



MIDVALE CITY POLICIES AND PROCEDURES MANUAL

Adopted July 16, 2024 by Resolution No. 2024-R-37



EMPLOYEE ACKNOWLEDGMENT MIDVALE POLICIES AND PROCEDURES MANUAL

I CERTIFY that I have received a copy of the Midvale City Policies and Procedures Manual.

I UNDERSTAND that this Manual supersedes any and all prior written personnel policies or manuals issued by the City.

I UNDERSTAND that receipt of this Manual constitutes a legal notification of the contents and that it is my responsibility to become familiar with and adhere to the policies and procedures that are stated herein.

I UNDERSTAND that the information in this Manual is subject to change at any time, solely at the discretion of the City, with notice to the employee. It is my responsibility to keep informed of these changes and file updated material as I receive it.

I UNDERSTAND that no verbal or written agreements, understandings, representations or statements made by my supervisor, or anyone, can change the policies outlined in this Manual, or bind the City to any course of action.

I UNDERSTAND that the policies and statements contained in this Manual and in other statements that may be issued from time to time do not create a contract or agreement, actual or implied of any kind or nature, between the City and its employees.

I UNDERSTAND that when my employment with the City ends, I have an obligation to satisfy all financial obligations related to my employment by the City. In the event I do not satisfy those financial obligations, I expressly authorize a deduction from my final paycheck to satisfy any remaining personal financial obligations.

Employee's Signature

Employee's Name (Please Print)

Date

Witness



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SECTION 1 – INTRODUCTION

1-01 WELCOME TO MIDVALE CITY

An interesting and challenging experience awaits you as an employee of the City. If you are a new employee, we welcome you to our team.

This Manual is designed to acquaint employees with the City and to provide information about working conditions, employee benefits, and policies affecting employment. It is designed to provide a general understanding of our personnel policies, as well as to describe some of the City's rules, regulations, expectations, programs, and benefits available to eligible employees. Please familiarize yourself with its contents as soon as possible as each employee must certify that they have been issued a copy of this manual.

This Manual is provided for general guidance only. It is not comprehensive, does not address all employment issues or policy exceptions, and is not intended to provide specific details in all areas. The policies and procedures expressed in this book, as well as those in any other personnel materials which may be issued from time to time, do not create a binding contract. The City disclaims any construction of this Manual as, or implication of, an employment contract.

This Manual should not be construed to limit the City's right to terminate an employee's job or to create any other obligation or liability on the City. The City reserves the right to unilaterally change or make exceptions to the policies and procedures stated in the Manual at any time for any reason.

The City has the exclusive right to add, delete, supplement, change or modify anything in this Manual or any other work rule, policy, or procedure at any time, without notice.

When a question is raised regarding the meaning or application of any employment rule, policy, or procedure, whether or not contained in this Manual, City Management has the exclusive right to make the final determination as to its meaning or application. No interpretation or clarification of any employment rule, policy or procedure is effective or binding unless it is in writing and approved by the City Manager.

The City has the sole and exclusive right to determine whether particular conduct that may be described in this Manual, or any other employment rule, policy, or procedure is not in the best interest of the City or its operations, and therefore warrants disciplinary action or termination of employment. City Management exclusively will determine whether any particular conduct violates any rules. The City has the exclusive right to determine the type, sequence, and severity of discipline, if any, for violation of rules. The City's decision or judgment on the foregoing matters is final and binding.



No employee, agent or representative of the City has any authority to enter into any agreement with you for employment for any specified period or to make any promises or commitments contrary to the foregoing. Any actual employment agreement must be in writing and signed by the Mayor.

This version of the Midvale City Policies and Procedures Manual renders all previous versions null and void.

Please read this policy manual carefully and keep it for future reference. Reviewing it from time to time will help you refresh your memory about policies and procedures that affect you on a daily basis in your job. All references in this manual are in calendar days unless otherwise noted.

We hope that your experience here will be both rewarding and productive and again we welcome you here to employment with Midvale City.

1-02 MISSION STATEMENT

“Realizing that a community is dynamic and changing, the mission of Midvale City is to assess community needs, respond to emerging conditions and to provide a quality environment that is safe, preserves neighborhood and individual health, and promotes cooperative problem solving and communication.”

1-03 MIDVALE CITY GOVERNMENT

Midvale City operates under a traditional form of government and is a city of the third class as determined by Utah law. Hence, it is governed by a six-member Council comprised of five Council Members and a Mayor. The Mayor votes only to break a tie-vote of the Council. The Mayor serves as the Chief Executive Officer, and the City Manager serves as Chief Administrative Officer overseeing the day-to-day administrative functions of the City.

1-04 EMPLOYEE PHILOSOPHY

- a. The personnel policies of Midvale City are based on the belief that the success of the City and its services are primarily dependent on you, the employee.
- b. Midvale City will provide you with as much training as possible so that you might achieve the satisfaction and happiness that comes with the knowledge of work well done. In addition, the City will strive to provide you with a work environment designed to promote your success and will also recognize the attainment of your goals. Everyone at Midvale City has the opportunity to succeed.



1-05 EMPLOYEE RELATION GOALS

- 1-05 (1) Management and employees work towards the same goal. That goal is to bring effective and economical municipal services to the citizens of Midvale. This goal can be effectively achieved with management and employee cooperation. It is important for the management to realize and consider the talents, abilities, and experience of employees. It is likewise important for the employees to respect the experience and judgment of management in the operation of the City. Management shall, at all times, give due consideration to all employee suggestions concerning methods by which the effectiveness and economy of municipal services can be improved.
- 1-05 (2) We have the following goals regarding our employees:
- To maintain a competitive and equitable compensation program.
 - To offer each employee the opportunity for growth.
 - To provide an open forum for employee/employer communication.
- Our sincere belief is that the best and most rewarding employee-management system results from a direct relationship between management and employees.
- 1-05 (3) We encourage you to bring your problems to your supervisor or Department Director. If these individuals are unable to assist you, we encourage you to discuss your issues with the Human Resource Director, City Attorney, or the City Manager. We will listen to your concerns with respect and do our best to solve your problems. Management accepts responsibility to provide favorable working conditions and competitive pay and benefits.

SECTION 2 – EMPLOYMENT PRACTICES

2-01 CLASSIFICATIONS OF EMPLOYMENT

- 2-01 (1) **Full Time** - Employees regularly scheduled to work 40 hours or more per week with full participation in employee benefits based on full-time status.
- 2-01 (2) **At-Will** – At-will employees are employees that the City may end the employment relationship at any time, with or without cause, explanation, or advance notice. These employees, if working a minimum of 30-40 hours per week or an applicable full-time or qualified part-time work schedule, are eligible for City benefits. The City employs two categories of at-will employees: probationary employees and statutory at-will employees. Probationary employees, as defined below, are considered at-will during the term of their



probation. Employees identified in Utah Code Ann. § 10-3-1105(2), as amended, which generally includes employees appointed to their positions and Department Directors, as defined below, are at-will employees as long as they hold a position listed under Utah Code Ann. § 10-3-1105(2), as amended.

- 2-01 (3) **Part-Time** - Employees regularly scheduled to work less than 30 hours per week, and who are not categorized as seasonal or temporary. Employees working less than 30 hours per week shall not be eligible for any benefits and should be listed as a Grade 99 on the pay scale. All part-time employees are employed at will.
- 2-01 (4) **Qualified Part-Time** - Employees regularly scheduled to work an average of 30 hours per week but less than 40 hours per week, and who are not categorized as seasonal or temporary. These employees are eligible for employee benefits at $\frac{3}{4}$ time except for health benefits, which will be paid the same as full-time employees.
- 2-01 (5) **Probationary** - Employees whose performance is being evaluated and determined whether further employment or retention in a specific position with the City is appropriate. Probationary employees are employed at-will. See Section 2-04 for additional information about probationary status.
- 2-01 (6) **Temporary/Seasonal** - Employees hired through outside employment agencies to work at Midvale City to supplement the work force or to assist in the completion of a specific project and whose employment is limited in duration. Temporary employment assignments will not exceed six months in a fiscal year. Temporary employees are not eligible for City benefits. Temporary employees may be terminated at will, without cause or prior notice. All temporary/seasonal employees are employed at-will.
- 2-01 (7) **Non-Exempt** - Employees who are entitled to receive overtime pay or compensatory time for hours worked over 40 hours in a workweek as defined by the Fair Labor Standards Act. The City follows the provisions set-forth in Section 553.25 of the Department of Labor "Conditions for use of compensatory time."
- 2-01 (8) **Exempt** - Employees are those who are exempt from the overtime pay provisions of the Fair Labor Standards Act and do not receive overtime pay. Exempt employees perform work that is executive, administrative, or professional in nature and requires regular exercise of discretion and independent judgment.
- 2-01 (9) **Department Directors** - Senior management employees in an exempt status performing work that is executive, administrative, and professional in nature



and requires regular exercise of discretion and independent judgment. These employees are not entitled to overtime pay or compensatory time off.

- 2-01 (10) **Volunteer** - Any person who donates service without pay or other compensation, except community service workers. Department Directors shall provide required volunteer information to Human Resources, prior to the rendering of any volunteer services, to ensure the classification as a volunteer is appropriate and to analyze worker's compensation and liability coverage.

2-02 POSITION TITLE CHANGES

Any change to a position title must be approved by the City Manager prior to the change.

2-03 ADVANCED EDUCATION AND/OR CERTIFICATION DOCUMENTATION

Any employee obtaining advanced degrees, training, licenses, or certifications must submit copies to the Human Resource Department immediately upon completion.

2-04 PROBATIONARY EMPLOYEE

- 2-04 (1) A probationary period is a stretch of time during which a new or existing employee receives extra supervision and coaching to learn a new job. Employees who are promoted, demoted, or reassigned must complete a probationary period. During the probationary period, the employee is an at-will employee. An employee who has completed the probationary period must complete a performance evaluation prior to being released from probationary status. The Department Director must notify Human Resources and provide a completed performance evaluation prior to the employees being released from probationary status.
- 2-04 (2) Part-time (employees scheduled to work less than 30 hours per week), temporary, seasonal, and intern employees are on permanent probationary status, without limit of time.
- 2-04 (3) All new full-time employees who are hired with intention of becoming regular employees are required to serve a minimum of six months on probationary status. Any continuous absence in excess of ten working days during the probationary period will automatically extend the probationary period by the length of the absence as determined by the Department Director. At the end of your probationary period, your supervisor will conduct an employee performance evaluation. An employee does not complete probation until the Department Director has completed the evaluation, personnel action form, and



provided a written notice removing employee from probationary status from the Department Director and Human Resources.

- 2-04 (4) If the employee's performance is unsatisfactory, the employee may be notified in writing of performance deficiencies and given an opportunity to correct his/her performance problems. The probationary period may be extended up to but not exceeding an additional six months at the discretion of the Department Director and with the City Manager's approval. If the employee's job performance continues to be unsatisfactory, the employee shall be notified in writing of failure to complete the probationary period and will be terminated.
- 2-04 (5) Employees, who are promoted or transferred within the City, must complete a secondary probationary period of the same length with each reassignment to a new position. Any continuous absence in excess of ten working days will automatically extend a probationary period by the length of the absence as determined by the Department Director.
- 2-04 (6) During the probationary period, including the secondary probationary period, that results from a promotion or transfer within the City, the employee may be terminated at-will, at any time, without cause, and for no reason at all. At-will employees have no right to grievance reviews or to appeal their termination.

2-05 RECRUITMENT / SELECTION POLICY

- 2-05 (1) **General Policies** - Midvale City desires to fill all positions with the most qualified applicant. Further, it is the intent of the City to consider qualified in-house applicants when appropriate.
- a. **Statutory Compliance** – Midvale City complies with Utah Code Title 53, Chapter 3 "Prohibiting Employment of Relatives" and any other applicable nepotism laws. The City prohibits any person holding any position to appoint, vote for the appointment of, directly supervise, be in the line of supervision of, or be directly supervised by their father, mother, husband, wife, son, daughter, brother, sister, uncle, aunt, nephew, niece, first cousin, father-in-law, mother-in-law, brother-in-law, sister-in-law, son-in-law, daughter-in-law, grandparent, or grandchild or any member of their household. A member of their household means a person who resides in the same residence as the City employee. Volunteers providing services to the City are excluded from this provision.
- b. **Anti-Nepotism** - The City Manager's approval is required for any new hire of an employee related to or residing with a current City employee. The City reserves the right not to hire or re-hire any current or former



relative or household member of a current employee or elected official. "Relative," for the purposes of this restriction means, in addition to the relationships listed above, foster children, step-relationships of the preceding degrees on consanguinity, or any of their spouses. The City Manager's exceptions shall not conflict with Section 2-05(1)(a) or allow for an exception for family members related to employees in the City Attorney's Office, Human Resources, Information Technology, or Finance.

- c. **Employment of Minors** - It is the policy of Midvale City that no one under the age of 18 shall be hired for any position.

2-05 (2) **Job Postings** - In general, notices of all job openings are posted on the City's website and in City breakrooms.

- a. Jobs may be posted in-house and externally at the same time if desired by the Department Director.
- b. Generally, job openings are posted in-house for a minimum of five days and externally for seven days by the Human Resource Director.
- c. The City Manager reserves the right to limit the recruitment or to not post a particular opening.
- d. Positions may be filled with applicants from positions that had met the posting requirements within the prior six months at the discretion of the Department Director and approval of the City Manager.
- e. All internal and external candidates shall be required to submit an official City application and other supporting documents (e.g., transcripts, certifications, licenses,) as may be required.

2-05 (3) **Application Requirements** - In general, the following application process is followed for all job postings. City employees are encouraged to apply for any posted position:

- a. All applicants for employment with Midvale City shall complete a City application form and are required to comply with the specific application process for each position. The applicant must submit all applications to the Human Resource Director by the closing date of the posted position.
- b. The City accepts applications for open positions from all interested qualified parties and evaluates applicants based upon job criteria.



- c. Falsification of any information required in the application process is grounds for immediate disqualification.
- d. The Human Resource Department shall keep all applications in accordance with the State Records Retention Schedule.

2-05 (4) **Selection Procedures**

- a. **Skill-based Testing** - Job applicants may be required to take tests, which the City deems necessary for a specific position.
- b. **Veterans Preference** – In accordance with Title 71A, Chapter 2, Utah Code Annotated, the City shall grant a veteran's preference upon initial hiring to each preference eligible veteran, service member, or spouse according to the procedures and requirements of this chapter. The Human Resource Director shall add to the score of a preference eligible who receives a passing score on an examination, or any rating or ranking mechanism used in selecting an individual for any career service position with the City:
 - 5% of the total possible score, if the preference eligible is a veteran or service member;
 - 10% of the total possible score, if the preference eligible is a veteran or service member with a disability or a purple heart recipient; or
 - In the case of a preference eligible spouse, widow, or widower, the same percentage the qualifying veteran or service member is, or would have been, entitled to.

A preference eligible who applies for a position that does not require an examination, or where examination results are other than a numeric score, shall be given preference in interviewing and hiring of the position.

- c. Once the most qualified applicants have been identified, a validated process consistent with departmental needs will be used. The Department Director or designee with a representative from Human Resources will then interview the candidates and make a selection for the position. All interviews will be documented using selection criteria. All selection interview forms and applications will be returned and retained by the Human Resource Department.
- d. The City is committed to employing only United States citizens and aliens who are authorized to work in the United States but does not unlawfully discriminate on the basis of citizenship or national origin. In compliance with the Immigration Reform and Control Act of 1986, each new employee, as a condition of employment, must complete the



Employment Eligibility Verification Form I-9 and present documentation establishing identity and employment eligibility. Failure to present proper or adequate documentation required within three working days from the date of hire will result in termination of employment. Former employees who are rehired must also complete an I-9 form.

- 2-05 (5) **Job Offer Requirements** - The Department Director will make the final candidate selection and consult with the Human Resource Director to determine the appropriate salary range for the position. The Department Director may offer a salary that is between the minimum and midpoint of the designated salary range dependent upon qualifications. The City Manager must approve any salary offers above the midpoint of the salary range. Once a candidate is selected and a conditional offer has been signed by the candidate and the respective Department Director or designee, the candidate will be required to submit to drug testing, a background check, and a driver's license check and any other testing required by the departments.
- a. Job offers to all external candidates will be contingent upon successfully passing the drug screen, driver's license check, and background check. Background checks that have been completed within the last 90 days will be accepted. It is the responsibility of the Department Director to personally notify internal candidates of the hiring decision.
 - b. If a current employee is hired for another position in the City, the employee's previous supervisor shall be given a minimum of two weeks' notice of the employee's acceptance of the new position. An employee may be retained in a current position for up to 30 calendar days in order to give time to recruit and train a replacement. Any deviation from this policy must be approved by the City Manager.
 - c. A Personnel Action Form must be submitted to the Human Resource Department with the successful application, drug screen, driver's license check, and background check, and any additional information immediately following the acceptance of the job offer by the candidate and prior to the candidate being entered into the payroll system.

2-06 **EMPLOYEE IDENTIFICATION CARDS**

An identification card shall be issued to each employee at the time of employment. The purpose of this card is to provide evidence of employment with Midvale City. The employee must have this card at all times during work hours. **Cards that are lost or stolen must be immediately reported to the IT Division.** After the first two cards have been replaced, the employee shall pay a \$25 fee for each additional identification card issued.



2-07 EMPLOYMENT MODIFICATIONS & ACCOMMODATIONS PROCEDURE

2-07 (1) Modified Duty Due to a Work-Related Injury/Illness

- a. The City will make reasonable efforts to provide employees with modified duty work assignments following a work-related injury for which the treating physician imposes temporary physical restrictions. As long as the assigned modified duty work does not violate the treating physician's imposed physical restrictions, the employee is expected to return to work. Refusal of a modified duty assignment may result in the termination of workers' compensation indemnity benefits.
- b. The City will determine appropriate work hours, shifts, duration, and locations of all work assignments. The City reserves the right to determine availability, appropriateness, and continuation of all transitional assignments and job offers.
- c. The modified duty assignment will be periodically reviewed by the City to determine the appropriate duration and activity.
- d. Upon receipt of release to return to work with no restrictions, the modified duty assignment will terminate.

2-07 (2) Americans with Disabilities Act (ADA) Accommodations

- a. In accordance with all applicable laws, it is the City's policy not to discriminate against qualified individuals with a disability with regard to any aspect of employment.
- b. The City recognizes that some individuals with disabilities may require reasonable accommodation. If an employee is disabled or becomes disabled (meaning he/she has a mental or physical impairment substantially limiting one or more of the major life activities or bodily functions) and requires a reasonable accommodation, the employee should contact the Human Resource Director to begin the interactive process.
 - i. The interactive process may include discussing the employee's disability, limitations, and possible reasonable accommodations that may enable the employee to perform the functions of their position, making the workplace readily accessible to and usable by the employee, or otherwise allow the employee to enjoy equal benefits and privileges of employment.



- ii. The employee may need to submit the employee request for accommodation along with the diagnosing professional's documentation.
 - iii. A temporary work adjustment (see Section 2-07(1) above) may be granted while the request for accommodation is reviewed. If it is not feasible, the employee may request a leave of absence, if available, during this review period.
- c. If an employee is unable to continue performing the essential functions of the position with or without accommodations due to a qualifying disability, the Human Resource Director will attempt to transfer the employee to a vacant position within the City.
 - i. The employee must be qualified for the position and the position must be of an equivalent or lower pay grade to the employee's current position. The pay will be commensurate with the position.
 - ii. During this time, the employee will use accrued leave or will be on leave without pay if paid leave is exhausted.
 - iii. If a position is not found within the City, and no other reasonable accommodation is available, the employee may be separated for unavailability consistent with the City's employment separation policy.
- d. Applicants for City positions are entitled to reasonable accommodation during the testing process. Applicants should be directed to contact the Human Resource Director regarding a request for such accommodations.

2-07 (3) **Government Employee Conscience Protection Accommodations**

- a. **Sincerely Held Religious Beliefs or Conscience** - An employee may request to be relieved from performing a certain task if:
 - i. Performing the task would conflict with the employee's sincerely held religious belief or conscience;
 - ii. The employee has complied with the requirements of Utah Code Ann. § 67-27-105(3 and this Section; and
 - iii. Relieving the employee from the task would not impose an undue hardship on the City.



The City must grant the employee's request unless the employee's request imposes an undue hardship on the City or is exempted under Utah Code Ann. § 67-27-105(2)(b).

- b. **Undue Hardship** - The City is not required to grant an employee's request if, after considering all the relevant factors, the employee's request would impose a substantial burden, privation, or adversity on the City. These factors include, but are not limited to, the following:
 - i. The practical impact on the City in light of the nature, size, and operating cost of the City;
 - ii. The disruption of the City's operations;
 - iii. The nature of the employee's duties;
 - iv. The number of employees the City would be required to grant a request to if the City grants the employee's request;
 - v. The type of workplace; and
 - vi. The number of requests by the employee within the preceding 12 months from the day on which the employee submitted the request.
- c. **Exemptions** - As provided by Utah Code Ann. § 67-27-105(2)(b), the City does not have to grant an employee's request to be relieved from performing a task under Utah Code Ann. § 67-27-105(2)(a) if:
 - i. The request is to be relieved from performing a task that is part of training or safety instructions directly related to the employee's employment;
 - ii. Granting the request would result in a deficit in the amount of work for which the employee is compensated;
 - iii. Granting the request would create a conflict with an existing legal obligation and the City cannot avoid the conflict if the City grants the employee's request;
 - iv. The employee is a first responder and the request by the employee is to be relieved from performing a task that involves protecting the safety of the public; or



- v. The employee's asserted religious beliefs or conscience is being asserted for an improper purpose.
- d. **Accommodation Request Process** - A requesting employee and the City must follow the following process for a request for an accommodation under Utah Code Ann. § 67-27-105(2):
 - i. An employee seeking to be relieved from performing a certain task due to the employee's sincerely held religious beliefs or conscience must submit a written request to the employee's supervisor as soon as practicable, but not more than two days after the employee was assigned the task. The written request must include:
 - 1. The employee's name;
 - 2. A description of the task or portion of the task that the employee is seeking to be relieved from performing; and
 - 3. An explanation as to why the task would conflict with the employee's sincerely held religious beliefs or conscience.
 - ii. If a task is assigned to be performed within two days from the date of assignment, the employee may ask their supervisor to immediately be relieved from performing the assigned task. The request may be verbally or in writing. If a verbal request is made to the supervisor, the employee must submit a written request that meets the requirements of Section 2-07 (4)(d)(i).
 - iii. The supervisor must immediately notify and submit the employee's written request for an accommodation to their Department Director and the Human Resources Director.
 - iv. The Department Director and Human Resources Director will review the employees' request for an accommodation in consultation with the employee's supervisor. The Department Director and Human Resources Director will consider whether the employee's request may be denied under Utah Code Ann. § 67-27-105(2)(b) and will consider all relevant factors for determining whether the employee's request imposes an undue hardship on the City.
 - v. If the employee's request may not be denied under Utah Code Ann. § 67-27-105(2)(b) and does not impose an undue hardship on the City, the employee's request must be approved. The



Department Director will provide a written approval of the requested accommodation to the employee.

- vi. If the Department Director denies the employee's request, the Department Director will notify the employee in writing of the denial. The denial must include the following in its response:
 - 1. An explanation of the City's decision to deny the employee's request including why granting the request would impose an undue hardship on the City or why the City is not required to grant the employee's request under Utah Code Ann. § 67-27-105(2)(b);
 - 2. An explanation that the employee may appeal the decision to deny the employee's request to the City Manager; and
 - 3. An explanation that the employee may seek redress in a court as described in Utah Code Ann. § 67-27-105(6) if the City Manager denies the employee's appeal.
- vii. If an employee's request for an accommodation is denied by the Department Director, the employee may appeal the denial to the City Manager. The employee must provide the City Manager a written request to appeal the Department Director's decision within 48 hours of receiving the Department Director's denial. The written appeal must include the information in Section 2-07 (4)(d)(i) and a copy of the Department Director's denial. Failure to appeal the Department Director's appeal within 48 hours constitutes an employee's waiver of the right to appeal the Department Director's decision.
- viii. The City Manager must consider the employee's appeal independent of the Department Director's decision. The City Manager will consider whether the employee's request may be denied under Utah Code Ann. § 67-27-105(2)(b) and will consider all relevant factors for determining whether the employee's request imposes an undue hardship on the City.
- ix. If the employee's request may not be denied under Utah Code Ann. § 67-27-105(2)(b) and does not impose an undue hardship on the City, the employee's request must be approved. The City Manager will provide a written approval of the requested accommodation to the employee.



- x. If the City Manager denies the employee's request, the City Manager will notify the employee in writing of the denial. The denial must include the following in its response:
 - 1. An explanation of the City's decision to deny the employee's request including why granting the request would impose an undue hardship on the City or why the City is not required to grant the employee's request under Utah Code Ann. § 67-27-105(2)(b); and
 - 2. An explanation that the employee may seek redress in a court as described in Utah Code Ann. § 67-27-105(6).
- xi. The City Manager's decision is the City's final decision regarding the employee's request for accommodation under Utah Code Ann. § 67-27-105.
- xii. The City must respond to the employee's request as soon as practicable but at least five days before the day on which the task is required to be performed. For a task that is assigned to be performed within five days of the date of assignment, the employee will provide the City with a reasonable opportunity to review the employee's request or otherwise address the employee's concerns. The City and employee may agree in writing to waive or extend this time limit.
- xiii. An employee whose request for accommodation under Utah Code Ann. § 67-27-105 has been denied by the City Manager may bring an action against the City within 180 calendar days from when the employee received the City Manager's decision.
- e. **Additional Information** - After receiving an employee's request for an accommodation under Utah Code Ann. § 67-27-105(2), the employee's supervisor, Department Director, Human Resources Director, City Attorney, and City Manager may request additional information from the employee in their respective consideration of the listed exemptions in Utah Code Ann. § 67-27-105(2)(b) and the relevant factors for determining whether the employee's request imposes an undue hardship on the City
- f. **Confidentiality** - An employee's request for an accommodation under Utah Code Ann. § 67-27-105(2) and any records created under Utah Code Ann. § 67-27-105(3) to (4) are classified as private records under the Utah Government Records Access and Management Act



- g. **Retaliation** - Midvale City may not, in retaliation for an employee submitting a meritorious request in accordance with Utah Code Ann. § 67-27-105(3), terminate an employee, reduce an employee's compensation, fail to increase an employee's compensation by an amount that the employee is otherwise entitled to or was promised, or fail to promote the employee if the employee if the employee would otherwise be promoted. The City may not threaten an employee with any of the preceding actions for an employee submitting a meritorious request in accordance with Utah Code Ann. § 67-27-105(3), as amended.
- h. **Conflict** - In the event of a conflict between this policy and Utah Code Ann. § 67-27-105, as amended, the provisions of Utah Code Ann. § 67-27-105 will control unless the City is specifically authorized to adopt a policy that details, differs, or expands upon the provisions found in state law. In instances where the City is specifically authorized to adopt a policy, this Section will control.

2-07 (4) Religious Liberty Protections and Expression Accommodations
Utah Code 34A-5-112 outlines the protections and rights related to religious liberty and expression in the workplace. For more information, please contact Human Resource

SECTION 3 – COMPENSATION

3-01 COMPENSATION

- 3-01 (1) **Payroll/Work Hours** - Employees shall be paid bi-weekly, every other Thursday. All employee paychecks will be directly deposited in each employee's specified bank account(s). When payday falls on a holiday, the payroll will be distributed the working day prior to the holiday. All time sheets must be submitted by the employee and be checked and approved by the Department Director before they are submitted to the Human Resource Department.
 - a. **Work Schedules** - The workweek begins at 12:01 p.m. on Friday and ends on Friday at 12:00 noon for employees working the 9/80 schedule. Employees working the 9/80 schedule will have every other Friday off as determined by their Department Director. Employees work 5 days a week 8 hours a day, the workweek begins at 12:01 a.m. Saturday and ends at 12 midnight on Friday. Employees working 4/10's will work four 10-hour days Monday through Thursday with the exception of on-call



employees as determined by the Department Director. Any exceptions must be approved by the City Manager.

- b. **Lunch Periods** - Employees may be eligible for an unpaid lunch break at a length of time approved by your Department Director. Supervisors should establish a lunch schedule for all employees, generally between the hours of 11:00 a.m. and 2:00 p.m. Employees are not allowed to skip their lunch period in order to arrive at work late or leave work early without prior approval from the Department Director.
- c. **Recording Work Hours** - To ensure that accurate records are kept of the hours you actually work and of the leave time you have taken, all nonexempt employees are required to record time worked and absences on your department's timekeeping records. Please ensure that your actual hours worked and leave time taken are recorded accurately. Failure to accurately record your hours may result in loss of pay for that period and possible discipline. Exempt employees should record work hours only by exception (i.e. sick, vacation). The City does not provide pay advances on wages to employees.
- d. **Current Address** - Employees are responsible for making sure the Human Resources Department has their most current home address.
- e. **Payroll Deductions** - Employees may voluntarily authorize deductions from their paychecks to cover the costs of participation in City-approved programs. Employees should promptly review any discrepancies in payroll deductions with the Human Resources Department.
- f. **Garnishments** - Upon receipt of a valid garnishment, the City shall withhold the required portion of wages from an employee's paycheck. The City shall continue to withhold the garnishment wages until a court order is received indicating satisfaction of the indebtedness or until the City is ordered to surrender the monies to the court or its agent.

3-01 (2) **Overtime Provisions** - Each position is classified as either FLSA Non-exempt or FLSA Exempt. Those employees classified as FLSA Non-Exempt are covered by the minimum wage and overtime provisions of the Fair Labor Standards Act (FLSA). Those who are FLSA Exempt are protected from improper or illegal salary deductions.

- a. **Non-Exempt** - Employees classified as non-exempt (hourly) employees will be paid one and one-half times their regular hourly rate of pay for all hours worked in excess of 40 hours within a 7-day workweek, excluding leave and holiday time. Compensatory hours in lieu of overtime pay may be accrued to a maximum of 100 hours.



Compensatory time accrued in excess of 100 hours will be paid as overtime.

- b. **Workweek** - Each workweek stands alone in computing hours worked. Averaging hours worked over two or more periods will not be allowed. Supervisors shall attempt to provide employees with reasonable notice when the need for overtime work arises. Please remember, however, that advance notice may not always be possible.
- c. **Pre-Approval for Overtime** - Employees who feel it is necessary to work overtime to complete their responsibilities must get prior approval from their Department Director. Failure to work scheduled overtime or overtime worked without prior authorization from the Department Director may result in disciplinary action up to and including possible termination of employment. Employees are responsible for ensuring that all hours worked are recorded in the correct working period.
- d. **Compensatory/Overtime Designation** - Employees are responsible to accurately report and designate overtime or compensatory time on their timecards for hours worked over 40 hours in a 7-day workweek, minus leave taken and holiday leave. Human Resources will pay the employee according to the time designated and approved on their timecard. Adjustments may only be made with Department Director approval.
- e. **Exempt** – Employees classified as exempt will be paid on a salary basis. Overtime and compensatory time are not allowed.

3-01 (3) **Internships and Cooperative Education Positions** - Internships and cooperative education positions within the City are positions that allow high school or college students or recent graduates to receive on-the-job training. Individuals holding internships or cooperative education positions within the City may be treated as part-time, temporary, or seasonal employees at the discretion of the Department Director as approved by the City Council.

3-01 (4) **Volunteers** - An individual who performs hours of service for Midvale City for civic, charitable, or humanitarian reasons, without promise, expectation, or receipt of compensation is considered to be a volunteer. In order to be compliant with Department of Labor regulations, employee volunteers will not perform volunteer work similar to the paid job they perform for the City. Non-employee volunteers may not perform volunteer duties that a City employee is paid to perform. All volunteer agreements will be documented in writing and reviewed by the City Attorney.



- 3-01 (5) **Disaster Emergencies** - In situations where the Mayor or designee has formally declared a "Local State of Emergency," non-exempt employees who are required to work outside of, or in addition to, their normal work schedule during the designated disaster may be paid at time and one-half for any emergency hours worked. Hours worked under those conditions must be paid hours and cannot be used as comp time. At such times, all employees will be considered disaster service workers and may be required to perform other duties outside their normal job responsibilities.
- 3-01 (6) **Call-Back Compensation** - Any FLSA non-exempt employees called back to work during their scheduled workweek shall be entitled to call back compensation for actual time worked. The minimum call-back compensation shall be two-hours call back compensation will be calculated on a workweek basis and only time worked in excess of an employees' specified workweek will be compensated at the overtime rate.
- 3-01 (7) **On-Call Compensation** - As required, an on-call schedule of non-exempt employees may be prepared in advance and maintained by the Department Director or their designee.
- a. Any position requiring on-call status shall be on a one-week rotation basis.
 - b. On-call employees must be able to respond to a City work site within 45 minutes and in compliance with the City's Drug/Alcohol Policy.
 - c. On-call employees shall be compensated at a rate determined by the Department Director and Human Resources and approved by the City Manager when they are on-call in addition to the pay for time worked. The rate shall be equal throughout the City.
 - d. An on-call employee will be responsible for performing on-call responsibilities from Tuesday to the following Tuesday. When starting an on-call week, the employees on call will work Tuesday through Friday (providing two-field staff on Fridays).
 - e. **Time Off Plans** - As allowed under applicable law, Midvale City's policy allows the supervisor of a non-exempt employee to schedule the employee to work a varying number of hours during a pay period in accordance with FLSA cycles. This generally means the employee works more hours during one portion of a pay period, and less hours during another portion of the same pay period. Time off plans are designed to control or limit the accumulation, accrual, or payment of earned overtime pay by employees. Employees benefit from reduced work periods while still earning their full-time compensation.



- f. **Travel Time** - Reasonable travel time for call-back duty, emergency response, travel between work sites, or traveling out of town on business or work trainings during the normal work schedule or working hours is compensable time and shall be payable to the employee subject to applicable law.

3-01 (8) **Reclassification** - The City assigns each position a classification code and salary range, as established by the City's compensation model. The compensation model reflects internal and external equities, based upon assigned duties and responsibilities and market comparisons. Reclassifications are appropriate when there has been a significant change or increase in job duties and responsibilities and require a change in classification and grade of an existing job. Human Resources base this change on an evaluation of the duties, responsibilities, scope, impact, and minimum qualification of the position. Any reclassification of a position must be approved by the City Manager. If the reclassification exceeds the approved budget, City Council approval is required.

3-01 (9) **Reorganization** - Reorganization is the restructuring of a department or unit within the department that results in an increase or decrease in the level of employee responsibilities and may result in the elimination of one or more employee positions. Reorganization should result in an organization that leads to increased efficiency and/or leverages the effectiveness of our human and financial assets. Any reorganization must be approved by the City Manager and comply with Title 2.

3-01 (10) **Demotion**

- a. A demotion is defined as either a voluntary or involuntary pay grade change that places the employee in a lower pay grade than his/her current pay grade status. An employee who is demoted may have his/her salary reduced by the percent of promotional increase received when he/she was promoted to the position. If the employee being demoted has not been previously promoted with the City, his/her salary will be frozen if it is above the salary range maximum of the new pay range. The employee's salary will remain frozen until the salary range maximum of the new grade is increased. The City Manager shall approve all demotion salary changes.
- b. An employee that has been demoted will be placed on a six-month probationary period. At the end of that probationary period, a performance evaluation will be conducted to determine the employee's ability to perform the job. Pursuant to probationary requirements.



3-01 (11) **Involuntary Transfer** - An involuntary transfer is defined as a move from one department or division to another, when the employee retains the same or lower job grade. If a transfer is made in conjunction with a demotion/disciplinary action, refer to "Demotion" above. In the case of demotion or transfer to position of lower grade, the salary shall be frozen if it is currently above the grade being demoted to until the grade catches up to the current salary. Department Directors may transfer employees within their department with City Manager approval. If a transferred employee is not successful in the position, he/she may be placed back in the previous position held immediately prior to the transfer or another position, subject to availability and the employee's qualifications. If a full-time merit employee cannot be returned to his/her former or similar position, he/she will be placed on the reinstatement list and shall be subject to all reinstatement rights and privileges.

3-01 (12) **Acting Positions**

- a. An employee is eligible for extra duty pay whenever he/she is requested in writing by the Department Director to temporarily perform the duties of a position that is vacant or in which the regular worker is on a leave of absence other than vacation or compensatory time off beyond 30 calendar days and the position is of a higher classification than that in which the extra-duty employee is currently working. The employee shall receive a salary rate of the higher classification for the time spent performing the extra duties. In such cases, the employee will be paid at an appropriate salary schedule of the higher classification to ensure an increase of not less than 5% of the employee's current salary. In no case shall the salary exceed the top salary of the higher classification. The salary increase will be commensurate with the employee's education, experience, and scope of the new job duties. The Department Director shall submit a Personnel Action Form reflecting the salary increase. The Department Director shall also complete a new Personnel Action Form to ensure the salary increase terminates as soon as the additional job duties cease.
- b. A person appointed in an acting capacity shall be eligible to receive merit increases in his/her regular position during the acting appointment but shall not be entitled to merit increases in the position which is held in an acting capacity. Should the merit increase occur while the employee is in the acting position, the merit increase will be delayed until the employee is returned to his/her regular pay, at which time a retroactive merit increase will be granted. If the employee successfully completes the temporary work assignment, the time in the temporary capacity will count towards any required probationary period. Extra duty pay will cease when the individual is no longer performing the extra duties.



- 3-01 (13) **Reinstatement of Prior Service** - An employee who is rehired to a position within the City may have his/her previous service reinstated subject to the following:
- a. A position must be available.
 - b. At the time of termination, the employee must have been in good standing with Midvale City including but not limited to must have given the City a minimum of two weeks written notice of termination, returned all City equipment, keys, uniforms, etc., and must not have been subject to disciplinary action at the time of resignation.
 - c. The time between termination and the rehire date is not counted toward service time.
 - d. In addition to reinstatement of their prior service for retirement vesting and vacation accrual, rehired employees may have their prior sick-leave balances reinstated, following the successful completion of the six-month probationary period, unless it has been converted to the retirement health savings plan. If the employee meets the requirements for reinstatement, the rate of pay will be determined by the Department Director with approval of the City Manager.
 - e. Employees who are reinstated by the City in a department, a field of work, or a position that is different from their former employment with the City will not be entitled to any consideration of reinstatement of sick leave balances.
- 3-01 (14) **Compensation Analysis** - Midvale City is committed to maintaining wage ranges which are competitive with other Wasatch Front communities of comparable size. Annually, the Human Resource Department conducts a wage and benefits survey of the relevant communities. Because not all City positions have matches in the established market, a classification analysis may also be done on each City position in conjunction with the market survey. This classification analysis considers such factors as education and experience requirements, supervisory and financial responsibilities, level of risk in position and the analytical requirements of the position.
- 3-01 (15) **Market Adjustments** - The City Manager may recommend appropriate changes based on the market analysis and classification analysis. Market adjustment recommendations may be made for specific job classifications or for the City as a whole. Market adjustments are considered each fiscal year and implemented July 1, if approved.



- 3-01 (16) **Pay Adjustments** - In order to remain competitive in the market, City management may consider adjusting the pay of eligible full-time employees who have worked with the City in the same position for four consecutive years to the mid-point of the pay range. To be eligible, employees must receive a score or indication of meeting or exceeding job performance expectations in their overall performance evaluations, must not be on an employee improvement plan, and have no pending disciplinary actions. Adjustments will be considered each fiscal year and implemented July 1 or December 1 based on date of hire, availability of funds, and budget approval.
- 3-01 (17) **Total Compensation** - Your total compensation at Midvale City consists not only of the salary you are paid but also includes the various benefits you are offered, such as group health and life insurance and your retirement plan, as described later in this manual. In accordance with IRS regulations, some fringe benefits such as meals, personal use of City vehicles, non-exempt work clothing, etc. may be considered taxable income and may be included on pay stubs and W-2's. Questions regarding your salary should be directed to your supervisor, Department Director, or the Human Resource Department.
- 3-01 (18) **Cost of Living Adjustments (COLA)** - Cost of living adjustments may be considered annually and is dependent on Council approval. Should an adjustment be granted, it would affect the pay scale as a whole, adjusting each grade by the percentage amount granted. COLA adjustments will be effective on July 1, as approved by the City Council.
- 3-01 (19) **Merit Increases** - Employees may receive merit increases based on performance evaluations and according to availability of funds as allocated by the City Council through the budget process. Merit increases will begin on December 1 each year, as approved by the City Council.

3-02 PERFORMANCE EVALUATIONS

To ensure employees perform their jobs to the best of their abilities, Midvale City strives to recognize good performance and to give you appropriate suggestions for improvement when necessary.

- 3-02 (1) Designated supervisors shall conduct performance evaluations of full-time, qualified part-time, and part-time employees as designated by the City Manager to assist employees in performing their job duties.
- 3-02 (2) Designated supervisors will conduct an interim performance evaluation for any of the above employees transferred, reassigned, or promoted to a subordinate to a different designated manager, within ten business days of the effective date of the transfer.



- 3-02 (3) Employees may receive merit increases based on performance evaluations and according to availability of funds allocated by the City Council through the budget process.
- 3-02 (4) Department Directors and supervisors shall conduct employee performance evaluations during the month of October - November each year to assist employees in performing their responsibilities.
- 3-02 (5) Employees at the top of the salary range will be eligible to receive a one-time incentive bonus equal to the amount of the proposed merit increase based on the employee's performance.
- 3-02 (6) Approved copies of performance evaluations are placed in the employee's personnel file kept in Human Resources. Each employee will receive a copy of his or her performance evaluation.

3-03 ABANDONMENT OF POSITION

Unauthorized absences may constitute cause for separation. An employee who fails to call his/her supervisor and/or Department Director for three consecutive working days or shifts to report his/her absence and to request that the absence be recorded as authorized may be deemed to have voluntarily abandoned his/her position and may have his/her employment with the City terminated. The Department Directors, with the consent of the City Manager, shall inform the employee of termination action in writing. Unless the employee is an at-will employee or is on probationary status, the employee has the right to appeal within ten calendar days of receipt or delivery of the termination notice.

3-04 REDUCTION IN FORCE

Due to budgetary restrictions, reduction in workload, or reorganization, the City Manager may determine that an employee reduction in force (RIF) is necessary. When it becomes necessary to reduce the workforce, regular full-time and part-time employee(s) within the positions to be eliminated shall be notified in writing of the lay-off.

PROCESS: When circumstances dictate that a reduction in the City workforce is needed, the City Manager, after conferring with the affected Department Directors, shall lay off the necessary number of employees according to the procedure outlined below:

- a. The City Manager shall determine which positions must be eliminated and have the least impact upon the City and the delivery of services to its residents.



- b. The City Manager shall then determine which employees occupying positions within the same class of positions to be eliminated shall be laid off. Employees holding emergency, temporary, and probationary positions shall be laid off first. The City Manager shall consider eliminating those employees whose most recent performance evaluation has overall “unsatisfactory” performance ratings if such ratings are current and available. Following termination of employees with “unsatisfactory” performance evaluations, the City Manager shall determine which additional employees occupying the affected positions, if any, shall be laid off. In case of the elimination of a position occupied by several employees having essentially equal skill, training, education, and performance evaluation ratings, preference will be given to the employee(s) having the most seniority (length of full-time service in the current term of employment with the City) compared to other employees occupying the position to be eliminated. The City Manager will next review performance evaluations and retain employees with a higher overall performance rating. If equal, seniority will be used to determine the employee(s) who will remain employed. When the position to be eliminated has been selected, the City Manager shall notify the affected employees in writing. The immediate supervisor and Department Director will notify the employee(s) verbally of the position elimination.
- c. Employees will not be allowed to “bump” (a re-assignment of jobs based on seniority) other employees out of their current positions.
- d. Employees laid off under the provisions of this section, who leave the City in good standing, with an overall satisfactory performance review rating and who are not subject to disciplinary actions at the time of termination, shall be reinstated if their same position or a position identical in scope of responsibility, education, experience, and training, pay grade, and job duties becomes available within one year of the employee’s termination. It is the terminated employee’s responsibility to notify the Human Resource Director when he/she is interested in being considered for an open position other than a position identical to the job he/she previously held. The terminated employee will be required to go through the established interview process for positions other than a reinstatement to a position he/she previously held.
- e. Employees assuming work positions at a lesser salary grade shall be paid according to the grade of the position assumed, regardless of the previous compensation paid to the employee. The Department Director will determine if the employee’s current salary is appropriate.



3-05 REMOTE WORK

3-05 (1) **General Policies** - It is the intent of Midvale City to allow employees to work remotely when it is deemed in the best interest of the City and whenever onsite work is not essential. No position is completely remote. Every position will require an employee to work in person at a City facility. Midvale City will not accept out-of-state applicants for remote work.

3-05 (2) **Remote Work Eligibility** - Job Descriptions will indicate if the position is eligible for remote work or not. Remote work authorization may be revoked at any time at the Department Director or City Manager's discretion. Change in remote work status is not a change in working conditions. Employees must work their designated work schedule and must be responsive in replying to their supervisor. Employees must receive prior approval from their Department Director to work remote from anywhere other than their home.

3-05 (3) **Positions Eligible for Remote Work** - Employees working in positions deemed eligible for remote work and are able to complete all functions as described in their job description and meet expectations of their supervisor.

- a. **Eligibility** – An employee is eligible to work remotely if:
 - i. The position is eligible to work remotely by the Department; and
 - ii. The employee is in good standing with the City. This means that the employee has not been subject to discipline (as outlined in Employee Policies and Procedures) within 6 months and is not on a corrective action plan, unless otherwise approved by the Department Director and approved by the City Manager or Assistant City Manager.
- b. **Emergency** - An employee is eligible to temporarily work remotely if the Department Director, with the approval of the City Manager or Assistant City Manager, determines that the City would benefit from the position completing remote work during an emergency. Emergency eligibility for remote work will terminate with the resolution of the emergency or at the Department Director's discretion.

3-05 (1) **Approval Standards and Process**

- a. An eligible employee requests to work remotely by notifying the supervisor.
- b. If the job has been designated as eligible to work remotely:



- i. Supervisor requests Human Resources to route the Remote Work application and recommends if the employee is a good candidate for remote work based on performance in his/her current position.
 - ii. Department Director reviews the application and determines if the employee is a good candidate based on performance in his/her current position.
- c. The Human Resources Director reviews the application, verifies position eligibility, and employee job performance history.
- d. The Human Resources Director will route the Remote Work Agreement for completion and signatures to the supervisor, employee, Department Director, Human Resources Director, and City Manager.
- e. An Equipment Check-out and Return form must be submitted with the Remote Work Agreement and updated on a regular basis.
- f. If an employee approved for remote work is placed on a corrective action plan, the remote work approval is revoked immediately unless otherwise authorized by the City Manager.
- g. Completed and approved Remote Work Agreements are stored in the employee's personnel file.
- h. Remote Work Agreements shall be reviewed and updated on an annual basis or when the employee's schedule changes.

SECTION 4 – EMPLOYEE BENEFITS

4-01 HEALTH INSURANCE - The City may offer group health insurance benefits to eligible employees that meet the requirements of the City's plan.

- a. Eligible employees are enrolled when hired and may make changes to group benefit plans once each year during a specified period known as "Open Enrollment" or in the case of a major life event.
- b. Health insurance elected by eligible new hires is effective on the first day of the month following the employee's start date. Coverage is canceled at the end of the month following the termination date.



- c. Eligible employees may only receive those health insurance benefits offered by the City at the time of hire or rehire.
- d. Eligible employees must provide proof of insurance under another plan in order to waive the City's coverage annually.
- e. Eligible employees shall not cancel City insurance without providing proof of other coverage and notifying Human Resources.
- f. Employees who meet the requirements to waive their medical insurance may receive a stipend per pay period approved by the City Council. If an employee is on leave of absence without pay, that waiver amount will be suspended until the employee returns to work.
- g. Employees should refer to applicable plan documents, which are available upon request from the Human Resources Director. Whenever a City policy is inconsistent with a plan document, the plan document shall control.

4-02 LIFE INSURANCE - Basic Life insurance and access to supplementary life insurance may be provided by the City for all full-time employees. The City provides a life insurance benefit of \$50,000 for the City employee, \$5,000 for a spouse and \$2,500 for dependents.

- a. All full-time and qualified part-time City employees are eligible for this life insurance benefit.
- b. Additional life insurance is available for eligible employees and their families as an option and is paid for by the employee. Additional information can be obtained from the Human Resource Department.

4-03 FICA (SOCIAL SECURITY & MEDICARE) - All employees are covered by the benefits of Old Age, Survivors and Disability Insurance as provided by law. Contributions from the employee and the City will be made in accordance with Federal law.

4-04 SOCIAL SECURITY - All employees are covered under the federal social security program. Social security is designed to provide supplemental income to workers who retire. Social security was not designed to provide retirement income, which will maintain a recipient at a lifestyle attained during working years.

4-05 LONG- AND SHORT-TERM DISABILITY - Subject to the terms and conditions established and controlled by the plan provider and/or other



disability plan provider(s), the City sponsors long-term and short-term disability insurance coverage for employees in eligible classifications for the purpose of providing income protection against the loss of an employee's ability to work and earn income. All full-time and qualified part-time employees are eligible.

4-06

WORKER'S COMPENSATION - Work-related injuries or illnesses may be covered under the City's worker's compensation insurance. Specific benefits are by law and the City's insurance policy. To be considered work-related, the injury or illness must arise from and occur in the course of employment.

- a. When authorized by a physician, medical expenses related to the work-related injury or illness (including doctor, hospital, surgical, physical therapy, prescription medication, medical equipment, and any out-of-pocket medical expenses) are covered.
- b. Worker's compensation also pays for wages lost as a result of an employee work-related injury or illness; however, there is a three-day waiting period. During the three-day waiting period, a regular employee may charge any absence to accumulated sick, vacation, or compensatory time.
- c. Worker's compensation pays 66 2/3% of an employee's average weekly wages and is non-taxable up to a maximum amount as defined by worker's compensation. An employee may elect to charge up to one day of sick leave, vacation, or compensatory leave for each day of absence in an amount equal to the portion of the employee's total compensation, which is not paid by worker's compensation benefits. However, in no case can the combination of sick leave and worker's compensation benefits exceed the employee's base pay. Once accrued leave has been exhausted, the employee will no longer accrue vacation, sick, or holiday leave until they return to work. Service time in Utah Retirement Systems will continue while on worker's compensation.
- d. Midvale City employees who take time off work as a result of an injury sustained at other employment are not eligible to use any accrued sick leave while receiving workers compensation disability benefits based on other employment.
- e. Under the provisions of the Americans with Disabilities Act and/or Family Medical Leave Act, and related to state law, an injured employee may have some right to a period of job protection during a worker's compensation absence. See the City's separate disability accommodation and FMLA policies for additional information.



- f. When injured while on duty, an employee must:
 - i. Immediately obtain necessary treatment. The City recommends that employees initially seek medical treatment at an approved medical facility. If emergency medical treatment is needed, the employee should seek treatment at the closest medical facility. Contact Human Resources for approved medical facilities.
 - ii. Ensure that doctors who treat their injuries complete a medical report describing how, when, and where the accident occurred. The employee is responsible for making sure a copy of the medical report is sent to the Human Resource Director.
 - iii. Report the injury to their supervisor or Department Director as soon as reasonably practical. The supervisor shall be responsible for notifying the Human Resource Director. Claims not meeting statutory notification requirements can be denied under workers compensation laws.
 - iv. The job-related injury shall be detailed on forms prescribed by the Utah Labor Commission and the City. These forms must be completed and submitted to the Human Resource Director within three days following the incident producing the injury.
 - v. An employee reporting an accident or injury while performing his or her duties on the date of the accident will be paid for that day.
 - vi. Employees injured while on duty must submit to a drug test as prescribed by drug testing policy in Section 6-03.
 - vii. Employees in safety sensitive positions returning after an extensive leave (30 days or more) must submit to a drug test prescribed by the drug testing policy in Section 6-03.
 - viii. It is the employee's responsibility to obtain a medical release form signed by a doctor. The employee is to report to work as permitted by the medical release form.
 - ix. Upon receipt of a medical release form, a supervisor will review doctor recommendations and consider available work assignments. Depending on availability, light duty work assignments may or may not be allowed.



- x. A copy of the medical release form needs to be submitted to the supervisor and a copy submitted to the Human Resource Department prior to returning to work.
- f. Upon return from a worker's compensation leave the City will accommodate an employee's return to their original or an equivalent position whenever possible. If any employee fails to report to work promptly at the end of the approved leave period, the City will assume the employee has resigned.
- g. The City reserves the right to act in accordance with its own safety and risk management policies to determine appropriate action with respect to the workforce, procedures, internal controls, and even disciplinary action, in order to enforce its own safety and risk management policies.
- h. As provided by applicable state law, the City retains the right to pursue any and all available legal actions against any third party to recover worker's compensation costs for injuries that occur during an employee's voluntary participation in any off-duty recreational, social, or athletic activity sponsored by the City.
- i. An employee on leave for workers' compensation is not allowed to work a secondary job.

4-07

COBRA - The federal Consolidated Omnibus Budget Reconciliation Act (COBRA) 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. Some common qualifying events are resignation, termination of employment, retirement, or death of an employee, a reduction in an employee's hours, a leave of absence, an employee's divorce or legal separation, a dependent child no longer meeting eligibility requirements, or termination of FMLA leave.

- a. Subject to the terms and conditions of the group policy and applicable legal standards for extensions of insurance coverage under the law, employees, their spouses, dependents, and divorced or separated spouses may continue the group insurance plan benefits for periods of time beyond the last date of work of the employee for the City. The terms, limitations, conditions, and length of extensions of coverage are specific in each individual case. Employees, dependents, spouses and ex-spouses are encouraged to make an inquiry of the Human Resources Department. Under COBRA, the employee or beneficiary pays the full cost of coverage at the City's group rates plus a 2% administration fee.



- b. The City provides each eligible employee with a written notice describing rights granted under COBRA when the employee becomes eligible for coverage under the City's health insurance plan. The notice contains important information about the employees' rights and obligations.
- c. Retirees, who meet the conditions for retirement as determined and defined by the Utah State Retirement Board or another City-sponsored retirement plan, may elect to continue their health insurance coverage upon retirement, which they had prior to their retirement date. Retirees will be required to pay the full premium for this insurance group coverage, plus a 2% administration fee, under COBRA, for a period of up to 18 months.
- d. Continuation of health insurance coverage must be coordinated with the City under the terms and conditions established by and through the Plan Provider. Employees interested in more information about the continued health insurance coverage under this policy should contact the Human Resource Department.

4-08

UTAH RETIREMENT SYSTEM (URS) - The Public Employees' Noncontributory Retirement System is a retirement plan intended to provide a meaningful retirement benefit to City employees who have chosen a career in public service. Subject to the terms, conditions, and limitations as defined and regulated by the Utah Retirement Board, the City provides coverage for employees in eligible employment classifications in the Utah Retirement System.

- a. Consistent with Utah Code Ann. § 49-13-203, the City Manager; Assistant City Manager; City Attorney; Deputy City Attorney; Community Development Director; Public Works Director; Administrative Services Director; Human Resource Director/City Recorder; Finance Director, Judge; and any eligible Tier 1 elected official are eligible for exemption from the URS. If individuals in these positions choose to exempt themselves from URS, they will receive their retirement contribution to a 401(a)-account administered by MissionSquare in lieu of the contribution to URS.
- b. Non-benefited temporary or part-time (<30 hrs./wk.) employees are not eligible for URS benefits. Eligible employees must work a minimum of 30 hours per week and receive benefits from the City.



- c. The URS has designated two categories of employees according to enrollment date. Once you are enrolled in the URS as either a Tier 1 or a Tier 2 employee, you will keep that designation, even if you stop working for a participating employer for a period of time and then return at a later date.
- d. Employees initially enrolled in the Utah Retirement System before July 1, 2011, are classified as Tier 1 employees. The City will pay the full URS Tier 1 rate for eligible employees. All City employees are enrolled in the Noncontributory System.
- e. If you leave employment covered by Utah Retirement Systems, you are not eligible for a refund, but your retirement funds will remain in your account, and you will receive a benefit when you retire. Benefits are vested after four years of service.
- f. Employees initially enrolled in the Utah Retirement System on or after July 1, 2011, are classified as Tier 2 employees. The City will pay the required URS Tier 2 rate for eligible employees.
- g. Tier 2 employees may choose between a defined contribution or a hybrid plan (see HR for more information). Employees have one year after employment begins to make this irrevocable choice of plans.
- h. Any eligible employee that is active in the Utah Retirement System may participate in the URS 401(k) plan in accordance with federal and state law contribution limitations.
- i. To access your Utah Retirement System account, go to www.urs.org. You can login to my URS which will display your years of service and account information. You can also view account statements, update your address and beneficiaries and print forms.
- j. For additional information regarding your Utah Retirement System accounts, contact URS benefits or the Human Resource Departments.

4-09

MISSIONSQUARE RETIREMENT BENEFITS - The City also offers qualified savings plans through MissionSquare. Employees in the positions listed in Section 4-08(a) above may opt out of the Utah Retirement program and instead invest the full amount in the MissionSquare program.

If an employee is post-retired from Utah Retirement Systems, the City will contribute the same monthly amount required by URS for active members to their MissionSquare 401(a) Plan.



The City provides a supplemental retirement benefit through MissionSquare. The City provides a total of 1% match to the MissionSquare 401(a) account of any eligible employees who contribute a minimum of 1% to a MissionSquare 457 plan or URS 401(k) plan. This election can only be made during Open Enrollment each year.

Information about coverage, contributions, benefits, and programs may be obtained through the Human Resources Department.

4-10 RETIREMENT HEALTH SAVINGS PLAN (RHS) - All employees, including elected officials, are required to participate in the VantageCare Retirement Health Savings (RHS) Plan.

a. Contribution Sources and Amounts:

- i. Direct Employer Contributions: A discretionary amount to be determined each Plan Year.
 - ii. Mandatory Employee Leave Conversions: Accrued Sick Leave per City Policy
- b. Employees with more than 480 hours of sick leave are required to convert sick leave to contribute to their RHS Plan. Only sick leave in excess of 480 hours at the end of the first full pay period in January is eligible to be contributed to the RHS Plan. The contribution is equal to sick leave earned during calendar year in excess of 480 hours less sick leave used during calendar year multiplied by 50%. The converted sick hours will be deducted from the employee's sick leave balance. After the conversion of sick hours for the contribution to the RHS Plan, participants may elect to convert 25% of remaining sick leave in excess of 240 hours to vacation leave.
- c. For full-time and qualified part-time employees, the City will contribute 10% of total accrued sick leave hours at applicable hourly rate upon separation from service to the employee's RHS Plan.
- d. Contributions to the RHS plan will be vested according to the contract with the RHS Plan provider.
- e. Contact the Human Resource Department for additional information on the RHS Plan and the current vesting requirements.

4-11 EMPLOYEE RECOGNITION - It is the intent of the City to recognize those employees whose loyalty and dedication to public service are reflected



in their length of service to the City. The City expresses this recognition and attempts to show a measure of its appreciation through an Employee Service Awards Program. As part of the Employee Service Awards program, the City presents employees with awards based upon the total number of years of service in five-year increments.

<u>Years of Service</u>	<u>Gift Certificate Amount</u>
5 Years	\$100
10 Years	\$200
15 Years	\$300
20 Years	\$400
25 Years	\$500
30 Years	\$600

4-12 WELLNESS PROGRAM

4-12 (1) The City offers a wellness program to encourage employees to stay physically fit and maintain good health. This program is paid for by the City and administered by the Human Resource Department for your benefit. It is a voluntary program for all employees. The program has the following objectives:

- a. Enhance quality of life for employees and family members;
- b. Improve morale, motivation, and personal development;
- c. Strengthen interpersonal relationships;
- d. Lower health, life, and disability insurance costs;
- e. Decrease work-related injuries and workers' compensation costs; and
- f. Reduce use of sick leave and absenteeism.

4-12 (2) The City reserves the right to modify the program at any time. Some wellness program benefits may be taxable. For more information, contact the Human Resource Department.

4-13 UNIFORMS - The City will provide employee uniforms when uniforms are required to fulfill job responsibilities, which may be taxable consistent with City-wide policies. Uniforms will be maintained and worn in accordance with City and Department policies.

4-14 AUTOMOBILE MILEAGE REIMBURSEMENT

4-14 (1) The City provides City-owned vehicles for employee use during normal business hours for City use. In the event that a City-owned vehicle is not available, the City, at its sole discretion, will reimburse employees for use of



their personal vehicles for City business at the rate currently allowed under Internal Revenue Service regulations. Employees must have prior approval of the Department Director to use their personal vehicle for City business. Employees using their own personal vehicle for City business must provide proof of insurance coverage to their Department Director.

- 4-14 (2) Commuting to and from work in City-provided vehicles that are not qualified non-personal use vehicles (as described in 26 CFR § 1.274-5T(k)) is considered a fringe benefit and is subject to employment taxes. This benefit will be included on the employee's W-2 and subject to all employment taxes. Department Directors, with the City Manager's approval, may require certain employees to drive these City-provided vehicles home. In which case, the City will pay the employee's share of the taxes.

4-15 CAR ALLOWANCE - The City Manager, Assistant City Manager, Department Directors, and key employees (as determined by the Department Director), except for those with a City-provided vehicle, will receive a car allowance in an amount approved by the City Council. Any mileage driven over a 50-mile radius from Midvale City Hall for anything above normal day-to-day usage (i.e. driving to attend a conference) is considered reimbursable at the current IRS rate. Employees receiving a car allowance must provide proof of valid insurance for their vehicles to their Department Director and the Human Resource Director.

4-16 CELL PHONE POLICY - Exempt and key employees are expected to be available during work hours whether in the office or at a meeting or conference and when needed outside work hours. As a result, all exempt employees and those key employees identified by the City Manager shall keep their cell phone with them while at work or at home. It is also expected that the exempt employee's phone will have a data plan to allow for additional communication of information and scheduling of meetings via email.

- a. In an effort to eliminate the need for an employee to carry two phones (personal and work) and to reduce the expense to the City, each employee that has been identified as needing to have a cell phone may choose one of the following options:

Option 1: Carry a personal cell phone that will be used for both City use and personal use with the monthly service paid for by the employee. The City will reimburse the employee an appropriate amount based on the cost of the City's plan per paid period for City use of the phone. If the phone is damaged, all replacement costs will be paid by the employee.



Option 2: Carry a City-issued cell phone (determined by the City) that can be used for both City use and personal use for which the employee reimburses the City an amount designated by the City based on the cost of the City's plan per pay period of the service cost and 100% of any overage amounts. If the phone is damaged, it will be replaced at the City's discretion. The phone is the City's property and is subject to City access and repossession under Section 4-16(2).

Option 3: Carry a City-issued cell phone (determined by the City) that will be for City business only, and the City will pay the costs. If the phone is damaged, it will be replaced at the City's discretion. Personal use is permitted in accordance with Section 4-16(2). If an employee appears to use their City-issued cell phone in violation of Section 4-16(2), the City Manager may revoke the employee's ability to choose this option. The phone is the City's property and is subject to City access and repossession under Section 4-16(2).

- b. Contributions from the City will be included in the employees' paycheck. Reimbursements to the City will be by payroll deduction with each paycheck. The reimbursed amount will be determined based on a bundled plan for minutes and text as determined by the Department Director or a bundled plan for minutes, text and data as determined by the Department Director.

4-16 (1) **Use of Cell Phones or Similar Devices at Work and While Driving**

- a. While at work, employees are expected to exercise the same discretion in using personal cell phones as when using company phones. Excessive personal calls during the workday, regardless of the phone used, can interfere with employee productivity and be distracting to others. Excessive use of cell phones during work hours for personal use may be cause for disciplinary action.
- b. As a general rule, employees should restrict the use of cell phones for personal reasons to scheduled breaks or lunch periods in non-working areas.
- c. To ensure the effectiveness of meetings, employees are also asked to turn cell phones to vibrate mode during the meeting or leave the cell phone at their desk.
- d. The City prohibits employees from using cell phones or similar devices while driving any City-owned vehicle or while conducting business for the City and driving any vehicle.



- e. This prohibition includes receiving or placing calls (unless the device has hands-free capability), text messaging, surfing the Internet, receiving or responding to email, watching videos, checking for phone messages, or any similar activity in which the driver has to interact with or physically manipulate the cell phone.
- f. If the employee must respond to a text message, email, or other type of communication in a non-hands-free mode, he/she must stop the vehicle in a safe location and remain in that location until the communication is completed.
- g. Employees violating this policy are subject to disciplinary action up to and including termination.

4-16 (2) **Personal Use of City-Owned Cell Phones and Equipment**

- a. The City may issue business cell phones to employees for work-related communications. Personal use of a City-owned cell phone is subject to the provisions of Section 6-01 (8).
- b. The City reserves the right to review City-owned cell phone usage and may, at its sole discretion, monitor the activity of all of its equipment including City-owned cell phones. Employees have no expected right to privacy as it relates to any City-owned equipment. If the City finds the employee is abusing the use of the City-owned cell phone for personal use, the City-owned cell phone will be confiscated, and the employee will be required to choose a different option under Section 4-16(a).
- c. Employees in possession of City equipment (including cell phones) are expected to protect the equipment from loss, damage, or theft. Upon termination of employment, or upon request at any time, the employee may be asked to produce the equipment for return or inspection. If the employee fails to return the equipment in a timely manner or if the equipment is damaged beyond normal "wear and tear", the City reserves the right to withhold the fair market value of the equipment from the employee's paycheck.
- d. Any and all information on any City-owned equipment and any personal or City-owned cell phone in which the City pays for or reimburses the employees for use, may be considered a public record and may be obtained through a Governments Records Access and Management Act (GRAMA) request. Any City-related information collected on any device for City-related business, including a personal cell phone, may be considered a public record and may be obtained through a GRAMA request regardless of if the City pays for or reimburses the employees



for use. Employees are expected to cooperate with such GRAMA requests.

- e. Excessive usage or abuse of a City-owned cell phone or equipment may be cause for disciplinary action up to and including termination.

4-17 EMPLOYEE ASSISTANCE PROGRAM - Midvale City has elected to fund an employee assistance program to assist employees and their dependents in addressing and facilitating solutions.

All full-time and qualified part-time City employees and dependents are eligible and can utilize the employee assistance program voluntarily to receive counseling and facilitate solutions. This service is offered at no charge to the employee or dependents and is a confidential program. For more information, contact Human Resources.

4-18 TRAINING AND TRAVEL POLICY - Actual and reasonable business travel and training expenses incurred in the authorized conduct of City business, including transportation, registration fees, meals, and lodging costs, will be paid by the City. The City will not bear or reimburse any costs associated with a person(s) accompanying an employee on business travel. Business travel must be approved in advance and employees are responsible for securing reasonable and cost-effective travel arrangements.

- a. **Expenses** - All employees must obtain prior approval from their Department Director before incurring business-related travel expenses. Employees, as a condition of employment, may be required by the City to attend essential education. With the approval of the Department Director an employee may receive a cash advance prior to the anticipated travel. All travel must be related to and within the scope of an employee's work activities.
- b. **Mode of Travel** - Employees are responsible for using the most efficient, direct, and economical form of transportation available, given the circumstances. If an employee voluntarily chooses to use a more expensive form of travel, the City will compensate the employee only for the least expensive available travel option, with the employee being responsible for paying the difference in cost.
- c. **Use of Personal or City Vehicles** - Transportation by car may be required if travel time is less than one day, scheduling permits and the expense is more economical than air travel. Generally, an employee should use a City vehicle for travel. If a City vehicle is not available and the employee must use a private vehicle, the City will reimburse at the



mileage rate established by the IRS. If more than one employee is riding in the same vehicle, only the owner of the vehicle will be reimbursed for mileage. If an employee has an assigned City vehicle, they are expected to use that vehicle. If an employee chooses to use a private vehicle when a City vehicle is available, the City will compensate at half the mileage rate established by the IRS for tax purposes. If a City vehicle is used, no mileage compensation will be made, but the City will pay fuel costs and any repairs needed to the vehicle while traveling. Employees with vehicle allowances are expected to use the vehicle at no additional cost to the City for City-related travel within a 50-mile radius of City Hall. Employees using their own personal vehicle for City business must provide proof of insurance coverage to their Department Director.

- d. **Car Rentals** - Car rentals are compensated only when other less costly forms of transportation are unavailable. Employees are required to rent compact cars unless only a larger car is available, or circumstances necessitate a larger car. Employees are encouraged to use public transportation, complimentary shuttles, ride share, and/or share taxi expenses with a group whenever possible.
- e. **Lodging** - Employees are responsible for using the most efficient and economical accommodation with the best combination of location and price.
 - i. **Convention or Special Rates** - Whenever possible, employees should use hotels where a corporate or convention rate has been established. Asking for special or better rates is also advised when checking in at hotels.
 - ii. **Reimbursement** - Lodging will be reimbursed at actual cost on a single rate basis or divided rate basis if more than one employee shares the room. Employees will be reimbursed according to the rates allowable for each locality in the United States as specified in the per diem schedule issued periodically by the U. S. Government Office of Personnel Management. In some instances, actual expenses in excess of the maximum rate for lodging may be allowed, e.g., where a conference or meeting hotel has been designated and scheduling does not reasonably permit alternative lodging, or where no other rooms are available. Prior approval must be obtained from the employee's Department Director under these circumstances. When obtaining lodging, employees should notify the hotel of their tax-exempt status as a City government employee and provide tax exemption forms available from the Finance Department. All



lodging receipts must be submitted with a travel voucher. Employees that stay with relatives, friends or other means in lieu of staying in a hotel, are eligible for a \$50 per night stipend.

- f. **Meals** - The City will compensate employees for per diem consistent with the maximum rates allowable for each locality in the United States as specified in the per diem schedule issued periodically by the U. S. Government Office of Personnel Management. The schedule applies to all travel which extends more than 12 hours and requires overnight lodging. Allowances for seasonal rates may be considered.

Travel that requires less than a full day shall be compensated as follows:

- Breakfast - when necessary to depart before 7:00 a.m.
- Lunch - when necessary to return after 2:00 p.m.
- Dinner - when necessary to return after 7:00 p.m.
- No Incidentals will be included in calculation.

- g. **Frequent Flyer and Hotel Club Programs** - Employees may retain accrued frequent flyer and hotel club program credits; however, any cash rebates must be returned to the City. Employees should ensure that they continue to make the most economical travel arrangements, uninfluenced by potential airline or hotel travel awards.

- h. **City Credit Cards** - Employees who travel must use a City credit card when applicable.

- i. **For Business Travel Only** - City credit cards must be used only for actual and necessary business-related charges and not for any personal expenses.

- ii. **Inappropriate Use** - Employees are responsible for inappropriate credit card charges. Such improper use may also subject an employee to corrective action.

- i. **Entertainment Expenses** - No reimbursement will be made for entertainment expenses during a business trip unless the entertainment is business-related and pre-approved by the Department Director. The employee must pay any cost for personal magazines, movies, books, and newspapers.

- k. **Miscellaneous Travel Expenses** - The following expenses may be compensated when incurred for approved business travel:



- i. Transit fares at the travel destination site only. Transit fares to and from Salt Lake City transportation terminals are not reimbursable.
 - ii. Tolls;
 - iii. Baggage handling;
 - iv. Up to two telephone calls daily to the employee's home area code are reimbursable while in travel status, in addition to calls related to City business. The amounts of personal telephone calls are not to exceed \$7.50 in aggregate daily total. The City may supply prepaid phone cards as an alternative;
 - v. Parking fees with receipts; and
 - vi. Necessary and reasonable transit fares at the destination site, including gratuities not to exceed 15% (or 20% in major markets) are reimbursable with receipts.
- l. **Personal Travel** - Generally, employees are permitted to combine personal travel with business travel as long as annual leave is approved. Additional expenses arising from such non-business travel are the employee's responsibility.
- m. **Compensation of Nonexempt Employees for Travel Time.**
 - i. **Regular Work Hours** - Nonexempt employees will be compensated for travel time during regular working hours while on approved City business.
 - ii. **Regular Work Hours on Non-Workdays** - Travel during regular working hours on non-workdays (e.g., Saturday, Sunday or holidays) is treated as "hours worked" only when the City mandates such travel.
 - iii. **Outside of Regular Work Hours** - Time spent traveling, (e.g., on a plane, bus, or in a car) outside of normal working hours, is not considered "hours worked".

4-19 EDUCATION ASSISTANCE - The City recognizes that the skills and knowledge of its employees are critical to the success of the organization. The City's Educational Financial Assistance program encourages personal



development through formal education so employees can maintain and improve job-related skills.

- a. The City may provide educational financial assistance up to 75%, but not to exceed \$1,500 of the cost of tuition, fees, (excluding late fees) and books per request to eligible employees. Employees may make two requests for reimbursement per fiscal year for maximum amount of \$3,000 per fiscal year to be granted depending upon annual budget appropriations. Only full-time employees who have successfully completed their six-month probationary period are eligible to receive financial assistance from this program.
- b. To maintain eligibility, employees must remain on active payroll and perform their job satisfactorily through completion of each course. Educational financial assistance is limited to courses required for a college degree, provided that the degree relates to the employee's career path.
- c. The City has sole discretion to determine approval for any educational financial assistance requested. Approval must occur first through the Department Director and next through the City Manager prior to enrollment in the course.
- d. Pursuant to this policy, costs of tuition, fees, or books will be disbursed upon successful completion of the approved course. Where a grade is given, the employee must successfully complete said course with a grade of "B" or better. If the course is on a pass/fail basis, the employee must pass the course to qualify for reimbursement. The employee must submit a request for reimbursement along with documentation of successful completion of the course to the City Manager within 30 calendar days of completion of any approved course.
- e. Employees may not be reimbursed for tuition paid by another financial grant or scholarship.
- f. If an employee separates from City employment within two years of completing any course for which the employee received reimbursement, the amount of educational financial assistance for that course shall be deemed a loan and will be deducted from the employee's final paycheck. Employees must agree to sign a promissory note if the final paycheck is insufficient to repay the loan in full. The terms of which will be a negotiated monthly payment, 0% interest, and full repayment of the outstanding balance within one year of the employee leaving employment with the City.



- g. The City may pay 100% of education costs when the course is necessary for an employee's current job, and the course is limited in both time of offering as well as length (e.g., one-day seminar or a one-week training and certification course). The City may also pay 100% of the education costs for certain occupations where ongoing education is necessary to maintain a certification or continuing education required by the state, City, or professional organization to which the employee belongs. Employees are not required to reimburse the City for these costs upon separation from the City.

4-20 SEPARATION OF EMPLOYMENT

- 4-20 (1) Employees who voluntarily resign may receive an exit interview administered by the Department Director, Human Resource Director, or designee. Employees who resign and desire to remain in good standing with the City should give a minimum of a two-week notice. Otherwise, they may not be considered for re-employment at a future date. Such notice should be given in writing to your supervisor and Department Director and forwarded to Human Resources. Employees are not allowed to resign and use vacation after their resignation notice, even if such vacation was previously approved. The City Manager may waive this requirement if doing so would benefit the City.
- 4-20 (2) **Vacation** - Upon separation from employment with the City, employees are entitled to receive payment for accrued and unused vacation time, provided they sign a release agreement waiving any and all legal claims against the City, its officials, officers, employees, and representatives, arising out of or related to the employment relationship and its termination. This policy applies to all regular full-time and qualified part-time employees of the City who are eligible for vacation benefits. The payment will be calculated based on the employee's regular rate of pay at the time of separation and included in the final paycheck along with any accrued unused compensatory time. The Human Resource Department will provide the employee with the necessary release agreement paperwork. The employee will have a specified period to review and sign the release agreement before receiving payment for accrued unused vacation time. In exceptional circumstances or as required by law, the city may withhold payment for accrued unused vacation time pending resolution of specific issues related to the employee's separation.
- 4-20 (3) **Sick Leave** - Upon separation of employment with the City, full-time and qualified part-time employees who have successfully completed their probationary period are entitled to convert 25% of their accrued unused sick leave in accordance with Section 5-04 after which 10% of the remaining accrued unused sick leave will be deposited into the employee's Retirement Health Savings Account (Section 4-10). Unused sick leave benefits will not be



paid as direct compensation to employees while they are employed or upon termination of employment except as otherwise stated in this policy.

4-20 (4) At the time of termination, the employee will return all Midvale City uniforms, keys, identification tags, badges, and other issued City equipment. Employees should also leave a forwarding address with the Human Resource Department in order for the mailing of the W-2 at the end of the year.

4-20 (5) **Retirement** - A full-time employee with at least ten years of service with the City or five years of service at age 60 qualifies to be a retired employee. The age that qualifies an employee for full social security benefits shall not be a traditional retirement age for employees. No employee will be required to retire or be removed from City service for reasons unrelated to work performance or elimination of position.

4-20 (6) **Retirement Gift**

a. A full-time employee qualifying as a retired employee will also qualify to receive a retirement gift from the City based on the following years of service:

<u>Years of Service</u>	<u>Gift Certificate Amount</u>
5-9 Years	\$100
10-19 Years	\$200
20+ Years	\$300

b. You are urged to provide the City with a minimum of two months' notice when you are nearing retirement. This will allow ample time for the processing of appropriate pension forms to ensure that any retirement benefits to which you may be entitled commence in a timely manner.

c. All outgoing employees are required to contact Human Resources to ensure all necessary forms are completed and to ensure all City property has been turned over to your Department Director.

4-20 (7) **Life Insurance Continuation** - The City's life insurance plan has a conversion option. When you leave employment, you may convert to an individual policy. Contact Human Resources for more information.

4-20 (8) **Disability Insurance Continuation** - The City's disability insurance also has a conversion option. When you leave employment, you may convert to an individual policy. Contact Human Resources for more information.



- 4-20 (9) **Continuation of Group Health Plans (COBRA)** - Federal law requires employers to offer a temporary continuation of group health plan coverage to qualified beneficiaries. Employees covered by an employer's group health plan and/or spouses and dependent children may qualify, including children born after the qualifying event. The continuation period is generally 18 months but can be extended. Please contact Human Resources for more information.
- 4-20 (10) **Health Insurance Portability (HIPAA)** - The Health Insurance Portability and Accountability Act is designed to help ensure portability of health coverage for individuals and families who move from one employer health benefit plan to another and to protect your health information. The act places several significant obligations on Midvale City and our group health plan providers, including a requirement to issue a Certification of Credible Group Coverage to employees and their eligible dependents when coverage under the City's health plan ends. These certifications provide documentation of prior coverage which terminating employees and their dependents may need to reduce preexisting condition limitations when enrolling in a new health plan benefit.
- 4-20 (11) **Retirement Early Withdrawal Penalties** - You may withdraw part or all of your retirement accounts upon termination. There is a 10 percent penalty on withdrawals from the State Retirement (if applicable) and Mission Square 401(a) systems. The IRS requires a 20 percent withholding of the withdrawn funds. This 20 percent does not change the penalty or taxes due. As usual, any funds withheld in excess of the taxes and penalties due are refunded after you file your taxes for the year. You may avoid the taxes and penalties by leaving your money in the plan or rolling it into another qualified plan. You may obtain all the appropriate paperwork from the Human Resources Department.

SECTION 5 – LEAVE POLICIES

5.01 ANNUAL VACATION LEAVE

Vacation time off with pay is available for eligible employees to provide opportunities for rest, relaxation, and personal pursuits. Part-time employees are not eligible for vacation leave. Qualified part-time employees receive vacation on a pro-rated basis. Vacation accrual is based on 24 pay periods. Vacation leave may not be used until the pay period following its accrual. Vacation may not be used after giving notice of resignation. Benefited full-time employees shall accrue annual vacation leave in accordance with the following, whichever is higher:



- a. **Vacation Accrual Rates:** Employees with completed years in the Utah Retirement System are eligible for the rates listed below based on those completed years.

Full-time employee (effective July 1, 2024):

Completed Years of Accrued Cumulative City Service or URS	Hours of Vacation Accrued for 24 pay periods a year
Less than 5	4.00 (96 hours annually)
5 – 9	5.00 (120 hours annually)
10 – 15	6.00 (144 hours annually)
16+	7.00 (168 hours annually)

******Vacation accrual may be negotiated based on relevant professional work experience at the discretion of the City Manager.***

- b. **Maximum Vacation Accrual Allowed:** Vacation time accrued cannot be carried forward from one calendar year to the next in excess of the following:
- A maximum of 240 hours per year shall be allowed to be carried forward from one calendar year to the next. If the amount of unused, accrued, or credited vacation time on December 31st of each year exceeds the cap of 240 hours, the excess balance will be forfeited and added to the sick leave bank.
 - Vacation leave shall be requested from and pre-approved by the employee's supervisor. Advancing vacation leave to any employee is prohibited. Vacation leave cannot be used for any unapproved absences.
 - In the event an employee is not allowed to use previously scheduled and approved vacation leave because of unforeseen needs of the City, the City Manager may in writing grant an extension up to 60 calendar days from the forfeiture date in which the employee may use his/her vacation time. All accrued or credited vacation time will be paid at the time of separation from the City.
- c. Department Directors are credited their authorized number of vacation hours annually on January 1 of each year. If the eligible employee is hired after January 1, the number of hours of vacation pay credited on the date of hire will be pro-rated based on the months remaining in the



year. The City Manager reserves the right to negotiate vacation time upon hiring of Department Directors.

- d. A holiday that falls during an employee's annual vacation leave shall be counted as a paid holiday. Annual vacation leave shall be requested and pre-approved by the employee's supervisor.
- e. Employees on an unpaid leave of absence, such as a leave of absence, FMLA, or unpaid administrative leave, will not accrue vacation or sick leave during that time.
- f. Paid vacation shall be accounted for in minimum increments of one quarter hour. Exempt employees who are off work for less than a full workday with their Department Director's approval shall not have their vacation deducted for vacation time taken.
- g. Employees who fail to notify their supervisor of their absence, regardless of the duration, are not permitted to use leave time for those hours.

5-02

HOLIDAY LEAVE

The City recognizes the following holidays for purposes of paid holiday leave:

• New Year's Day	January 1 st
• Martin Luther King Day	3 rd Monday in January
• Presidents' Day	3 rd Monday in February
• Memorial Day	Last Monday in May
• Juneteenth	June 19 th
• Independence Day	July 4 th
• Pioneer Day	July 24 th
• Labor Day	1 st Monday in September
• Veterans Day	November 11 th
• Thanksgiving Day	4 th Thursday in November
• Thanksgiving Holiday*	4 th Friday in November
• Christmas Day	December 25 th
• Christmas Holiday	December 26 th

*Thanksgiving Holiday is only available to employees working a 9/80 schedule and a traditional 5 days/40 hours per week schedule.

- a. Except for the Juneteenth, the following observance policy applies to holidays falling on days when City Hall is closed. If a holiday falls on or



is observed on a Friday or Saturday, the holiday will be split between the preceding Thursday and following Monday, so City Hall stays open. If a holiday falls on a Sunday, the holiday shall be observed on the following Monday or as designated by the City Manager. If the holiday falls on or is observed on a Monday through Thursday, City Hall will be closed for the holiday. For the Juneteenth holiday special observance policy, please see Sections 5-02(i).

- b. Full-time employees are eligible for 120 hours of holiday pay per calendar year. Qualified Part-time employees will receive holidays on a pro-rated basis. Part-time employees (working less than 30 hours per week) are not eligible for holiday pay.
- c. Public Work on-call employees required to work on an observed holiday or an actual holiday that falls on their regularly scheduled day off, are paid at a rate of one and one-half times their straight time base pay rate plus holiday pay as long as they meet the 40-hour work week including the holiday.
- d. Non-exempt Public Works employees scheduled off on an observed City holiday but required to work for snow events or other emergencies will be paid for the holiday hours in addition to receiving compensatory time or overtime.
- e. Employees do not accrue holiday pay when on an unpaid leave of absence.
- f. Public Work employees accruing holiday leave due to their on-call status may use the holiday on a floating basis as long as it is requested and pre-approved by the employee's supervisor. Any floating holidays must be used within 30 days. Unused holiday hours may not be carried from one calendar year to another.
- g. Regular Employees working a 4/10 work schedule may not accrue holiday hours or move their holiday to a different day.
- h. Exempt employees are paid on the basis of set compensation and are compensated for all holidays based on that compensation. If an exempt employee works on a holiday, they are not compensated additionally for such work.
- i. For employees working a 9/80 schedule or a traditional 5 days/40 hours per week schedule, please talk to your supervisor about when you should observe a holiday falling on Friday or Saturday.



5-03

SICK LEAVE - Sick leave time off with pay is provided to eligible full-time and qualified part-time employees for periods of temporary absence due to illness, injury, or to obtain necessary medical care for themselves and/or their dependents at the discretion of the Department Director. Sick leave must be used for any City-approved FMLA leave use. Sick leave hours are intended primarily to provide income protection in the event of illness, injury, or approved FMLA use, and shall not be used for any other absence. An employee is prohibited from working secondary employment during the actual hours of sick leave. Sick leave may not be used until the pay period following its accrual.

- a. Sick leave is not job protection.
- b. Full-time employees shall accrue 4.00 hours of sick leave per pay period for 24 pay periods annually. Employees do not accrue sick leave while on an unpaid leave of absence.
- c. Qualified Part-time employees are eligible to receive sick leave on a pro-rated basis. Part-time employees and persons hired on an emergency, seasonal, or temporary basis are not eligible for sick leave.
- d. Paid sick leave shall be accounted for in minimum increments of one quarter hour. Exempt employees who are off work for less than a full workday shall not have their sick leave deducted for sick time taken. Otherwise, exempt employees are subject to the same conditions and limitations applicable to the qualified and proper use of sick leave for illness, injury, or bereavement.
- e. Employees who are unable to report to work due to illness or injury should notify their direct supervisor before the scheduled start of their workday, if possible. The direct supervisor must also be contacted on each additional day of absence.
- f. Employees unable to fulfill normal work assignments due to illness or injury may or may not be allowed light duty assignments depending on availability.
- i. Employees may be required to demonstrate the ability to perform essential job duties and/or provide a medical release before returning to work. Any employee admitted or outpatient to a hospital or similar healthcare facility is required to provide a medical release before returning to work. A medical release should be provided to the Human Resources Director.



- j. Paid sick leave is a privilege and not a right of employment. Abuse of the sick leave privilege shall constitute grounds for disciplinary action. Employees who consistently utilize sick leave (accrual of less than 40 hours), may become suspected of policy abuse.
- k. Where a pattern of sick leave use is present or a question arises as to the legitimate use of accrued sick leave, Department Directors, in coordination with the Human Resources Director, have the right to investigate use of sick leave, make inquiry of the employee as to his/her ability to perform essential functions of the job, and otherwise request medical information be provided to the supervisor.
- l. Advancing sick leave to any employee is prohibited.
- m. Employees, supervisors, and Department Directors are required to notify the City Manager and Human Resource Director whenever paid sick leave is used for a medical disability or serious health condition of the employee or the employee's family or household member. A serious health condition means an illness, injury, impairment, or a physical or mental condition that involves an absence of three consecutive workdays or longer under the care of a health care provider, inpatient care in a hospital, hospice, or residential medical care facility, or continuing treatment by a health care provider.
- n. An FMLA request form is to be completed by the employee and submitted to the Human Resource Director to be approved by the City Manager. This form is used to determine the effective date of any medical disability or serious health condition of the employee or family member and the period of available leave (paid and unpaid) benefit for the employee.
- o. If the proper form is not completed, the City Manager will determine the effective date of any serious health condition and the period of available leave (paid or unpaid) based on the first date the employee was granted leave related to, and/or in connection with, the employee's medical disability or serious health condition.
- p. An employee should only provide medical documentation to the Human Resources Director. Medical documentation, including FMLA forms, should not be submitted or provided to a supervisor or Department Director.

5-04

SICK LEAVE CONVERSION - Full-time employees who have accrued a minimum of 240 hours of sick leave may elect to convert 25% of their additional



earned, unused sick leave benefits to vacation leave **one time** each calendar year.

5-05

LEAVE DONATIONS - Employees may voluntarily and anonymously donate accumulated unused leave (vacation, comp time, or sick leave) hours to the sick leave bank of the City to be used by an employee who has suffered an incapacitating major illness or injury or family emergency, which has exhausted the employee's regular sick leave, vacation, and comp-time accounts.

- a. Any unused vacation hours over the 240 allowed that are forfeited by employees at the end of the year shall be donated to the sick leave bank.
- b. Eligible full-time City employees must have been employed with the City for one year or more, do not have a history of sick leave abuse, are meeting or exceeding expectations based on their last performance review, are not currently on a performance improvement plan or on administrative leave, and have accumulated 40 or more hours of unused sick leave at the time of the request (or when the illness began) for extended sick leave compensation.
- c. A maximum of 160 hours of extended sick leave compensation may be requested per rolling 12-month period.

ROLLING 12 MONTH PERIOD: A rolling 12-month period is measured backward from the date an employee uses any leave from the sick leave bank. Each time an employee receives sick leave compensation from sick leave donations, the remaining leave entitlement would be any balance of the 160 hours, which has not been used during the immediately preceding 12 months.

- d. Sick leave bank hours are granted on an as-needed basis and may not be accrued. The employee must exhaust all personal leave prior to using any sick leave bank hours. No sick leave or vacation leave will be accrued while an employee is using sick leave bank hours.
- e. All requests must be approved by the employees' Department Director and the City Manager. All donations are made on a confidential basis. Each case will be considered separately based upon the merits of the situation.
- f. Advancing extended sick leave to any employee is prohibited.



5-06

BEREAVEMENT LEAVE - The City grants bereavement leave for eligible employees as specified in this policy.

a. **Eligibility.**

1. Full-time employees and qualified part-time employees working a minimum of 30 hours a week are eligible to receive bereavement leave in the event of a death to an employee's immediate family to handle matters related to death and grieving. Qualified part-time employees will receive bereavement leave on a pro-rated basis.
2. All employees, regardless of status, are eligible to receive bereavement leave who have suffered a pregnancy loss.

b. **Definitions.**

1. Immediate family includes the employee's spouse or domestic partner, parents, children, siblings, grandparents, aunts, uncles, and grandchildren. This includes adopted, foster, step, half, and in-law relationships of the same nature listed in the previous sentence. Exceptions to the immediate family members listed require City Manager or designee approval.
2. An employee, for purposes of this policy, has suffered a pregnancy loss if the employee's pregnancy is ended by way of miscarriage or stillbirth, or the employee's spouse or partner, former spouse or partner, or biological parent's pregnancy is ended by miscarriage or stillbirth. An employee intended to be an adoptive parent who has suffered a pregnancy loss may receive this benefit with documentation provided, i.e., valid gestational agreement.

- c. **Leave Time.** Bereavement leave of up to three working days of paid leave is granted in cases as described above. Additional time may be granted with City Manager or designee approval. Sick leave will be used for additional approved leave time, followed by vacation.

- d. **Notification.** An employee requiring bereavement leave should inform their supervisor as soon as possible.

- e. An employee who works less than 30 hours a week is not eligible for paid bereavement leave for the death of an immediate family member. Unpaid time off may be granted with supervisor's approval.



- f. Bereavement pay is calculated based on an employee's base rate of pay. Bereavement leave does not count as time worked for the purpose of calculating overtime.
- g. An employee may receive up to 5 hours' funeral leave with pay to attend non-immediate family funerals, at the Department Director's discretion.
- h. Bereavement leave shall be pre-approved by an employee's Department Director. Employees may be required to provide verification of the death (obituary) and their attendance at the funeral (funeral program).

5-07

MILITARY LEAVE - Military leave is paid time off granted to eligible employees for military duty.

- a. An employee on official military orders is entitled to paid military leave, which shall not exceed 80 hours per calendar year, to complete military duty. Unused paid military leave may not be carried over from one year to the next.
- b. An employee shall notify their supervisor and the Human Resource Department of their military orders, in writing, as soon as possible. The written notification will include the estimated leave date, the intended return date, and any required payroll deduction decisions.
- c. **Active Duty**
 - i. An employee ordered to active duty shall be eligible to use the paid military leave upon commencement of the active duty only if such leave has not been previously used during the calendar year.
 - ii. An employee ordered to active duty may use accrued paid leave and/or leave without pay for the remainder of the active-duty period.
 - iii. Contribution payments by both the City and employee may be required during the active-duty period in order to continue accruing years of service. The City and employee shall follow the process outlined by Utah Retirement Systems.
 - iv. Employees on active duty who elect to continue payroll deductions shall coordinate such with Human Resources.



- v. Employees on active duty will be reinstated in accordance with the Uniformed Services Employment and Reemployment Rights Act (USERRA).
- vi. Employees who meet the requirements of Utah Code Ann. § 71A-8-101 will be restored to the same position or to a position equivalent to the same position that the employee held immediately prior to the commencement of their active military service.

5-08 JURY OR WITNESS DUTY - The City recognizes the duty of every employee, as a citizen of the United States, to perform jury duty or serve as a witness in court on behalf of another party.

- a. The City pays an employee's regular salary or wage when the employee is absent during a scheduled shift. The employee is required to remit any such jury or witness fee received to the Finance Department within one week of receipt.
- b. An employee may retain mileage reimbursement paid by the court.
- c. An employee must show the jury or witness duty summons to his or her supervisor as soon after receipt as possible so the supervisor may make arrangements to accommodate their absence,

5-09 FAMILY MEDICAL LEAVE (FMLA) - The Family and Medical Leave Act (FMLA) grants eligible employees the statutory right to take up to 12 weeks of paid and/or unpaid leave per 12-month period, measured backward from the date of an employee uses any FMLA leave. The City will notify an employee of eligibility for FMLA status whenever the City has knowledge that the employee may qualify. If so designated, employees may not choose to waive the designation of FMLA.

- a. An employee is eligible under the Family and Medical Leave Act if the employee has been employed with the City for a minimum of 12 months, has worked a minimum of 1250 hours in the 12-month period immediately preceding the request, and works within a 75-mile radius of a City office with 50 or more employees.
- b. Eligible employees may request up to 12 weeks of leave for situations related to certain family, medical, and military reasons such as:
 - i. To care for the employee's child after birth, or placement for adoption or foster care;



- ii. To care for the employee's child, spouse, parent (but not in-law) who has a serious health condition. A serious health condition means an illness, injury, impairment, or physical or mental condition that involves inpatient care in a hospital, hospice, or residential medical care facility, or that requires continuing treatment by a health care provider.
 - iii. For the employee's own health condition (including any period of incapacity due to pregnancy, prenatal medical care, or childbirth) that makes the employee unable to perform one or more essential functions of the employee's job;
 - iii. For any qualifying exigency caused by a family member who belongs to the regular Armed Forces being called for deployment to a foreign country, or a member of the reserves or National Guard being called to active-duty deployment to a foreign country; or
 - iv. To care for a spouse, child, parent, or next of kin who is a service member and is injured or becomes seriously ill while on active duty or within five years of leaving the Armed Forces.
- c. Eligible employees should make requests for family and medical leave to the Human Resource Department and notify supervisors in writing at least 30 days in advance of a foreseeable event and as soon as practical for an unforeseeable event.
- i. In an emergency, the employee must contact his or her supervisor within 48 hours or as soon as practical.
 - ii. An eligible employee may take leave consecutively or intermittently for qualifying conditions. If intermittent or reduced leave is needed, employees are strongly encouraged to schedule their leave, so it does not unduly disrupt City operations.
 - iii. All employees requesting leave under this policy must complete the applicable Certification of Health Care Provider form and return it to the Human Resources Department within 15 working days.
 - iv. The Human Resource Department will process the certification and provide the employee with the Notice of Eligibility and Rights & Responsibilities form and Designation Notice.



- v. An FMLA request form is to be completed by the employee and submitted to the Human Resource Director to be approved by the City Manager. This form is used to determine the effective date of any medical disability or serious health condition of the employee and the period of available leave. If the proper form is not completed, the City Manager will determine the effective date based on the first date the employee was granted leave related to, and/or in connection with, the employee's medical disability or serious health condition.
 - vi. An employee on designated FMLA leave will have all absences related to that qualifying event count toward the total eligible 12 weeks of FMLA leave.
 - vii. FMLA leave will be based on a rolling 12-month period, which is measured backward from the date an employee uses any FMLA leave. Each time an employee takes FMLA leave the remaining leave entitlement would be any balance of the 12 weeks, which has not been used during the immediately preceding 12 months. FMLA leaves may be approved for a maximum of 12 weeks in a 12-month period.
- d. Eligible employees must use available paid leave (accrued vacation, compensatory leave, and sick leave) concurrent with FMLA leave. Supervisors will be responsible for submitting the employee timecard, including FMLA use to the Human Resource Department while an employee is on FMLA leave if the employee is unable to do so.
 - e. Subject to the terms, conditions, and limitations of the applicable health insurance plans, the City will continue to contribute to premiums in accordance with established policy during an employee's approved FMLA leave. However, seniority and other benefits will not accrue during unpaid time off. The employee must continue to pay any portion of the premiums that the employee would typically pay if not on leave, either through payroll deduction or in person. The City has the right to recover health insurance premiums if the employee does not return from FMLA leave.
 - f. If the employee is returning from leave for their own serious health condition, the City may request a fitness-for-duty report from the healthcare provider before the employee can return. Failure to provide a fitness-for-duty certification may delay your return to work.



- i. Upon return from FMLA leave, an employee will return to their original or equivalent position.
 - ii. If an employee fails to return to work after exhausting FMLA leave, the employee is responsible for reimbursing the City for any unpaid employee share of the premium costs if there is no paid leave available.
 - iii. On a basis that does not discriminate against employees on FMLA leave, the City may require an employee on FMLA leave to report periodically on the employee's status and intent to return to work.
- g. **Secondary Employment Prohibited While on FMLA Leave** - While on FMLA leave, employees shall not work secondary employment during regularly scheduled working hours when using paid sick leave. Other secondary employment must be consistent with the qualifying medical condition, or any restrictions medically imposed related to FMLA leave.
- h. An absence from work due to an on-the-job injury or illness, which qualifies as a worker's compensation absence also qualifies as an FMLA absence.
- i. Employees with domestic partners who meet the eligibility criteria of domestic partner insurance coverage with the City, may be considered eligible for leave to support their domestic partners. Employees must meet the same requirements as if they requested leave under FMLA. Any leave granted will be subject to similar requirements and restrictions as FMLA leave. However, such leave is not provided for or protected under FMLA or any other law. This policy is subject to change or revocation at any time.

5-10 PARENTAL LEAVE

- a. Full-time employees may request a maximum of 240 hours paid parental leave for the birth of a child or placement of a child for adoption or foster care.
- b. Parental leave will start on the date of the child's birth or, in the case of adoption or foster care, the date the child is placed in the employee's home.



- c. Employees will report the pending birth or adoption or placement of a child to their supervisor as soon as practicable.
- d. Parental leave will run concurrently with FMLA and Short-Term Disability (if applicable). Leave may be taken intermittently.
- e. For employees approved for Short-Term Disability insurance, parental leave will make up the difference between 100% pay and 66 2/3% pay (if applicable) for up to 160 hours.
- f. Parental leave may be taken during a probationary period. The probationary period will be extended by an amount of time equivalent to the parental leave taken to complete the probation period.
- g. The jobs of those employees on legitimate parental leave will be protected. Employees that abuse this benefit may be subject to discipline up to and including termination.
- h. If the employee requesting parental leave does not expect to return to his/her original position, the request may be denied.
- i. Employees seeking parental leave must:
 - i. Complete parental leave request form and provide applicable documentation;
 - ii. FMLA-eligible employees (refer to Section 5-09) shall complete FMLA paperwork as per the FMLA policy; and
 - iii. File a Short-Term Disability claim (if applicable).

5-11

CAREGIVER LEAVE - Full-time employees may request a maximum of six weeks (240 hours) paid caregiver leave per rolling year for situations related to certain immediate family caregiving reasons to care for the employee's immediate family who has a serious health condition. A serious health condition means an FMLA qualifying condition (refer to Section 5-09). The following additional conditions apply:

- a. Immediate family will be considered as those that meet the definition for FMLA purposes unless otherwise approved by the City Manager.
- b. Caregiver leave shall be approved by the employee's Department Director and City Manager or designee.



- c. Caregiver leave may be taken during a probationary period. The probationary period will be extended by an amount of time equivalent to the Caregiver leave taken to complete the probation period.
- d. The jobs of those employees on legitimate caregiver leave will be protected. Employees that abuse this benefit may be subject to discipline up to and including termination.
- e. If the employee requesting caregiver leave is not expected to return to his/her original position, the request may be denied.
- f. Employees seeking caregiver leave must:
 - (i) Complete Caregiver leave request form and provide applicable documentation;
 - (ii) Complete FMLA paperwork as per the FMLA policy (if applicable); and
 - (iii) File a Short-Term Disability claim (if applicable).

5-12

LEAVE WITHOUT PAY - Under special circumstances, employees may find it necessary to request leave without pay unrelated to FMLA, ADA, workers' compensation, or military leave.

- a. The following employees are eligible for unpaid leave of absence:
 - i. Previously scheduled commitments of new employees that are agreed to at the time of job offer; or
 - ii. Full-time employees who have successfully completed their probationary period are eligible.
- b. Eligible employees may be granted a period of unpaid leave up to 30 consecutive calendar days on a rolling year basis. If this initial period of absence proves insufficient, consideration will be given to an employee's written request for a single extension of no more than 30 consecutive calendar days for a total of 60 days combined.
- c. Eligible employees interested in a leave of absence must submit a written request to their Department Director detailing the nature of the leave.



- d. Requests for leave of absence will be considered based on criteria such as the nature of the request, the impact on the organization, and the benefit to the employee and the City.
- e. The City will not grant a leave of absence without pay unless the employee will return to City employment at the end of the leave.
- f. Prior written approval for an unpaid leave of absence must be obtained from the employees' Department Director and the City Manager.
- g. During an approved leave of absence, an employee is required to use any applicable and available paid leave before the commencement of any leave of absence without pay.
- h. Once the employee has exhausted all applicable leave benefits, they will no longer continue to accrue vacation, sick leave, holiday leave, and other City benefits during the approved unpaid leave of absence period, unless provided for under state or federal guidelines.
- i. During an unpaid leave of absence, all benefits will be discontinued until the employee returns to work. Insurance benefits may be continued if the full premium is paid by the employee. A waiver of medical insurance will be discontinued until the employee returns to work.
- j. At the completion of an approved leave of absence, every reasonable effort will be made to return the employee to the same position if available, to a similar available position for which the employee is qualified, or in accordance with any leave agreement. However, the City cannot guarantee reinstatement in all cases and is under no obligation to hold a specific job.
- k. Employees who exhaust all eligible leave and are unable or unwilling to work may be terminated.

5-13 ADMINISTRATIVE LEAVE

- a. Administrative leave, with or without pay, may be assigned by a Department Director, Assistant City Manager, or City Manager under the following circumstances:
 - i. Pending the outcome of an investigation to determine possible disciplinary action against the employee;
 - ii. Following a work-related incident that resulted in extreme stress; or



- iii. To protect City interests during an end-of-employment process.
- b. Written approval must be obtained from the Department Director for administrative leave with pay of up to 40 hours during a rolling year. Written approval must be obtained from the City Manager for any administrative leave with pay exceeding 40 hours during a rolling year.
- c. An employee shall not engage in secondary employment during the actual hours designated as administrative leave with pay. The City may also modify the employee's work hours or restrict secondary employment outside of hours designated as administrative leave with pay.
- d. The City may, at its discretion, additionally restrict activities of an employee on administrative leave with pay. This includes, but is not limited to, access to the City's network, buildings, records, and files.
- e. The employee must remain readily available and immediately able to respond to phone contact or return to work during City's normal working hours.
- f. After review by the City Attorney and the authorization of the City Manager, an employee charged with a felony or misdemeanor that occurred while working, may affect the employee's ability to perform their job functions, or is otherwise subject to discipline under this manual may be placed on administrative leave without pay.

5-14 JOB ABANDONMENT

- a. An employee who is absent from work for three consecutive scheduled shifts and is capable of providing proper notification to their supervisor but does not, shall be deemed to have abandoned his or her job.
- b. An employee who is absent from work the first scheduled shift after exhausting all accrued paid leave, FMLA leave, or authorized leave without pay shall be deemed to have abandoned his or her job.
- c. The City considers job abandonment as a voluntary termination.

5-15 BREASTFEEDING

- a. The City supports breastfeeding and complies with the requirements of Utah Code Annotated §34-49-204, and the federal PUMP Act, including:



- i. Providing reasonable breaks to accommodate breastfeeding and milk expression for at least one year after birth of the employee's child;
 - ii. After consulting with the employee about the frequency and duration of the breaks, the break shall, to the extent possible, run concurrent with any other break period otherwise provided to employees;
 - iii. Providing an appropriate private, non-restroom location in close proximity to the employee's work area; and
 - iv. Providing access to a clean and well-maintained refrigerator or a nonelectric insulated container for breast milk storage.
- b. Compliance will be managed by the Human Resource Director.
 - c. The City will not refuse to hire, promote, discharge, demote, or terminate a person or retaliate against, harass, or discriminate in matters of compensation or in terms, privileges, and conditions of employment against a person otherwise qualified because the person breastfeeds or expresses milk in the workplace.
 - d. Complaints alleging discrimination under this policy will be handled consistent with the Harassment, Discrimination, & Retaliation Policy Section 6-02.

5-16 PREGNANCY

- a. The City supports pregnant employees and complies with all legal requirements relating to pregnancy. If an employee becomes pregnant and has physical limitations that prohibit her from performing functions of her regularly assigned position, she shall notify Human Resources.
- b. The pregnant employee will notify Human Resources of potential eligibility for FMLA and complete the process outlined in Section 5-09.
- c. Human Resources will review the Certification of Health Provider or doctor's notes for the pregnant employee to determine FMLA eligibility. This may give cause for Human Resources to facilitate an interactive meeting with the employee and supervisor to determine if reasonable accommodation is needed and available.



- d. Employees who are pregnant or have other conditions related to pregnancy and childbirth may require accommodation at work. In accordance with applicable laws, the City provides reasonable accommodations unless doing so would cause undue hardship. Depending upon the circumstances and as allowed under applicable law, the City may require a medical certification from the employee's health care provider concerning the need for accommodation. However, the City will not require a medical certification for simple accommodations such as more frequent restroom, food, or water breaks due to pregnancy or breastfeeding. Employees who require accommodation for pregnancy or related conditions should contact Human Resources. Any employee who believes she has been discriminated against, or denied reasonable accommodations needed because of pregnancy, childbirth, breastfeeding, or related conditions should promptly report her concerns to Human Resources.

5-17 TIME OFF TO VOTE - The City encourages employees to fulfill their civic responsibilities by participating in elections. Generally, employees are able to find time to vote either before or after their regular work schedule. If employees are unable to vote in an election during their non-working hours, their Department Director may grant a reasonable amount of paid time off, up to two hours, for employees to vote. Employees should request time off to vote from their supervisor at least two working days prior to the election day. Advance notice is required so the necessary time off can be scheduled to minimize disruption of work schedules and operations.



SECTION 6 – EMPLOYEE CONDUCT

6-01 CODE OF CONDUCT

- 6-01 (1) **Professionalism** - Midvale is a public entity whose purpose, among others, is to provide professional services to its citizens. City employees must adhere to high standards of public service that emphasize professionalism and courtesy. City employees shall conduct themselves in a way that will bring trust and respect to themselves and the City.
- a. As an integral member of the City team, you are expected to accept certain responsibilities, adhere to acceptable business principles in matters of personal conduct, and exhibit a high degree of personal integrity at all times. This not only involves sincere respect for the rights and feelings of others, but also demands that you refrain from any behavior that might be harmful to you, your coworkers and/or the City, or that might be viewed unfavorably by current or potential customers or by the public at large.
 - b. Whether you are on duty or off, your conduct reflects on the City. Consequently, you are encouraged to always observe the highest standards of professionalism. It is the responsibility of each employee to comply with these standards, department policies, and the supervisory instructions given to them for the performance of their duties.
- 6-01 (2) **Conflict of Interest**
- a. All employees are required to adhere to the Municipal Officers' and Employees' Ethics Act, Utah Code Ann. § 10-3-1301 et seq. Employees are prohibited from using their positions for personal benefit. Employees are also prohibited from receiving compensation for assisting in a transaction with the City, having a 10% or greater stake in a business entity regulated by the City or doing business with the City, and having a personal interest or investment with an employee's personal interests and public duties if the employee does not first disclose such interests.
 - b. In order to avoid potential conflicts of interest prohibited by state law and City Code, all employees will file a Conflict-of-Interest Form with the Human Resource Department annually.
 - c. An employee is required to timely file an updated Conflict of Interest Disclosure Form if the employee's interests change from their last



Conflict of Interest Disclosure Form and such interests are required to be disclosed under the Municipal Officers' and Employees' Ethics Act.

- 6-01 (3) **Honesty** - Employees shall be honest in word and conduct and never use their position to benefit themselves or another party through the disclosure of or by acting on confidential information, award of work, procurement of supplies, or use of City facilities, equipment, or resources.
- 6-01 (4) **Confidentiality** - Employees shall not disclose, or willfully allow to be disclosed, any information gained by reason of their position for any reason other than its official or authorized purpose. Employees will comply with the confidentiality requirements of state law and the City Code, including restrictions against disclosing or using private, protected, or controlled information acquired by reason of a member's official position for the employee's or another's private gain or benefit. In addition to being a violation of the City's policies, such behavior is illegal and may result in criminal consequences.
- 6-01 (5) **Gifts & Gratuities** - Midvale City employees are prohibited from knowingly receiving, accepting, taking, seeking, or soliciting, directly or indirectly any gift of substantial value or a substantial economic benefit which would tend to improperly influence a reasonable person in the person's position to depart from the faithful and impartial discharge of the person's public duties. This section does not apply to the following:
- a. an occasional non-pecuniary (not cash) gift having a value of less than \$50;
 - b. an award publicly presented;
 - c. any bona fide loan made in the ordinary course of business; or
 - d. political campaign contributions if the contribution is actually used in a political campaign.
- 6-01 (6) **Attendance** - All employees shall meet attendance and punctuality requirements in accordance with department and supervisory guidelines. Regular, reliable, and predictable attendance are essential functions of every City position.
- 6-01 (7) **Appearance** - In order to maintain a professional atmosphere and appearance, all employees, including those who wear uniforms, shall maintain the following minimum standards:



- a. Employees must maintain a high standard of personal hygiene. Employees must appear neat and clean and have no offensive odors. An employee's hair must be clean and groomed.
- b. Employees' dress and appearance must be appropriate to their employment. Appropriateness may vary, depending upon the nature of work performed, safety concerns, and the degree of public contact.
- c. Employees must wear clothing that is clean and neat, and not torn or frayed. Employees must avoid clothing that is unduly revealing, immodest, or otherwise inappropriate for a professional office setting or other work environment.
- d. Tattoos/Branding
 - (i) Employees are not permitted to have tattoos or branding on their face or Director, except for permanent makeup, such as eyeliner, eyebrows, or lipstick, in natural skin or hair colors. The neck is not considered part of the face or Director.
 - (ii) Tattoos or branding that violate the City's harassment policy or include content offensive to modesty, decency, propriety, or professionalism must be covered while at work.
- e. In addition to the above, all employees shall meet department dress and appearance policies.

6-01 (8) **Personal Use of City Equipment**

- a. An employee's personal use of City equipment is authorized under the following circumstances:
 - i. The employee is authorized to use or possess the City equipment to fulfill the employee's job responsibilities, the primary purpose of the public servant using or possessing the City equipment is to fulfill the employee's job responsibilities, and the employee's personal use of the City equipment does not interfere with or detract from the employee's job responsibilities or job performance; or
 - ii. The employee's use of City equipment for a personal matter is incidental or de minimus. This means that value of the employee's use or possession of the City equipment to the City substantially outweighs the personal benefit received by the



employee from the incidental use of City property for a personal matter.

- b. Except as otherwise authorized, any further personal use of City equipment can only be authorized by an employee's Department Director and the City Manager.
- c. City equipment may only be used by the assigned employee and other authorized employees such as a supervisor, Department Director, City Manager, or an IT employee. Unless to further an authorized City purpose, City equipment may not be used or accessed by any non-employee.
- d. City equipment may not be used for any personal financial gain, or political activity.
- e. Except as necessarily required by an employee's official job responsibilities, City equipment may not be used to download, view, print, share, or store any sexually explicit content including, but not limited to, photos, emails, or texts. Inadvertent exposure must be immediately reported to the employee's supervisor and the City's IT Division.
- f. Unless otherwise authorized by the City Manager, employees may not use City equipment for entertainment purposes such as online gaming, gambling, or subscription video streaming services.
- g. Employees may not download, install, or store any unlicensed media or software on any City equipment.
- h. Employees may not install non-City licensed software on networked City equipment without the approval of the IT Division. Accounts for non-network applications or software (iTunes, etc.) are required to be in the name of the employee or an approved City account authorized by a Department Director.
- i. Employees may not store, copy, or transfer unauthorized City records, electronic content, software, or computer code.
- j. Excessive unauthorized audio and/or video streaming on the City's staff network is prohibited in order to preserve the City's bandwidth capacity.
- k. The City retains the right to monitor, deny access to, or copy both City and non-City content at any time, including communications made on a third-party server, regardless of whether the use was authorized.



- l. The City Manager, Assistant City Manager, or the employee's Department Director may revoke an employee's personal use of City equipment at any time, with or without cause.
- m. Employees have no expectation of privacy in their personal use of City equipment. The City has the right to access and take possession of City equipment at any time. The City has the right to monitor an employee's use of City equipment. Records generated by an employee for personal use on City equipment may be subject to public access through a GRAMA request.
- n. Under no circumstances may an employee use City equipment in violation of any City policy, any manner that is illegal, or for any illegal purpose. This includes, but is not limited to, engaging in bullying, harassment, or discrimination, viewing pornography, and engaging in political activities using City equipment.
- o. Violation of this policy may result in disciplinary action up to and including possible termination of employment and criminal consequences.

6-01 (9) Personal Electronic Devices

- a. The use of personal electronic devices, including but not limited to radios, music players, phones, computers, and tablets, may not unreasonably interfere with the performance of the employee's duties or interfere with City business operations. Department Directors may restrict or prohibit the use and possession of personal electronic communication devices for safety or other operational reasons.
- b. Employees who are reimbursed for the use of a personal cell phone for City business are also subject to Section 4-16 (1).

6-01 (10) Personal Social Media Participation - An employee who participates in social media sites for personal purposes shall not:

- a. claim to represent the position of the City, including any Department or other organizational sub-unit;
- b. use any City logo or trademark;
- c. post any private, protected, or controlled information or record not obtained through GRAMA; copyrighted information, confidential information received from City clients, or any City-created or issued



documents including those documents created by the employee for City or personal use, without permission of the City; or

- d. discriminate against, harass, or otherwise threaten a City employee or any person doing business with the City.

Any employee who posts on a personal social media account regarding their employment at the City or City-related issues must explicitly state that the views expressed are the employee's alone and may not reflect the views of the City.

6-01 (11) **Outside Activities** - City employees shall not use City-owned property or work time in support of outside interests and activities, except as authorized by a Department Director.

6-01 (12) **Political Activity** - Employees must follow the requirements of Utah Code Ann. §§ 10-3-1108 and 20A-11-1205, as amended. City employees shall not use City-owned property, a City email address or social media account, work time, or influence of position over other employees while engaging in any political activity and for any political purpose. Employees may not campaign, solicit political contributions, or directly or indirectly coerce, command, or advise another employee to pay, lend, or contribute anything of value to a political party, committee, organization, agency, or person for political purposes.

6-01 (13) **Outside Employment** - Midvale City recognizes that some employees may need or want to hold additional jobs outside their employment with the City. Employees of Midvale City are permitted to engage in outside work or hold other jobs, subject to certain restrictions based on reasonable business concerns and approval by the Department Director and City Manager.

Midvale City applies this policy consistently and non-discriminatory to all employees, and in compliance with all applicable employment and labor laws and regulations. The following rules for outside employment apply to all employees:

- a. Work-related activities and conduct away from Midvale City must not compete with, conflict with, or compromise the City's interests or adversely affect job performance and the ability to fulfill all responsibilities of their position in the City. This prohibition also extends to the use of any City tools or equipment and the unauthorized use or application of any City confidential information. In addition, employees may not solicit any outside business during work time for Midvale City.



- b. Midvale City employees must carefully consider the demands that additional work activity will create before accepting outside employment. Outside employment will not be considered an excuse for poor job performance, absenteeism, tardiness, leaving early, refusal to travel, or refusal to work overtime or different hours. Employees are expected to work, and be available to work, during the hours required of the employee's position with the City. If outside work activity causes or contributes to job-related problems at Midvale City, the employee will be asked to discontinue outside employment, and the employee may be subject to the normal disciplinary procedures for dealing with the resulting job-related problem(s).
- c. In evaluating the effect that outside work may have on an employee's job performance and other job-related responsibilities, the employee's Department Director will consider whether the proposed employment:
 - i. May reduce the employees' efficiency in working in the City;
 - ii. Affects the employee's ability to respond to being on-call for the City;
 - iii. Involves working for an organization that does a significant amount of business with the City, such as major contractors, suppliers, service providers;
 - iv. May adversely affect the City's image; and
 - v. May create a conflict of interest. A conflict of interest is defined as a substantial conflict between their private interests and their public duties.
- d. An authorization form must be filled out and signed each year describing the employees outside job, the job duties, and hours worked. This form must be signed by the employee's supervisor, Department Director, and City Manager. This form must then be submitted to the Human Resource Department and placed in the employee's personnel file. Failure to submit an authorization form is cause for disciplinary action.

6-01 (14) **Whistle Blowing** - Employees have a responsibility to formally inform appropriate administrative officials if they become aware of or reasonably suspect the waste of public funds, property, manpower or a violation of law relating to your employment. Employees should give written notice to, or otherwise formally inform, the appropriate administrative official as soon as possible when suspicion or waste or violation has occurred. An appropriate



administrative official is an employee's immediate supervisor unless the employee reasonably believes the supervisor cannot or will not fairly and constructively report the problem. If that is the case, employees may report the incident to the Mayor, City Manager, Assistant City Managers, Department Director, Human Resource Director, City Attorney, or you may notify the State Auditor. The City will not retaliate against any employee who reports a concern under this whistleblower policy.

- 6-01 (15) **Improper Disclosure/ Spreading of Rumors** - You are responsible for refraining from spreading information which may have a potential negative impact to City operations or other employees which you know or have reason to know is malicious, false, frivolous, or which you have been specifically directed not to disclose by your supervisor.

6-01(16) **Unauthorized Electronic Surveillance**

- a. An employee may not make an audio or video recording of another employee by any means, unless each of the following criteria are met:
 - i. A legitimate business purpose exists for the recording;
 - ii. The recording device is in plain view; and
 - iii. The employee being recorded audibly acknowledges on the recording that they have full knowledge of and consent to the recording.
- b. The following forms of audio or video recordings of another employee are approved and authorized by the City, and the criteria of Section 6-01 (16)(a) do not apply.
 - i. Electronic surveillance equipment such as security cameras, glass break sensors, and other similar security equipment that are owned and operated by the City;
 - ii. The recording or broadcasting of a City meeting, hearing, training, or judicial proceeding in which the proceedings are recorded or broadcasted by an authorized City employee;
 - iii. Formal interviews conducted during an official investigation by a Department Head, Director of Human Resources, City Attorney, or City Manager, or their designee; or
 - iv. Any instance in which the City Manager has provided written permission for the recording and believes the recording is in the



best interest of the City. Any such recording is only approved and authorized to the extent it is within the scope of the City Manager's written permission.

- 6-01(17) **Solicitation** - The solicitation of financial contributions and gifts or soliciting for any other reason is prohibited. Consistent with Utah Code Ann. § 10-3-1304, it is inappropriate for a City employee to use or attempt to use your official position to secure special privileges for yourself or others or to solicit, directly or indirectly, any gift of substantial value or substantial economic benefit. Solicitation activities are prohibited while in a City uniform or during your scheduled work hours. Non-employees are likewise prohibited from soliciting employees on City premises at any time.
- 6-01(18) **Distribution of Literature** - In the interest of maintaining a proper business environment and preventing interference with work and the inconvenience of others, distribution of literature or printed materials of any kind and selling merchandise during work time is restricted. Do not place personal solicitations, information or announcements on the network computer system. Non-employees are likewise prohibited from distributing material.
- 6-01(19) **Possession of Pornographic Material** - The City prohibits employees from possessing, distributing, or viewing any kind of pornographic materials in the workplace or on City equipment, in City vehicles, or on City property. Pornographic materials are strictly prohibited. Employees found to have pornographic materials in their possession, within City equipment, vehicles, or on City property are subject to disciplinary action up to and including termination.

6-02 HARASSMENT, DISCRIMINATION, & RETALIATION

- 6-02 (1) **General Policy** - Midvale City is committed to providing a work environment that is free from harassment or any other type of discrimination with regard to race; color; religion; sex; pregnancy, childbirth, or pregnancy-related conditions; age (40 and over); national origin; disability; sexual orientation; gender identity; genetic information (including of a family member); ethnic background; citizenship; military service or veteran status; or any other legally protected status. The City has a zero-tolerance policy towards any form of harassment or discrimination by or to any employee or retaliation against any employee protected under this policy.

Misconduct identified in this policy is unacceptable behavior and is prohibited. The City will make reasonable efforts to prevent the conduct identified in this policy and will promptly investigate all complaints of violation of this policy. An employee's violation of this policy will result in disciplinary action up to and including termination.



- 6-02 (2) **Prohibited Conduct** - The City prohibits conduct that includes, but is not limited to:
- a. Unwelcome sexual advances, requests for sexual favors, and other verbal or physical conduct of a sexual nature when:
 - i. submission to such conduct is made either explicitly or implicitly a term of the condition of an individual's employment;
 - ii. submission to or rejection of such conduct by an individual is used as the basis for employment decisions affecting that individual; or
 - iii. such conduct has the purpose or effect of unreasonably interfering with an individual's work performance or creating an intimidating, hostile, or offensive working environment.
 - b. Other inappropriate conduct, such as:
 - i. derogatory comments, insults, suggestive remarks, or jokes involving sexual activity or a person's legally protected status;
 - ii. display of photographs, drawings, cartoons, written material, objects, or use of electronic communication devices that would offend a reasonable person;
 - iii. inappropriate physical contact, such as patting or pinching;
 - iv. intentionally brushing against another person's body;
 - v. stating, implying, or joking that an individual's job performance is attributable to that person's race, color, religion, sex, pregnancy, childbirth, or pregnancy-related condition, age, national origin, disability, sexual orientation, gender identity, or any other legally protected status;
 - vi. giving of unsolicited or inappropriate gifts of a personal and private nature; or
 - vii. sexual assault of any kind.
 - c. Pervasive, unwelcome, demeaning, ridiculing, derisive, or coercive conduct towards another person based on any legally protected status that:



- i. creates an intimidating, hostile, or offensive work environment;
 - ii. unreasonably interferes with a person's work performance; or
 - iii. otherwise adversely and unreasonably affects an employee's employment.
- d. Retaliation against any employee for reporting, filing a complaint, or assisting the City in its investigation of a complaint under the policy, even if such underlying complaint is determined to be unfounded. Retaliation may be deemed a separate violation of this policy and may subject the perpetrator to disciplinary action. Examples of retaliation include:
 - i. taking disciplinary action;
 - ii. unwarrantedly changing the terms of an employee's employment;
 - iii. spreading rumors about the employee;
 - iv. encouraging hostility toward that employee from a co-worker; or
 - v. escalating the harassment.
- e. Disclosing confidential information with regards to an investigation being conducted under this policy, including disclosing that there is an investigation or any details of an investigation or any details of an investigation with any City employee except those conducting the investigation.

6-02 (3) **Employee Obligations**

- a. Employees are obligated to comply with this policy and avoid any prohibited conduct.
- b. Employees are obligated to report violations of this policy.
- c. Employees are obligated to fully cooperate in any investigation of an alleged violation of this policy, including the obligation to provide truthful and complete evidence and testimony in any investigation proceeding.



- d. Employees are obligated to avoid retaliation against any person who files a complaint, or who participates in or provides evidence or testimony in any investigation or proceeding under this policy.

6-02 (4) **Reporting Violations of this Policy**

- a. All employees are required to report all incidents that they reasonably believe to be violations of the City's Harassment, Discrimination, & Retaliation Policy. These reports shall be made when the employee first believes they or someone else has been harassed, subjected to inappropriate conduct, discriminated against, or retaliated against. Employees must make such report with one of the following: supervisor, Department Director, Assistant City Manager, City Manager, City Attorney, or the Director of Human Resources.
- b. Any supervisor or manager who reasonably becomes aware of potential discrimination, harassment, or retaliation shall immediately advise the Human Resources Director and/or the City Attorney. Any supervisor who knew or should have known of a potential offense and did not report the matter shall be subject to disciplinary action.

6-02 (5) **Investigation** - The City shall investigate all complaints, regardless of whether they are written or verbal, as expeditiously and professionally as possible. Confidentiality of the complaint will be maintained to the extent it is practical but cannot be guaranteed.

- a. The Human Resources Director, City Attorney, and the involved department will coordinate the investigation.
- b. The assigned investigator(s) will ensure that the allegations, investigation, and findings are documented.
- c. The assigned investigator(s) are responsible for moving the investigation forward, ensuring adequate documentation, and making recommendations.
- d. The appropriate Department Directors are responsible for accepting, modifying, or rejecting recommendations and, when appropriate, initiating disciplinary action.
- e. Records of an investigation determined to be unfounded will not be placed in any individual's personnel file, but it will be retained as an investigative file. Access will be limited to Human Resources staff, City Attorney's Office, and the City Manager.



- f. Appeals about the conclusions of the investigation will be handled as follows:
 - 1) Disciplinary actions arising from the investigation will be handled consistent with the Employee Discipline section in this chapter and may be appealed in accordance with that section.
 - 2) An employee may appeal the conclusion of an investigation. However, the basis of an appeal is limited to the employee's concerns with the adequacy of the investigation, such as the investigators' failure to interview a key witness or consider a crucial piece of evidence. An employee cannot appeal based solely on his or her disagreement with the outcome of the investigation.
 - 3) An appeal of the investigation will begin directly at Step Three of the Employee Grievance Procedure (Appeal to the City Manager).

6-02 (6) **Equal Employment Opportunity** - Midvale City is an Equal Opportunity Employer and selects, hires, promotes, and compensates employees without regard to sex; race; color; religion; pregnancy, childbirth, or pregnancy-related conditions; age (40 and over); disability; gender identity; national origin; sexual orientation; genetic information (including of a family member); ethnic background; citizenship; or any other legally protected status. The City evaluates applicants for employment or candidates for promotion based upon their knowledge, skills, experience, education, and potential for job performance consistent with the needs of the position.

- a. The City will provide reasonable accommodation for qualified individuals with known disabilities, unless doing so would result in undue hardship on the City. This policy governs all aspects of employment including recruitment, selection, job assignment, compensation, discipline, termination, and access to benefits and training.
- b. The City adheres to applicable federal and state law regarding veterans' preference criteria when making decisions with respect to initial, new hiring. It is City policy that veterans' preference does not apply to promotional opportunities. Applicants for initial employment with the City shall be required to provide reasonable documentation and records as proof of any claimed veterans' preference.



- c. City employees found to be engaging in any type of unlawful discrimination will be subject to disciplinary action, up to and including, termination of employment.
- d. The City also will not allow mistreatment or harassment based on the protected classes identified above.

6-02 (7) **Personal Employee Relationships**

- a. Each City employee in a non-spousal romantic, dating, or sexual relationship with another City employee must promptly notify their Department Director upon beginning or ending such relationship or if the relationship results in marriage. The Department Director is responsible for notifying the Human Resources Director;
- b. Supervisors are prohibited from having a romantic, dating, or sexual relationship with a subordinate employee who they supervise in the chain-of-command.

6-03 **ALCOHOL/DRUG FREE WORKPLACE** - The City uses alcohol and drug testing of applicants selected for safety sensitive positions and for employees as specified in this section as a tool to administer its substance abuse policy. The policy is designed to eliminate employees' use of alcohol and drugs that jeopardize safety of the employee, co-workers, and the public, and that impede the efficiency of City operations and damage the reputation of the City and its employees. In some cases, testing is required by federal law.

6-03 (1) **Federal Drug-Free Workplace Requirement** - Midvale City complies with the Federal Drug-Free Workplace Act of 1988, except that the City also allows for the use of legally prescribed medical cannabis when required pursuant to Utah law.

6-03 (2) **Drug-Free Awareness Program** – During new-hire orientation, all new employees will receive training about the dangers of drug and alcohol abuse, the City's policy of maintaining a drug-free workplace, a copy of this policy, information about the City's Employee Assistance Program, and the penalties that may be imposed on employees for drug abuse violations.

6-03 (3) **Employee Responsibilities**

- a. No employee shall unlawfully manufacture, possess, use, or distribute any controlled substance or alcohol in a City workplace.



- b. Any employee convicted under any criminal drug statute shall notify his or her supervisor and Department Director within five days after the conviction.
- c. No employee shall consume alcoholic beverages during work hours, during breaks or meal periods, or for at least eight hours before coming to work.
- d. No employee shall be impaired by alcohol, medication, or illegal drugs, or have any detectable trace amount of illegal drugs or blood-alcohol level of .02 or higher in their system during work hours, or while representing the City in an official capacity. If an employee is using prescription or non-prescription medication, which may impair performance of duties, the employee shall report the use to the Human Resources Director.
- e. **Additional Responsibilities of Safety Sensitive Employees**
 - i. For purposes of this policy, the City has designated the jobs that require CDL holders or jobs that require the use of heavy equipment as safety sensitive positions.
 - ii. All employees in safety-sensitive positions will timely report the use of any medication that could reasonably be expected to impair their ability to perform their duties prior to or upon reporting for duty on a City Disclosure of Prescription Drugs form completed by their health care provider. The forms will be submitted annually to Human Resources, who will advise the employees' Department Director of any relevant medical information.
 - A. The employee must timely submit an updated form if there is a change in medication, a significant change in dosage, or if the medication is discontinued and at least on an annual basis.
 - B. Human Resources will verify the status of all active forms annually.
 - iii. Any employee in a safety-sensitive position who is cited, arrested, or charged with any criminal drug or alcohol related offense shall notify his or her Department Director within 24 hours.



6-03 (4) **Drug/Alcohol Testing Policy-** All employees and prospective employees are required to participate in drug testing as a condition of hire or continued employment. Failing or refusing to take a test or a confirmed, positive drug or alcohol test result shall be deemed a violation of this policy. The types of drugs or metabolites and cut-off levels shall be determined by the Human Resource Director, except as mandated or limited by federal regulations.

6-03 (5) **Pre-Employment Testing**

- a. All prospective employees shall be tested for drug usage.
- b. All job applicants shall be informed of the policy during conditional job offers. A copy of this policy shall be available for their review.
- c. All applicants shall be required, prior to being hired or volunteering for the City, to sign an acknowledgement form agreeing to abide by the terms of this policy.
- d. The City will exclude from employment any job or volunteer applicant who refuses to abide by the terms of this policy.
- e. An employment application from an applicant with a confirmed positive drug test will not be processed by the City for one year from the date of such result.

6-03 (6) **Reasonable Suspicion (For Cause) Testing**

- a. An employee may be required to submit to a drug and/or alcohol test when reasonable suspicion arises and the employee's supervisor, manager, Department Director, and City Manager, or their respective designees, concur that reasonable suspicion exists. Suspicion must be based upon specific contemporaneous, articulable observations concerning appearance, behavior, speech, or body odors of the employee or information provided by reliable and credible sources that is independently corroborated. Reasonable suspicion testing may include re-tests or follow-up tests as may be necessary to protect the integrity of the testing protocols, such as newly discovered evidence that the employee tampered with a previous drug test.
- b. All employees who hold a CDL license as a job requirement shall fall under the Federal Motor Carrier Safety Administration's reasonable suspicion guidelines as described in 49 CFR Part 382.
 - i. A Determination of Reasonable Suspicion form shall be submitted indicating the observations leading to an alcohol or



controlled substances reasonable suspicion test immediately but no more than 24 hours of the observed behavior or before the results of the alcohol or controlled substance tests are released, whichever is earlier. The form must be signed by the supervisor, manager, or Department Director who made the observations.

- ii. The Determination of Reasonable Suspicion form must be provided to the Human Resources Director for retention.
- c. Once the authorized supervisors have determined that reasonable suspicion exists, testing shall be done as soon as practical.
- d. If an employee is sent to an outside clinic for a reasonable suspicion test, the employee shall be driven to the facility by the supervisor or his or her designee.
- e. The employee shall then be put on paid administrative leave until the results of the test are available.
- f. The supervisor shall make arrangements or help the employee make arrangements to get home without driving him or herself.

6-03 (7) **Employee Testing**

- a. If the City returns an employee to work after he or she has enrolled in a rehabilitation program for drug or alcohol abuse and has successfully completed the rehabilitation program, such employee may be entered into a program of unannounced drug and alcohol testing for a predetermined period of time at the sole discretion of the City.
- b. Other Circumstances. Employees must be drug and/or alcohol tested if they:
 - i. Failed a previous drug and/or alcohol test and have successfully completed counseling or rehabilitation treatment, before returning to work;
 - ii. Are in safety-sensitive positions and are required to take a physical;
 - iii. Are in the employee assistance program for drug and/or alcohol problems or otherwise self-report drug and/or alcohol problems; or



- iv. Are involved in an accident involving a City vehicle or City equipment with or without injury.

6-03 (8) **Post-Incident Testing**

- a. Post-incident testing will be conducted on employees involved in on-the-job accidents where the City reasonably believes that alcohol or drugs may have caused or contributed to the accident.
- b. Such testing will occur as soon as practical after the accident. The employee may return to work after completion of the testing, unless the testing is based on reasonable suspicion.
- c. The employee's immediate supervisor and Risk Management shall be immediately notified of all such incidents.

6-03 (9) **Random Testing** - For purposes of maintaining safety and as a deterrent to drug and alcohol abuse, safety sensitive employees are subject to random drug and alcohol testing. The frequency of random testing will be determined by the Human Resources Director

6-03 (10) **Testing Protocols**

- a. All drug testing will be carried out in compliance with Utah Code Ann. § 34-41-101 et seq., as amended.
- b. Any drug or alcohol testing shall occur just before, during, or immediately after the regular work period of current employees and shall be deemed time worked for purposes of compensation and benefits for current employees.
- c. The City shall pay all costs of testing and transportation associated with a test required by the City.
- d. For both non-DOT and DOT tests, if the medical review officer (MRO) informs the City that a negative test was diluted, the result will be accepted as a negative if the creatinine concentration is 5 mg/dL or greater.
- e. For a DOT test, if the MRO directs that a re-collection must take place under direct observation (i.e. because the creatinine concentration was equal to or greater than 2 mg/dL, but less than equal to 5 mg/dL) the City will contact the donor immediately. Failure of the donor to submit for this re-collection will be classified as a refusal to test.



- f. For a non-DOT test, if the MRO directs that a re-collection must take place (i.e. because the creatinine concentration was equal or greater than 2 mg/dL, but less than or equal to 5 mg/dL) the City will contact the donor immediately. Failure of the donor to submit for this re-collection will be classified as a refusal to test.
- g. In accordance with Utah Code Ann. § 34A-5-115, an employee with a medical cannabis card is not subject to adverse action for failing a drug test due to medical cannabis used in accordance with State law without evidence that the employee was impaired, otherwise adversely affected in the employee's job performance due to the use of medical cannabis or would otherwise be similarly disciplined if they are using a prescribed controlled substance.

6-03 (11) Drug Testing Information

- a. The information received from drug testing shall be the property of the City. Test results information may be released to the person who has been tested upon receipt of a written request.
- b. Upon City receipt of the test results, the Human Resources Department shall timely notify the person tested, by telephone or email, of negative results. Positive tests results shall be made by personal notification.
- c. If the test results are positive, the person tested will be advised of the option to have the split sample tested, the expense to be equally divided between the donor and the City. The option must be exercised within 72 hours of the notification to the employee.

6-03 (12) Employees Required to Hold a Commercial Driver's License (CDL) -
Those employees required by employment at the City to hold a CDL shall be tested as required by Federal and State law.

- a. Prior to requiring any drug or alcohol testing of an employee who holds a CDL, the supervisor will determine whether the testing is authorized under this policy or under the City's Drug/Alcohol Policy. CDL testing involves a different panel of drug and alcohol tests and requirements.
- b. All testing under CDL requirements will be preceded by specific notification by the supervisor to the employee that the test is being ordered as a CDL requirement.
- c. Those employees required for their employment at Midvale City to hold a CDL shall be tested as required by federal and state law and reimbursed for first time costs for obtaining and renewal of the license.



- d. CDL post-accident testing is only conducted if the employee, during the drug testing window, is cited for a contributory moving violation or if another person dies. All other post-accident testing will be done under the City's drug/alcohol testing policy.
- e. Any reasonable suspicion testing decision must be made by an officially trained supervisor or City employee.
- f. Random drug testing is conducted just before, during, or just after performance of CDL duties.
- g. If the employee being tested for reasonable suspicion is a CDL holder, the alcohol and/or drug test must be administered within two hours and, if it is not, the supervisor must prepare and provide to Human Resources a record stating the reason the test was not promptly administered.
- h. Rehabilitation testing, if offered by the City, shall meet CDL requirements.

6-03 (13) **Disciplinary Action** - Because of the serious nature of illegal use or abuse of alcohol, illegal drugs, or medication, appropriate employee disciplinary action will be taken, which may include termination. The City, at its discretion in a disciplinary action, may require an employee to participate in an employer mandated EAP at the City's expense, a rehabilitation program and mandatory drug, and/or alcohol testing at the employee's expense as a condition of continuing employment.

6-03 (14) **Voluntary Substance Abuse Counseling & Rehabilitation** - Midvale City encourages employees who have a determined need to enroll in a counseling or rehabilitation program. An employee will be required to sign a document to abide by the following conditions in order to remain fully employed:

- a. Any employee for whom treatment is recommended will be responsible for costs not covered by insurance. The employee will be required to use accrued compensatory time until all leave is expended. The City will pay the employee's benefit package during the allotted treatment time, but not wage supplements. Each incident will be reviewed on a case-by-case basis.
- b. If a required treatment or rehabilitation program involves confinement, the employee's position may be held for the determined length of the treatment and the employee restored to his or her former position



upon successful completion of the substance abuse rehabilitation. Each incident will be reviewed on a case-by-case basis.

- b. The employee shall immediately contact his or her supervisor and the Human Resource Department to coordinate leave status and benefits.

6-03 (15) **Medical Cannabis and Prescription Use.** Except as permitted by Utah Code Ann. § 34A-5-115, Midvale will not take an adverse employment action against an employee for failing a drug test for the use of medical cannabis that is obtained and used in accordance with state law or for the sole reason of the employee being a medical cannabis cardholder. Midvale will treat medical cannabis the same as any other controlled substance. Midvale may take an adverse action against an employee if permitted under Utah Code Ann. § 34A-5-115(2)-(3). An adverse employment action taken under Utah Code Ann. § 34A-5-115(2) must be treated the same as an adverse employment action taken because of the use of a prescribed controlled substance or a prescription for a controlled substance. In the event that Midvale takes an adverse action against an employee for the use of medical cannabis, the City will follow the required steps provided under Utah Code Ann. § 34A-5-115(4).

6-03 (16) **Employee Questions About This Policy** - Questions about this policy may be directed to the Human Resource Department.

6-04 TOBACCO-FREE WORKPLACE

6-04 (1) **General Policy** - Midvale City is subject to and enforces the Utah Indoor Clean Air Act and is committed to providing a safe and healthful work environment.

6-04 (2) **Employee Responsibility** - In order to maintain a safe and comfortable working environment, tobacco usage in City vehicles, offices, and facilities is prohibited.

- a. Because the City may be subject to criminal and civil penalties for violations of applicable smoking laws, the City must insist on strict adherence to this policy. Employees smoking in any non-smoking area may be subject to disciplinary action.
- b. All employees are prohibited from smoking throughout the workplace, including all City buildings, vehicles, and equipment. Smoking is prohibited within 25 feet of any entranceway, exit, open window, or air intake of City buildings.

6-04 (3) **Employee Assistant Program** - The City encourages and supports employees who want to quit smoking. Smoking cessation programs are



available through our health plan providers and through the EAP program. Contact Human Resources for more details.

6-05 VIOLENCE-FREE WORKPLACE

6-05 (1) **General Policy** - Midvale City is committed to maintaining a safe and efficient work environment where employees and the public are free from the threat of workplace violence.

6-05 (2) Employee Obligations

- a. Employees may not engage in violence or behavior that carries the potential for violence including, but not limited to, assault, fighting, or foul, abusive, or threatening language or gestures.
- b. Any possession of firearms or other weapons on City property, including City vehicles, or while conducting City business shall be in compliance with federal, state, and City laws.
- c. Under no circumstances will any other employee use deadly force as a function of their job with the City. If an employee who is not a police officer or fire investigator uses deadly force, he/she will not have the immunities or be entitled to the same indemnity afforded police officers and authorized fire investigators.

6-06 EMPLOYEE DISCIPLINE

- 6-06 (1)
- a. As a matter of policy, Midvale City believes in and practices individual responsibility and accountability. The City believes in allowing employees to govern their own conduct within acceptable standards of behavior. The City relies on individual good judgment and a sense of responsibility. Midvale City expects from its employees' integrity, mutual respect, and courtesy, effective, and efficient performance, considerate customer and citizen relations, responsiveness, and loyalty. Employees are expected to conduct themselves in an appropriate manner. However, to maintain the City's desired level of performance, and to protect the citizens, other employees, City property, and City interests, the City has established certain standards of conduct. All employees are expected to adhere to the City performance standards.
 - b. These standards were established for the guidance of all employees. They are intended to provide examples of types of conduct that are not



permissible. They should not be considered an all-inclusive list. Department policies must be followed in conjunction with these policies.

- c. Employees are required to report to their Department Director and the Human Resource Director any event that prevents or interferes with their ability to complete their job duties or to be eligible for a vehicle allowance, regardless of whether the event occurred at work. For example, if an employee is required to have a professional license or certification for their position, the employee is required to report if their license or certification expires or is denied, suspended, or revoked by the licensing entity. Likewise, an employee who is required to have the ability to operate a vehicle for the City must report if their driver license expires or is denied, suspended, or revoked by the Driver License Division. Or similarly, if an employee handles money or is involved with the finances for the City, the employee must report if they have been charged with theft, embezzlement, or other similar crimes of dishonesty.

6-06 (2) **Standards of Conduct** - The following are violations of *Midvale City's Standards of Conduct* that are extremely serious and justify discipline, up to and including termination, without regard to the employee's length of service or prior record of conduct. The list should not be considered all-inclusive. They include but are not limited to:

- a. Disclosing confidential City, employee, or citizen information to anyone without prior authorization.
- b. The unauthorized removal, destruction, falsification, intentional release of, or alteration of City records or documents such as, but not limited to, the employment application, drug or alcohol testing, or any other official or confidential document.
- c. Being convicted of a felony, a class A misdemeanor, or as class B misdemeanor including DUI, theft, fraud, robbery, identify fraud, and offenses against the administration of government (i.e. false records, destroying records,) etc. or any other infraction as determined by the City.
- d. The loss of a CDL, driver license, professional license, or any other professional requirement necessary for an employee's position.
- e. Theft of any kind.
- f. The gross negligent destruction, abuse, damage of Midvale City property or the property of its employees.



- g. Conduct detrimental to the City.
- h. The distribution, possession, consumption, purchase, sale, or manufacture of intoxicants or illegal substances or reporting to work under the influence of such intoxicants or illegal substances.
- i. Being under the influence of prescription drugs that can interfere with their ability to safely perform their job, operate machinery, or City vehicles in a safe manner.
- j. Disorderly conduct while performing essential functions of my job, including, but not limited to, threatening, intimidating, fighting, coercing, sexually harassing, or physically assaulting City personnel, visitors, or citizens.
- k. Insubordination, disrespectful behavior towards a manager or supervisor, or the refusal to obey a legitimate directive from the supervisor or designated supervisor (not to be confused with the employee's inability to perform the job).
- l. Failure to report for duty or unauthorized absence.
- m. Dishonesty, deceit, or fraud.
- n. Failure to adhere to the Municipal Officers' and Employees' Ethics Act.
- o. Excessive absenteeism and/or tardiness. Failure to use proper call-in procedure for reporting absences.
- p. Any violation of any City or departmental policies or procedures including, but not limited to the Sexual Harassment, Harassment, Bullying, and Discrimination Policy, the Alcohol/Drug Free Workplace policy, the Tobacco-Free Workplace policy, and the Violence-Free Workplace policy.
- q. Disregard for safety rules.
- r. Failure to follow specified job instructions.
- s. Failure to work harmoniously with other employees.
- t. Unauthorized solicitation on City premises.
- u. Creating or contributing to unsanitary conditions.



- v. Unauthorized operation of tools, machinery, or equipment.
- w. Gambling on City premises.
- x. Failure to report an injury or accident.
- y. Unauthorized sleeping on the job during work hours or leaving work early without permission.
- z. Failure to maintain production and performance standards.
- aa. Repeated violation of rules and procedures.
- bb. Any conduct which reflects negatively on the character of the employee or the City.
- cc. Non-exempt employees working unauthorized overtime.
- dd. Knowingly or recklessly violating a law while acting as an employee of the City.
- ee. Excessive or unauthorized personal use of City-owned equipment.
- ff. Engaging in political activity during work hours or using City-owned equipment for political activity.
- gg. Failure to report any event that prohibits or interferes with the ability to complete job duties.

6-06 (3) **Disciplinary Action** - Disciplinary records are those official notices, letters, warnings, and other records provided to an employee informing the employee of disciplinary action. All disciplinary action must be reported to Human Resources. The following are not to be deemed a progressive disciplinary scheme or system. Depending upon the nature and severity of an employee's action, the City reserves the right to impose disciplinary action, up to and including termination, on a first offense depending on the nature and severity of the improper conduct. Supervisors, managers, Department Directors, and other authorized personnel may choose one or more of the following disciplinary actions:

- a. **Verbal Warning** - A verbally communicated warning to an employee by a supervisor for a work performance deficiency or a violation of a City standard or policy. A verbal warning is documented in writing in the employee's personnel file. The supervisor must provide the documentation to the Human Resource Director.



- b. **Written Warning** - A formal written notice to an employee by a supervisor for disciplinary purposes that outlines work performance deficiencies and/or violations of City standards or policies. The written warning may require corrective action indicated by a timeline for improvement. Copies of the written warning will be provided to the employee and Human Resources and will be placed in the employee's personnel file.
- b. **Performance Improvement Plan (PIP)** - Upon the failure to meet performance or behavior expectations, the employee's supervisor, in collaboration with Human Resources, will create a detailed PIP that includes specific, measurable, achievable, relevant, and time-bound (SMART) goals. The plan will also outline the support and resources available to assist the employee. The PIP will have a defined timeline during which the employee is expected to demonstrate improvement. If the employee fails to meet the objectives outlined in the PIP, further disciplinary actions, up to and including termination, may be considered. The specific consequences will be outlined in the PIP. The employee is required to sign the PIP as an acknowledgement of receipt and understanding. If the employee refuses to sign, the supervisor and a witness will document the refusal. Copies of the Performance Improvement Plan will be provided to the employee and Human Resources and will be placed in the employee's personnel file.
- c. **Final Written Warning** - A final written warning is a warning provided by a Department Director, in collaboration with Human Resources, to an employee that describes specific performance- or behavior-related conduct that will not be tolerated again. If the employee engages in any of the specified prohibited conduct again, it will result in their termination. The employee is required to sign the final written warning as an acknowledgement of receipt and understanding. If the employee refuses to sign, the Department Director and a witness will document the refusal. Copies of the final written warning will be provided to the employee and Human Resources and will be placed in the employee's personnel file.
- d. **Suspension** - An employee may be suspended from work without pay for up to 30 days (300 hours) by a Department Director. For any suspension or more than two days (20 hours), the City shall first conduct a pre-disciplinary hearing as outlined in Section 6-06 (4), except for at-will and probationary employees.
- e. **Demotion** - An employee may be demoted by a Department Director to a lower-grade position with or without a reduction in pay or with an



in-grade pay reduction. If the demotion is also an involuntary transfer to a position with less remuneration, the City shall first conduct a pre-disciplinary hearing as outlined in Section 6-06 (4), except if the employee is at-will or probationary or if the demotion is a result of a layoff, reorganization, or other non-disciplinary reason.

- f. **Transfer** - An employee may be transferred to another position within a department by a Department Director. An employee may be transferred to another position in a different department within the City with approval of the City Manager. If the transfer is an involuntary transfer to a position with less remuneration, the City shall first conduct a pre-disciplinary hearing as outlined in Section 6-06 (4), except if the employee is at-will or probationary or if the transfer is the result of a layoff, reorganization, or other non-disciplinary reason.
- g. **Termination** - A full-time employee may be terminated by a Department Director after consultation with the Human Resources Director, the City Attorney, and the City Manager or their respective designees. The City shall first conduct a pre-disciplinary hearing as outlined in Section 6-06 (4), except if the employee is at-will or probationary or if the termination is the result of a layoff or reorganization. At-will and probationary employees may be terminated at the discretion of Department Directors after consultation with Human Resources. A pre-disciplinary hearing is not required.

6-06 (4) **Pre-Disciplinary Hearing** - Whenever a full-time employee, who is not an at-will or probationary employee, is subject to possible suspension without pay for more than two days, demotion, or involuntary transfer from one position to another with less remuneration, or termination (except as a result of a layoff, reorganization, or other non-disciplinary reason), a pre-disciplinary hearing shall be held prior to imposing disciplinary action either in person or virtually at the City Manager's discretion.

- a. The employee shall be given written notice of the hearing prior to the hearing, which will include an explanation of the charges against the employee and notice that discipline, up to and including termination, will be considered.
- b. The pre-disciplinary hearing shall be conducted by the employee's Department Director or designee for the purpose of allowing the employee to respond to the charges and present information the employee believes is relevant to the decision.
- c. A decision as to the disciplinary action to be taken, if any, shall be made by the Department Director or designee, and the employee shall be



notified in writing within five working days after the hearing. This written notification shall include:

- i. The grounds for disciplinary action;
 - ii. Any disciplinary action to be imposed;
 - iii. The effective date and duration of the disciplinary action;
 - iv. Any required corrective action necessary for the employee to avoid further disciplinary action; and
 - v. Notice and a copy of the post-disciplinary hearing process outlined in Section 6-06 (5), if the imposed disciplinary action is termination, a suspension of more than two days, or demotion or involuntary transfer from one position to another with less remuneration.
- d. **Waiver of Pre-Disciplinary Hearing** - An employee may waive the right to a pre-disciplinary hearing. Such waiver must be in writing, signed by the employee, and specifically acknowledge that the employee has received a copy and read the requirements of Section 6-06 (5) accepts the proposed discipline, and acknowledges that the waiver also applies to the right to appeal to the Appeal Board.

6-06 (5) **Appeal Board (pursuant to Utah Code Annotated §10-3-1106)**

- a. A full-time employee who is not appointed, at-will, or probationary employee, may use the post-disciplinary hearing process. Appeals to the appeal board or hearing officer shall be taken by filing written notice of the appeal with the City Recorder within ten calendar days of receipt of the notice of the imposition of qualifying discipline (suspension of more than two days), demotion or involuntary transfer from one position to another with less remuneration, or termination, except if the action is the result of a layoff or reorganization).
- b. The appeal board shall consist of an appointed hearing officer appointed by the Mayor with the advice and consent of the City Council.
- c. **Exhaustion of Internal Grievance Procedures** - The City designates the appeal board or hearing officer as the only internal post-disciplinary appeal procedure for terminations, suspensions without pay for more than two days, demotions or an involuntarily transfer from one position to another with less remuneration.



d. **Appeal Hearing Process**

- i. The employee shall be entitled to appear in person before the appeal board or hearing officer and to be represented by counsel (at the employee's expense), to have a hearing open to the public, to confront the witnesses whose testimony is to be considered, and to examine the evidence to be considered by the Appeal Board.
- ii. The appeal board or hearing officer determines the admissibility of evidence and its use. Further, the appeal board or hearing officer is not bound by the rules of evidence and may consider any evidence it determines relevant to the matter.
- iii. The City Recorder records each session, except for the appeal board or hearing officer's deliberations.
- iv. The City Attorney or designee represents the City's interests.
- v. The standard of review for upholding the disciplinary action is substantial evidence. The City has the burden of establishing the factual basis underlying the disciplinary decision and the reasonableness of that decision. The appellant challenging a disciplinary action has the burden of demonstrating its unreasonableness.
- vi. The appeal board or hearing officer may establish hearing procedures consistent with Utah Code Annotated §10-3-1106 and may modify those procedures at the hearing as may be equitable and conducive to a determination of the issues.

e. **Decision of Appeal Board Hearing**

- i. Each decision of the appeal board or hearing officer shall be by secret ballot.
- ii. Each decision of the appeal board or hearing officer shall be certified to the City Recorder no later than 15 days after the day on which the hearing is held; however, for good cause, the Appeal Board may extend the 15-day period to a maximum of 60 calendar days, if the employee and the City both consents.
- iii. Upon reaching a decision, the Appeal Board or hearing officer shall issue the decision. A decision is issued when it is signed



and dated by the appeal board or hearing officer and certified with the City Recorder. The City Recorder shall distribute the certified decision to the employee, the City Manager, the Human Resources Director, the City Attorney, and the Department Director.

- iv. If the appeal board or hearing officer does not uphold the suspension, demotion or termination, the Board shall provide in its order:
 - 1. the employee shall receive the employee's salary for the period of time during which the employee was discharged or suspended without pay less any amounts the employee earned from other employment during this period of time; or
 - 2. the employee is paid any deficiency in salary for the period during which the employee was demoted or involuntarily transferred to a position of less remuneration.
- v. Any final action or order of the appeal board or hearing officer may be submitted for review by either the employee or the City to the Utah Court of Appeals by filing a petition for review no later than 30 days from the date of the issuance of the final action or order of the appeal board or hearing officer by filing with that court a petition for review.

6-07 EMPLOYEE GRIEVANCE PROCEDURES

- 6-07 (1) **General Policy** - A grievance is defined as a complaint made by a City employee of a decision or action taken by the City that affects an employee's working conditions, except disciplinary action. For example, a grievance may be filed regarding such decisions or actions such as performance evaluation, a job or task reassignment, or a change in schedule or a health/safety concern. All employees have the right to file a grievance.

Disciplinary action appeals shall be handled consistent with the Employee Disciplinary policy (Section 6-06).

- 6-07 (2) **Informal Grievance Process** - The grievant and the immediate supervisor shall make every effort to resolve the grievance at the lowest level of supervision. Thus, the grievant shall attempt to discuss the grievance within ten calendar days with the immediate supervisor. The immediate supervisor then has ten calendar days to present a decision before resorting to the Formal Grievance Process.



- 6-07 (3) **Formal Grievance Process** - The following process shall be followed in processing grievances made by City employees. If at any step the City fails to respond within the allotted time period, such failure shall constitute a denial, and the employee may move to the next step in the process. Failure of the grievant to meet any of the specified deadlines shall constitute a withdrawal and waiver of the grievance. Probationary employees may not initiate a grievance procedure after termination of employment during the probationary period.
- a. **Step One** - The grievant shall present the formal grievance in writing to his/her immediate supervisor within ten business days from the result of the informal grievance procedure. The written grievance should include, at a minimum, the date, description of the decision or action in question and the remedy sought. The employee's immediate supervisor shall respond to the employee's grievance in writing, detailing the decision and including a copy of this policy, within ten business days of receipt of the grievance.
 - b. **Step Two** - If the employee is not satisfied with the response of the immediate supervisor, the employee may submit a written grievance to his/her Department Director within ten business days of the immediate supervisor's response. The Department Director shall respond to the employee's grievance in writing, detailing the decision and including a copy of this policy within ten business days of receipt of the grievance.
 - c. **Step Three** - If the employee is not satisfied with the response of the immediate Department Director, the employee may submit a written request to the City Manager within ten business days of receipt of the Department Director's response. The City Manager or designee shall respond to the employee's grievance in writing, detailing the decision, within ten business days of receipt of the grievance. The decision of the City Manager is final and not appealable.
- 6-07 (4) **Representation** - An employee may not be represented at any Step One grievance discussion with the supervisor. The employee may be represented by legal counsel at any Step Two or Step Three discussion, subject to any conditions imposed by the Department Director, City Manager, or the City Manager's designee.
- 6-07 (5) **Documentation** - Copies of all grievances and responses shall be forwarded to the Human Resource Department for filing upon receipt of issuance.



- 6-07 (6) **Retaliation** - Employees who file a grievance in good faith may not be retaliated against for filing the grievance.
- 6-07 (7) **Failure to Appear** - An employee's failure to appear for any scheduled meeting without notification will constitute a withdrawal and waiver of the grievance.

SECTION 7- FINANCIAL POLICIES & PROCEDURES

7-01 PROCUREMENT POLICY

- 7-01 (1) **General Policy** - Midvale City shall comply with all applicable federal laws and regulations, state laws, and City ordinances and resolutions regarding the procurement of goods, services, and contracts. A complete copy of the City purchasing policy may be obtained from the City website at Midvale.Utah.gov, Title 3, Chapter 3.02 – Procurement. For further information, contact the Administrative Services Department.
- 7-01 (2) **Credit Cards** - City credit cards shall be used for official City business only and all use shall comply with the City's purchasing policy.

7-02 PURCHASING CARD POLICY

- 7-02 (1) **Purpose** - The purpose of the Purchasing Card Program is to establish a more efficient, cost-effective method of purchasing and paying for small-dollar transactions by using a purchasing card. The program is designed to replace a variety of processes including petty cash and small dollar check requests.
- a. This program is not intended to avoid or bypass the established procurement ordinance or payment policies. Rather, the program is intended to complement the existing processes already at work within the City.
 - b. All cards are issued at the request of your supervisor. Card usage may be audited and/or rescinded at any time. **YOU MAY ONLY USE THE CARD WHEN AUTHORIZED!**
 - c. This policy provides the guidelines under which you may utilize your purchasing card. Please read it carefully.
 - d. Record keeping will be essential to ensure the success of this program. You must submit receipts for your protection as well as the monthly reconciling requirements.



- e. Finally, remember that you are committing City funds each time you use the purchasing card. This is a responsibility that cannot be taken lightly.

7-02 (2) **General Information**

- a. Under special circumstances items may need to be purchased that are over the transaction limit, which is generally \$1,000. On those occasions, a requisition for a P.O. must be submitted and approved prior to the purchase. After the requisition is submitted and approved, the Purchasing Card Administrator will increase the card's transaction limit temporarily to allow the purchase.
- b. The purchasing card is not intended to replace the current travel and entertainment policy.
- c. The purchasing card may be used for in-store purchases as well as purchases by mail, phone, fax, or the internet. Use of the card does not relieve the cardholder from complying with Federal, State or City regulations that are applicable.
- d. You are responsible for the security of your card and the transactions made with the card. The card is issued in your name, and it will be assumed that any purchases made with the card will have been made by you.
- e. The purchasing card is to be used for business purposes only. It may NOT be used for personal transactions. If a personal transaction is made, repayment in full to the City must be made immediately. In addition, a penalty of an amount equal to 50% of the personal transaction must be paid to the City. You may appeal the penalty if you feel you have a good reason to do so. Appeals should be presented to the City Manager.
- f. Use of the card in a manner not in accordance with the guidelines established in this policy may result in revocation of the card and disciplinary action up to and including termination.

7-02 (3) **Cardholder Responsibilities** - It is the cardholder's responsibility to confirm that sufficient funds or budget amounts are available for use prior to making a purchase.

- a. The purchasing card may be revoked for any of the following reasons:



- i. Personal purchases;
 - ii. Unauthorized purchase of restricted items or from restricted vendors;
 - iii. The cardholder allows the card to be used by another individual;
 - iv. The cardholder makes a purchase for another individual;
 - v. The cardholder splits a purchase to circumvent a purchase limit;
 - vi. The cardholder accepts cash for returns, sales tax payments, credits, or disputed items;
 - vii. The cardholder fails to enter purchases and upload receipts on the Purchasing Card website in a timely manner;
 - viii. The cardholder fails to get receipts; or
 - ix. The cardholder fails to comply with the procurement ordinance or Purchasing Card Policy.
- b. The cardholder shall take reasonable precautions with the purchasing card. These include, but are not limited to the following:
 - i. Reasonable safeguarding of the card and protection against loss, theft, or unauthorized use;
 - ii. Keep the card in view when you give it to a clerk, and get it back promptly;
 - iii. Don't sign a blank receipt;
 - iv. Draw a line through blank spaces above the total when signing receipts;
 - v. Destroy all carbon copies and voided receipts;
 - vi. Never give your card number over the phone unless you are dealing with a company that you are sure is legitimate;
 - vii. Never leave your card or receipts out where anyone can copy them or pick them up; and
 - viii. Don't allow card information to be saved or stored on websites when making purchases online.

7-02 (4) Examples of When the Purchase Card May Be Used:

- a. Subscriptions, seminars;
- b. Hotel;
- c. Car rental;
- d. Miscellaneous maintenance requirements;
- e. Office supplies;
- f. Computer supplies, software (with approval from Information Services);
- g. Computer hardware (with approval from Information Services);



- h. Automotive repair (reserved for Fleet and selected departments); and
- i. Postage.

7-02 (5) **Examples of When the Purchasing Card May Not Be Used:**

- a. Any item that requires a competitive process as specified in the City procurement ordinance;
- b. Inappropriate use of City funds;
- c. Capital expenditures; or
- d. Personal purchases.

7-02 (6) **Built-in Restriction**

- a. Each card will be assigned an individual credit limit and transaction limit based on previous purchasing activity. If you find over time that the limit is too low to accommodate your purchasing requirements, please contact the Purchasing Card Administrator to re-evaluate your limit. The Purchasing Card Administrator may seek the approval of your supervisor prior to increasing the limit.
- b. Some supplier's Merchant Category Code (MCC's) codes have been "blocked" from usage in the program. If you present your card to any of these suppliers, the transaction will be declined. It is likely that any supplier you currently utilize as a source for products will accept your card. If you are declined and feel the decline should not have occurred, call or email the Purchasing Card Administrator with the information. The Purchasing Card Administrator will contact Zions Bank Customer Service to determine if you were declined because of merchant blocking or exceeding the monthly credit limit or single-purchase limit imposed on your card.

7-02 (7) **The Purchasing Card Website**

- a. The Purchasing Card website becomes an ongoing record of information regarding transactions made on your card. You are required to keep the website updated by entering purchases and uploading receipts in a timely manner. For each purchase, you must enter an appropriate GL account, vendor name, and vendor code. Also, adequate descriptions for each purchase must be entered. Occasionally, a generic description will automatically populate the description box. This description is generally insufficient or inaccurate and will need to be updated with correct information.



- b. The website allows management to review the types of goods purchased on the card and determine where the card is being used. It also provides a record of activity enabling you to reconcile your monthly Purchasing Card Statement. In addition, the receipts retained on the website provide the documentation necessary should there be an audit.
- c. All purchases must be approved by your supervisor or Department Director. Supervisors and Department Directors have the ability to approve purchases on the website.

7-02 (8) **Always Record Each Transaction Completed By A Purchase Card** - On the website, record the date of the transaction, the vendor's name and code, the GL account charged, the merchandise purchased, the dollar value of the sale, and upload a copy of the receipt. A separate entry is required for each purchase.

7-02 (9) **Reconciliation and Payment** - The Purchasing Card Program carries corporate, not individual, liability. Invoices will be paid by the City's Accounts Payable staff. You will not be required to pay your Monthly Statement using personal funds. The program does not impact your personal credit rating in any way.

7-02 (10) **Retain All Receipts for Goods and Services Purchased**

- a. If you purchase via phone, fax, mail, e-mail, or other electronic means, ask the supplier to include an itemized receipt with the goods when the product is shipped to you. This itemized receipt is the only original documentation specifying whether or not sales tax has been paid. Also, the receipt will be used for auditing purposes.
- b. Accounts Payable will receive a statement for each cardholder identifying all transactions made with the card during the billing cycle. The statement must be reconciled with transactions entered on the Purchasing Card website along with the uploaded receipts for accuracy. You are required to ensure purchases are entered and receipts are uploaded on the website in a timely manner. This will facilitate and expedite the reconciliation process for Accounts Payable. If purchases are not entered in a timely manner, your purchasing card may be revoked.
- c. Activity on the statements may be audited at any time by the City's Accounts Payable staff or the Program Administrator.

7-02 (11) **If Your Records Don't Agree with Your Statement**



- a. There may be occasions when items on your statement do not correlate with the entries submitted to the website or your retained receipts. You may not have made the transaction, or the amount of the transaction may be incorrect, or you may have a quality or service issue. In these circumstances, contact the supplier involved to try to resolve the error. Also, inform the Purchasing Card Administrator of the transaction and that it is pending resolution.
- b. If you are not able to reach an appropriate resolution with the supplier, contact Zions Bank Customer Service to dispute the charge. Zions Bank Customer Service will inform you of the steps that must be taken to appropriately dispute the charge. It is your responsibility to ensure this is done properly and in a timely manner. If needed, contact the Purchasing Card Administrator for help to dispute a charge.

7-02 (12) **Lost or Stolen Cards**

- a. The Purchasing Card is the property of Midvale City and should be secured just as you would secure your personal credit cards. If your card is lost or stolen, notify the Purchasing Card Administrator and contact Zions Bank Customer Service immediately!
- b. Upon notification of your lost or stolen card, further use of the card will be blocked. Prompt action in these circumstances can reduce the City's liability for fraudulent charges.

7-02 (13) **Card Cancellation** - Upon termination of an employee, it is the responsibility of the supervisor to notify the Purchasing Card Administrator immediately.

7-02 (14) **Sales and Use Tax**

- a. Midvale City is a tax-exempt organization. When making purchases with your card, ensure sales tax is not charged. Some vendors may require a copy of the City's tax-exemption certificate in order to avoid sales tax. Be prepared to provide a copy if needed. We realize that occasionally sales tax cannot be avoided. However, these transactions should be infrequent and avoided if possible.
- b. Should you have additional questions regarding the payment of sales tax, please contact the Purchasing Card Administrator.

7-02 (15) **Suppliers Who Do Not Accept the Card** - Although we do not endorse Visa or any of its associated banks specifically, we encourage suppliers to become involved in the Midvale City's Purchasing Card Program so that cardholders can use the Program and the City can benefit from available rebates.



7-02 (16) **Summary**

- a. Suppliers are paid within three days of your business transaction. Please indicate to suppliers that you do not wish to be invoiced, as an invoice could result in duplicate payment. However, you should always request an itemized receipt.
- b. The Program is designed to be simple and easy to use, providing you with the materials needed to perform your job more quickly and efficiently. However, appropriate controls must also be maintained to ensure the ongoing success of the program.
- c. We ask you to exercise good judgment and act responsibly when using your purchasing card. The purchasing card is issued in your name, and all activity will be assumed to have been incurred by you. We ask you to maintain your Purchasing Card Log accurately and always retain your receipts!
- d. In addition, random audits of card activity and/or retention of receipts may be conducted. Consequences, ranging from suspension of cards to termination of employment, will be invoked for improper use of the program.
- e. Your feedback regarding this Program is important! You are testing a new concept and the procedures developed for our City. We need to know if you have issues or concerns, and we welcome suggestions for improvement.
- f. We continue to improve the way we conduct business. Your use of this Program in conducting your daily business can help us make significant changes in eliminating a variety of manual transactions. If you have any questions about the Program or need additional information, please contact the Purchasing Card Administrator.
- g. Appropriate transaction descriptions, vendor names and codes, and GL accounts must be entered on the website and transactions must be approved by your supervisor or Department Director.
- h. Do not share your purchasing card with other departments except in case of emergency.
- i. The assignee of the card is responsible for securing the card.



- j. The Purchasing Card Administrator reserves the right to require training or to revoke the card at any time.

7-03 SCRAP METAL POLICY

7-03 (1) **General Policy** - Scrap metal is an asset to Midvale City, and its disposal is subject to the same business practices that govern the disposal of all other City surplus assets. Scrap metal will be collected and recycled to the maximum practical extent. Whenever possible, revenue will be generated from the disposal of scrap metal and credited to the appropriate fund. Scrap metal is defined as any metal no longer necessary to City operations, including but not limited to: iron, steel, aluminum, brass, and copper.

7-03 (2) **Sale/Disposal Process**

- a. All City employees are responsible for depositing scrap metal in a secure location at Public Works (to be determined by the Department Director). Periodically, the Public Works Director shall determine whether or not the scrap metal has commercial value. If not, the scrap metal should be disposed of properly.
- b. The Public Works Department may utilize contractors and/or auction for the removal of scrap metal. Selection of process will be based upon what is deemed to be in the best interest of the City. When possible, quotes should be obtained, with the award being made to the vendor who provides the highest bid for the scrap.
- c. In some cases, this may also require removal from the City's site. Quotes are to be obtained from vendors who by definition are in the general business of purchasing scrap metal.
- d. Only checks from the vendor shall be accepted for the payment of scrap metal. On no occasion may cash be accepted for the sale of surplus metal. In accordance with the State's Money Management Act, checks must be deposited with the City Treasurer within three days of receipt.



SECTION 8 – SAFETY & RISK MANAGEMENT

8-01 RISK MANAGEMENT PHILOSOPHY

- 8-01 (1) **General Policy** - It is the philosophy of Midvale City to reduce the potential loss from exposures through sound risk management practices in all City, department, and individual employee activities. Within the constraints of the budget and the City's obligation to provide certain public services, City risk management and safety practices will reflect a strong consideration for the safety of employees and the public.

Midvale City will be aggressive in risk identification. All existing operations, programs, equipment, and facilities of the City shall be evaluated on a regular basis to determine potential risk. Employees shall report any identified risks to their immediate supervisor. In addition, employees shall report any potential hazards, damaged or missing signs, or other possible risks immediately to their supervisor.

- 8-01 (2) **Department Responsibility for Risk Management and Safety** - Each Department Director is responsible for implementing risk management programs required by the City insurance carriers, the City Risk Committee, and the City Manager to protect the health, safety, and welfare of the City employees and public; prevent financial losses and reduce insurance premiums; conduct the affairs of the department to reduce insurance premiums and to reduce the potential for claims and lawsuits against the City. Each Department Director will develop and maintain policies and practices designed to meet the particular risk management needs of the department.

- 8-01 (3) **Individual Responsibility for Risk Management and Safety** - Individual employees shall take responsibility for their own safety as well as the safety of other employees, citizens, and property. Employees shall abide by reasonable safety precautions and exercise due care while on the job. Adequate training, appropriate supervision, reasonable scheduling, proper equipment and other management tools should be utilized by the department and followed by each individual employee to create a safe working environment. Individual employees are responsible to immediately report to their supervisor any potential hazards likely to cause an accident and should be forthcoming in identifying and bringing to the attention of supervisors and their Department Director, safety concerns that cannot be addressed and resolved by the individual employee. Additional safety precaution are as follows:

- a. Employees must have proper training and licensing required to operate any type of power equipment.



- b. Employees must use proper protective 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. Employees must also adhere to additional department policies.
- d. Defective equipment will be reported immediately.
- e. In all work situations, safeguards required by State and Federal Safety Orders will be provided and followed.
- f. Seatbelts must be worn at all times while operating a City vehicle or a personal vehicle while conducting City business. Employees found not wearing their seatbelts are subject to disciplinary action.
- g. Due to the potential risk, employees are prohibited from allowing citizens, guests, or family members in or around inherently dangerous work areas.
- h. All employees are required to comply with the City's safety standards. Current employees who pose a direct threat to the health or safety of themselves or other individuals in the workplace will be placed on leave until an organizational decision has been made in regard to the employee's immediate employment situation.

8-02 ACCIDENT/INCIDENT REPORTING - All job-related accidents or incidents, regardless of severity, personal or vehicular, shall be reported immediately to the Human Resource Director and the applicable supervisor or Department Director.

8-02 (1) Accident with Injury - When injured while on duty, **an employee must:**

- a. Call 9-1-1 and their supervisor immediately. If the immediate supervisor is unavailable, contact the Department Director even if the accident occurs after normal work hours.
- b. When safe to do so, remain at the accident scene until the police or supervisor approves your departure.
- c. Immediately obtain necessary treatment. The City recommends the employees initially seek medical treatment at an approved medical



facility if possible. Names and locations of approved medical facilities may be obtained from the Human Resource Department.

- d. Submit to a drug test if determined necessary according to the drug testing policy located in Section 6-03. Supervisor or Department Director is required to drive the employee to get a drug test.
- e. **Upon request, obtain a medical release form signed by a doctor and submit copies to the Human Resource Department and supervisor.**
- f. Report to work as permitted by the medical release form.
- g. Detail the job-related injury on forms prescribed by the Utah Labor Commission and the City. These forms must be completed within three days following the incident causing the injury and submitted to the Risk Manager.

8-02 (2) Accident with NO Injury - When involved in a vehicle accident, but not injured, **an employee must:**

- a. Call 9-1-1 and their supervisor immediately. If the immediate supervisor is unavailable, contact the Department Director even if the accident occurs after normal work hours.
- b. Remain at the accident until the police or supervisor approves your departure.
- c. Collect necessary contact and insurance information from any others involved in the accident.
- d. Submit to a drug test if determined necessary according to the drug testing policy located in Section 6-03. The employee's supervisor or Department Director is required to drive the employee to get a drug test.

8-02 (3) Claims, Lawsuits, & Liability - An employee who becomes aware of any occurrence, which may give rise to a lawsuit, who receives a notice of claim, or is sued because of an incident related to his or her employment, shall give immediate notice to his or her supervisor, the Department Director, the Risk Manager, and the City Attorney.

- a. An incident report must be completed for any alleged injury or damage to persons or property involving a City official, employee, volunteer, or equipment or any such event occurring on City property. Such report



will be submitted to the City Manager with a copy sent to the City Attorney and City Recorder.

- b. Pictures must be taken at the scene and submitted with the incident report.
- c. No official or employee shall admit or indicate in any manner that he or she or the City is at fault or has any liability in any incident that may result in a claim or lawsuit. No official or employee shall make any commitments or promises to claimant unless specifically authorized to do so by the City Manager or designee.
- d. The City Attorney will receive and coordinate the resolution of claims and lawsuits made against the City, its officers, employees, or volunteers.

8-03 OCCUPATIONAL SAFETY AND HEALTH ADMINISTRATION (OSHA)

- a. Midvale City will post all required OSHA notices in conspicuous places. Employees may obtain additional information regarding OSHA from their Department Director.
- b. If an OSHA inspector arrives on a job site, an employee should contact their Department Director immediately. The Department Director shall make arrangements for any required inspections.

8-04 PROPER USE OF CITY EQUIPMENT & TOOLS

- a. The use of City equipment or tools for private purposes is strictly prohibited.
- b. Employees shall be required to attend training provided by the City; 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.
- c. 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. Employees must renew their commercial driver's license at five-year intervals.



- d. Operators and passengers in a business-use vehicle equipped with seat belts must wear them when the vehicle is in operation, and all employees operating vehicles shall observe all local traffic laws.
- e. Employees using City vehicles shall ensure they are kept clean and serviced according to fleet specifications.

8-05 BUILDING SECURITY

- 8-05 (1) **Distribution of Keys** - As assigned, Department Directors are responsible for distribution of keys, keypad codes, and security access cards to building occupants. Department Directors shall maintain a record of the keys, keypad codes, and security access cards distributed to building occupants. The departments shall not loan out keys, duplicate keys, or distribute keypad codes or security access cards prior to the completion of the key requisition process.
- 8-05 (2) **Employee Responsibility** - Employees shall not loan, duplicate, or transfer keys, keypad codes, or security access cards to City facilities. Such behavior may be grounds for disciplinary action up to and including termination. All keys, security access cards, and security access cards must be returned to the City immediately upon termination of employment.
- 8-05 (3) **Lost Keys** - Any lost keys or security access cards shall be reported to the employee's supervisor and the Department Director immediately.

SECTION 9 – FLEET MANAGEMENT

9-01 VEHICLE USE

- 9-01(1) **Vehicle Use** - City vehicles can only be utilized in connection with City business. All City vehicle and equipment operators shall have a valid Utah driver's license appropriate for the class of vehicle or equipment being driven. Smoking is prohibited in City vehicles. Safe driving practices will be enforced with the use of all City vehicles.
- 9-01 (2) **Authorization to Drive** - To be authorized to drive a City-owned vehicle, an employee or volunteer must possess a valid Utah driver's license for the type of vehicle he or she is operating. An employee may take an assigned vehicle home in an emergency situation upon prior approval from the Department Director.



- 9-01 (3) **Verification of Driver's License Status** - The City will ensure that the driver's license status of all employees is reviewed monthly by the Utah Local Government's Trust.
- 9-01 (4) **Pool Vehicle Use** - Pool vehicles are authorized for use by authorized employees or volunteers who do not have a City vehicle assigned to them and need transportation to conduct City business, subject to availability. All pool vehicle users must have a current valid motor vehicle record on file with Human Resources prior to vehicle use.
- 9-01 (5) **Personal Use** - Personal use of City vehicles is prohibited, except for incidental local use such as taking breaks or meal periods or completing a personal errand that does not require indirect travel.
- 9-01 (6) **Permitted Passengers** - Only authorized employees and volunteers are allowed to ride in City vehicles, except for the purpose of conducting City business or as otherwise authorized by policy. Employee's family members are allowed to ride in City vehicles in a parade as long as the City employee is driving the vehicle. Non-employees shall not be allowed to ride in a City vehicle except for the purpose of conducting City business or with Department Director approval.
- 9-01 (7) **Occasional Approved Use** - Department Directors may grant occasional overnight take home use due to an isolated incident of need because of the lateness of the hour or other circumstances where it is impractical for the user to return a City vehicle at the end of a shift.
- 9-01 (8) **Take Home Vehicles** - City employees MUST live within 30 miles of the City limits in order to take home a City vehicle.

9-02 DRIVER/OPERATOR DUTIES AND RESPONSIBILITIES

- 9-02 (1) **Responsibility** - Drivers are responsible for the care and general maintenance of City vehicles under their control or assigned to them. This includes frequent checking of the oil and other fluids, lubrication levels, tire pressure, and prompt reporting of problems. Employees shall not use fuel, oil lubricant, or other liquid additives in the vehicle other than authorized by fleet division. Employees shall not make any unauthorized repairs to a City vehicle. Employees shall not add or remove auxiliary equipment to vehicles without prior authorization of the Public Works Director.



- 9-02 (2) **Cleanliness** - Employees shall keep both the exterior and interior of City vehicles clean. Employees shall not alter the body, general design, appearance, or markings of a City vehicle.
- 9-02 (3) **Mileage** - Each time a City vehicle is refueled using a gas card, the driver/operator will accurately enter odometer/hour meter readings.
- 9-02 (4) **Long Distance Travel** - When an assigned City vehicle is to be used for travel of a distance of 200 miles or more, the employee shall have the vehicle inspected by a fleet mechanic within two calendar days prior to departure to ensure the vehicle is in proper working condition.
- 9-02 (5) **Compliance with Laws** - City employees and volunteers shall drive and park in accordance with all state and local laws. Any citation received shall be the responsibility of the driver.
- 9-02 (6) **Revoked License Notification** - City employees who are authorized to use a City vehicle shall immediately report to Human Resources if his or her driver's license is revoked, suspended, denied, or expires.
- 9-02 (7) **Cell Phone Use** - City employees and volunteers shall not use a cell phone for any purpose while operating a City vehicle, unless engaged in a hands-free mode.
- 9-02 (8) **Idling and Air Quality Consideration** - Drivers will not allow their vehicle to idle excessively, except as required for safety reasons or operation of auxiliary equipment. Emergency vehicles are exempt during emergency situations. Additionally, drivers will be conscientious of air quality, plan the most efficient route, and whenever possible, will limit trips and combine trips to grouping appointments and errands together.
- 9-02 (9) **Locking Vehicles** - Unattended City vehicles shall be locked at all times.
- 9-02 (10) **Abuse or Neglect of Vehicles** - Drivers will not abuse or neglect City vehicles. Abuse or neglect includes but is not limited to:
- a. misusing vehicles;
 - b. exceeding a vehicle's capacity;
 - c. operating vehicles without adequate training;
 - d. allowing others to operate vehicles without adequate training;
 - e. being reckless, careless, irresponsible, or not paying attention while operating vehicles;
 - f. operating with an overheated engine;
 - g. failure to properly observe instrument panel indicator;
 - h. operating with flat or under-inflated tires;



- i. failure to report defects and needed repairs;
- j. driving a vehicle that is in need of repairs;
- k. failure to inspect equipment properly before and after use; and
- l. failure to have a vehicle serviced after receiving notification.

9-02 (11) **Supervisor Responsibility** - Supervisors must know the condition of the vehicles under their direct responsibility. Supervisors must keep in close touch with operators to make sure all equipment is properly cared for and maintained. Supervisors are responsible for:

- a. Periodic audits of inspection reports to make sure the inspections are timely and accurate;
- b. Quarterly inspections of the conditions of vehicles under his/her supervision; and
- c. Keeping a separate inspection report documenting any vehicle problems for audit purposes. The supervisor will discuss any discrepancies with any person who completed an inconsistent report.

9-03 **GENERAL LIABILITY PROVISIONS**

9-03 (1) **City Vehicles**

- a. City vehicles are insured by the City.
- b. Third-party claims are handled by the City's insurer to the policy limits.
- c. Injuries to City employees and volunteers will be handled as worker's compensation claims.

9-03 (2) **Vehicle Allowance for Vehicles Operated on City Business**

- a. Employees receiving a vehicle allowance or using their own vehicle for city business must provide proof of insurance on their vehicles.
- b. Any injury to City employees and volunteers will be handled as a worker's compensation claim.

9-03 (3) **Personal Vehicles**

- a. Personal vehicles shall be insured by the owner. As part of the hiring process, all employees and volunteers will certify in writing their acknowledgement of their legal obligation to have state-mandated



minimum liability coverage on any personal vehicle they may be authorized to drive on City business.

- ii. Employees are encouraged to review the merits of additional “business use” or higher liability coverage with their insurer.
- iii. Any injury to City employees and volunteers will be handled as a worker’s compensation claim.

b. Personal Vehicle Used with City Mileage Reimbursement - The employee is responsible for all deductibles and first party- and third-party claims.

c. Incidental Use of Personal Vehicle for City Business Without City Mileage Reimbursement

- i. Third-party claims will be handled by the City’s insurer to the policy limits, except for the owner’s deductible.
- ii. Property damage to the personal vehicle is covered by the City to the limit of the City’s deductible.

9-03 (4) **Rental Vehicles** - Employees that rent vehicles for the City’s use are required to purchase the full liability insurance offered by the car rental company.

9-03 (5) **Limitation of Liability** - The City reserves the right to limit insurance coverage and/or worker’s compensation as provided by law, such as actions outside the scope of an employee’s employment.