without pay, or involuntary transfer to the Board. There is no right of appeal for any discharge or involuntary transfer that results from a layoff, reorganization, or budgetary constraints. The right to appeal shall be subject to the employee’s compliance with and exhaustion of the informal grievance process set forth and established in Section 3 of this Ordinance.

## **2. Informal Grievance Procedure.**

(a) City Manager. An employee who is subject to any disciplinary action described in Section 2 of this Ordinance and desires to appeal that action must request a meeting with the City Manager to review the matter within ten business days (excluding holidays and weekends) of the date disciplinary action is taken. The City Manager may consider the facts and conduct any investigation that the City Manager deems appropriate under the circumstances. The City Manager will respond to the employee within ten business days (excluding holidays and weekends) of the meeting with the employee. An employee may not bypass the grievance procedure and the City Manager is not disqualified from conducting a grievance review if the City Manager was involved in the decision on which the grievance is based.

(b) Referral to Appeals Board. If the employee is not satisfied with the City Manager's decision or the City Manager does not respond to the employee within ten business days as set forth in Section 3(a), the employee may request that the matter be heard by the Board. This request shall be made pursuant to and in compliance with Section 4 of this Ordinance.

(c) Application of Procedure. The grievance procedure outlined in this Ordinance applies only to matters arising under Utah Code sections 10-3-1105 and 10-3-1106. It does not apply to other processes, whether formal or informal, which are labeled "grievances" in other City ordinances or the provisions of any employee handbook or personnel policies and procedures distributed by the City.

## **3. Filing the Appeal.**

(a) Each appeal to the Board shall be taken by filing written notice of the appeal with the City Recorder within ten calendar days after final disposition of the grievance process. Upon the filing of an appeal, the City Recorder shall refer the matter to the Board by providing the Board with the notice of appeal.

(b) Upon receipt of the appeal from the City Recorder, the Board shall forthwith commence its investigation, take and receive evidence, and fully hear and determine the matter which relates to the reason for the discharge, suspension, or involuntary transfer. To the extent prior disciplinary history or conduct factored into the reason for the discharge, suspension, or involuntary transfer, the Board may take and hear that evidence.

## **4. Procedure for Conducting Hearing.**

(a) Rights of Employee. An employee who is the subject of the discharge, suspension, or transfer may: (i) appear in person and be represented by counsel; (ii) have a public hearing; (iii) confront the witness whose testimony

is to be considered; and (iv) examine the evidence to be considered by the Board.

(b) Rules of Procedure and Evidence. Hearings shall be conducted with appropriate formality and decorum, so that the due process rights of the appellant are protected. The Utah Rules of Evidence and Utah Rules of Civil Procedure should serve as guidelines and may but need not be strictly followed or applied. The Board, however, may determine how much weight to give to such evidence and may discount or reject evidence that it deems not credible or which is otherwise inadmissible under the rules of evidence, even if received. On stipulation of both the City and employee, the Board may receive evidence through proffer, and may determine how much weight to give proffered evidence.

(c) Administrative Record. The City Recorder shall be responsible for keeping and assembling the record of the appeal. The record shall consist of any documents considered by the Board, any documents received into evidence at the hearing, and any recording of the appeal that is (i) taken by the City Recorder or (ii) recorded by an officer as defined in Rule 28 of the Utah Rules of Civil Procedure who is retained by the Board to make a record of the hearing.

**5. Standard of Review and Burden of Proof.** The Board shall presume the action of the City that is the subject of the appeal is valid and uphold such action unless it is shown and the Board finds that the action was arbitrary and capricious or otherwise illegal. For purposes of this Ordinance, an action is “arbitrary and capricious” if it has no basis in fact and is otherwise not supported by any established personnel policies and procedures. An “illegal” action is one that violates state or federal law. The burden of proof shall at all times remain with the employee taking the appeal and the Board shall at all times defer to the discretion exercised by the City in its employment and disciplinary decisions. It shall take an affirmative vote of three (3) Board members to overturn the action which is the subject of the appeal.

**6. Decision; Time Frame for Decision.** Decisions of the Board shall be by secret ballot and shall be certified to the City Recorder within fifteen (15) days from the hearing date. For good cause, the Board may extend the 15-day period to a maximum of sixty (60) days, if the employee and the City both consent. If a majority of the Board finds in favor of the employee and overturns the disciplinary decision, the employee shall receive the amounts specified in Utah Code section 10-3-1106(5)(b).

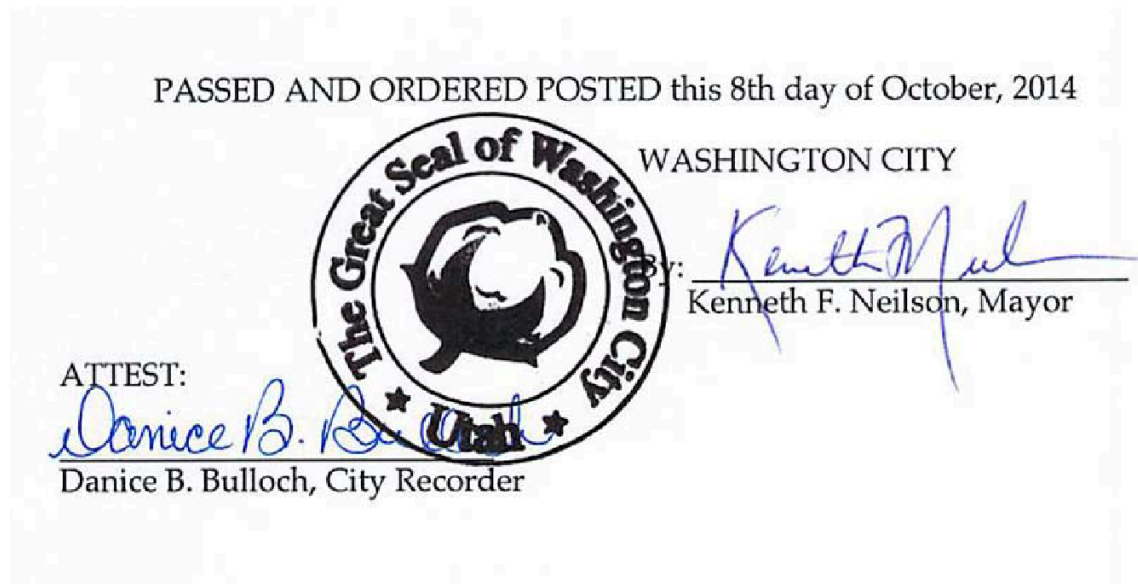
**7. Review of Appeals Board Decision.** If any party to the appeals board proceeding desires to appeal the final action or order of the Board, that party shall do so by filing a petition for review with the Utah Court of Appeals in accordance with Utah Code Ann. § 10-3-1106(6).

**8. Effect on other Laws, Ordinances, and Resolutions.** This Ordinance supersedes and repeals the provisions of any ordinances or resolutions that are

inconsistent with the provisions of this Ordinance, including but not limited to Ordinance No. 2005-17.

**9. Descriptive Headings.** The descriptive headings used herein are inserted for convenience of reference only and are not intended to be part of or to affect the meaning or interpretation of this Ordinance.

**10. Effective Date.** This Ordinance shall take effect immediately upon publication or posting, as required by law.



**JULY 2022**  
**WASHINGTON CITY**

**DRUG AND ALCOHOL POLICY**

**Screening Tests.**

An immunoassay test shall be used for screening all urine samples. The test procedure screens for evidence of any single drug or any combination of drugs listed below. The concentration levels at or above which the sample is deemed to be positive and below which it is deemed negative for a particular drug are set forth below.

**Confirmation Tests.**

Confirmation of all drug-positive screening tests shall be by a gas chromatography and mass spectrometry (GC/MS) test method and confirmation of all alcohol-positive screening tests shall be by a gas chromatography test method, although the City reserves the right to confirm positive screening tests by any other reliable test method. The cutoff levels for the confirmation of drugs and alcohol are set forth below.

<u>DRUGS TESTED</u>	<u>SCREENING CUTOFF</u>	<u>GC/MS CUTOFF</u>
Amphetamines	1000 ng/ml	500 ng/ml
Cocaine	300 ng/ml	150 ng/ml
Marijuana - THC	50 ng/ml	15 ng/ml
Opiates	2000 ng/ml	2000 ng/ml
Phencyclidine (PCP)	25 ng/ml	25 ng/ml
Barbiturates	300 ng/ml	200 ng/ml
Benzodiazepines (Valium, Librium)	300 ng/ml	100 ng/ml
Methadone (Heroin substitute)	300 ng/ml	300 ng/ml
Propoxyphene (Darvon)	300 ng/ml	100 ng/ml
Methaqualone	300 ng/ml	300 ng/ml

<u>ALCOHOL TESTED</u>	<u>SCREENING CUTOFF</u>	<u>GC/MS CUTOFF</u>
Ethanol or ethyl alcohol	.02% or .02 grams	.02% or .02 grams

Drug and Alcohol Policy v3 031407 bjp



## WASHINGTON CITY

### MEMORANDUM OF UNDERSTANDING REGUARING COMPENSATORY TIME

1. **Compensatory Time Authorized.** As authorized by the Fair Labor Standards Act (“FLSA”), it is the policy of Washington City that employees may opt to take compensatory time off in lieu of monetary payment for overtime hours worked by the employee. An employee’s election of compensatory time is subject to the provisions and limitations of this memorandum of understanding and the FLSA. Only non-exempt employees of the City are eligible to receive compensatory time pursuant to this memorandum of understanding.

2. **Compensatory Time Defined.** Compensatory time consists of hours that an employee was scheduled to work but does not work and for which the employee is nonetheless paid. Compensatory time hours are not counted as hours of work for purposes of computing overtime compensation. An employee electing compensatory time in lieu of payment of overtime compensation, shall be granted time off at the rate of one and one-half (1½) hours for each hour worked in excess of forty (40) hours in a week.

3. **Election of Compensatory Time.** Employees shall make their election to accrue compensatory time off in lieu of overtime compensation on the time card for the period in which the overtime compensation is earned.

4. **Use of Compensatory Time.** An employee who has accrued compensatory time shall be allowed to use that time off within a reasonable period after making a request for time off provided that the use does not unduly disrupt the City’s operations. Requests for compensatory time off shall be made with the employee’s Department Head. Employees are encouraged to use their compensatory time off within a reasonable time after the period in which the overtime was worked.

5. **Cashing Out Compensatory Time.**

5.1. Termination of Employment. Upon separation of employment, the City shall cash out the employee’s accrued, but unused compensatory time. The rate at which the accrued comp time is cashed out will be the higher of: (a) the average regular rate received by such employee during the last three years of the employee’s employment; or (b) the final regular rate received by such employee.

5.2. City’s Option. The City reserves the right to cash out—in whole or in part—an employee’s accrued, but unused compensatory time at the employee’s regular rate of pay at the time of payment.

6. **Maximum Amount of Accrual.** Employees may accrue no more than 40 hours of compensatory time. Hours of compensatory time earned in excess of 40 hours shall be paid at the regular rate earned by the employee at the time the employee receives such payment.

## **WASHINGTON CITY SOCIAL MEDIA POLICY**

The City understands that social media can be a fun and rewarding way to share your life and opinions with family, friends and co-workers around the world. However, use of social media also presents certain risks and carries with it certain responsibilities. To assist you in making responsible decisions about your use of social media, the City has established these guidelines for appropriate use of social media.

Social media can mean many things. It includes all means of communicating or posting information or content of any sort on the Internet, including to your own or someone else's web log or blog, journal or diary, personal web site, social networking or affinity web site, web bulletin board or a chat room, whether or not associated or affiliated with the City. Common examples include Twitter, Facebook, Pinterest, and Instagram.

The same principles and guidelines found in the City's Employee Handbook apply to your social media activities online. The City does not intend, nor should anyone expect the City, to monitor your social media activity on your personal time and on private social media communication devices. Ultimately, you are solely responsible for what you post online, which is particularly true for private social media activities on personal time.

### **1. Know and Follow the Rules**

Carefully read these guidelines, the Washington City Employee Handbook, the Washington City Code of Ethics, and the Washington City Equal Employment Opportunity policy (contained within the Handbook), and ensure your postings are consistent with these policies, rules, and regulations. Inappropriate postings that may include discriminatory remarks, harassment, and threats of violence or similar inappropriate or unlawful conduct will not be tolerated and may subject you to disciplinary action up to and including termination.

### **2. Be Honest and Accurate**

Make sure you are always honest and accurate when posting information or news, and if you make a mistake, correct it quickly. Be open about any previous posts you have altered. Remember that what is posted on the Internet stays on the Internet—there are archives of almost everything; therefore, even deleted postings can

be searched. Never post any information or rumors about the City or its employees or officials that you know to be false.

### **3. Post Only Appropriate and Respectful Content**

- Maintain the confidentiality of the City's private, protected, and confidential information and communications.
- Respect financial disclosure laws. It is illegal to communicate or give a "tip" on inside information to others so that they may buy or sell stocks or securities. Such online conduct may also violate the Insider Trading Policy.
- Do not create a link from your blog, website or other social networking site to a City website without identifying yourself as a City employee.
- Express only your personal opinions. Never represent yourself as a spokesperson or representative of the City. If the City is a subject of the content you are creating, be clear and open about the fact that you are an employee and make it clear that your views do not represent those of the City or any department in the City. If you do publish a blog or post online related to the work you do or subjects associated with the City, make it clear that you are not speaking on behalf of the City or any department in the City. It is best to include a disclaimer such as "The postings on this site are my own and do not necessarily reflect the views of Washington City."
- "Before posting anything, please remember that whatever you post is a reflection of who you are. Others will form opinions about you based on the content of your postings. Therefore, the City encourages you to be respectful of others and reminds you that you should refrain from posting anything that could subject you to liability, such as posting comments that might be considered as harassment, discrimination or bullying on the basis of race, sex, color, disability, religion or any other status protected by law."

### **4. Using Social Media at Work**

Refrain from using social media while on work time or on equipment provided by the City unless it is work-related as authorized by your Department Head and consistent with City policy as set forth in this Handbook. Do not use City email addresses to register on social networks, blogs, or other online tools utilized for personal use.

### **5. Retaliation is Prohibited**

The City prohibits taking negative action against any employee for reporting a possible deviation from this policy or for cooperating in an investigation. Any employee who retaliates against another for reporting a possible violation of this policy or for

cooperating in an investigation may be subject to disciplinary action, up to and including termination.

#### **6. Questions or for More Information**

If you have questions or need further guidance on the City's social media policy, please contact the HR Director.