MIDVALE CITY, UTAH

RESOLUTION NO. 2017-R-26

A RESOLUTION ADOPTING AMENDMENTS TO THE MIDVALE CITY POLICIES AND PROCEDURES MANUAL

WHEREAS, the City Council adopted the most recent version of the Midvale City Policies and Procedures Manual by Resolution in September 2016; and

WHEREAS, periodic reviews of the City's policies and procedures are conducted by City Staff and the City Council in order to update policies and be consistent with legislative changes; and

WHEREAS, the City Council finds the revisions to the Midvale City Policies and Procedures Manual to be in the best interest of the City,

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF MIDVALE CITY, UTAH:

Section 1. The City Council hereby desires to approve the proposed Midvale City Policies and Procedures Manual (Exhibit A).

Section 2. This Resolution shall take effect immediately upon passage.

APPROVED AND ADOPTED this 20th day of June 2017.

JoAnn B. Seghini, Mayor

ATTEST:

Rori L. Andreason, MMC
City Recorder

MIDVALE CITY STATE OF UTAH INCORPORATED JULY 1, 1909 CORPORATE SEAL

Voting by the City Council	"Aye"	"Nay"
Stephen Brown	✓	
Paul Glover	✓	
Quinn Sperry	✓	
Paul Hunt	✓	
Wayne Sharp	✓	

MIDVALE CITY POLICIES AND PROCEDURES MANUAL

Adopted June 20, 2017 by Resolution No. 2017-R-26

EMPLOYEE ACKNOWLEDGMENT
MIDVALE POLICIES AND PROCEDURES MANUAL

I CERTIFY that on _____ I received a copy of the Midvale 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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PART I - INTRODUCTION

1.1 WELCOME TO MIDVALE CITY

Welcome to employment with 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 handbook 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 Handbook at any time for any reason.

The City has the exclusive right to add, delete, supplement, change or modify anything in this Handbook 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 Handbook, City Management has the exclusive right to make the final determination as to its meaning or application. No interpretation or clarification or 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 Handbook, 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 Employee 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.

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

1.2 MISSION STATEMENT

Midvale City 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."

1.3 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.

1.4 EMPLOYEE PHILOSOPHY

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.

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.

1.5 EMPLOYEE RELATION GOALS

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.

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.

We encourage you to bring your problems to your supervisor or Department Head. 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.

1.6 MIDVALE EMPLOYEE ASSOCIATION

The Midvale Employee Association is the only group that serves as a liaison between the administration and employees of the City. This group is not considered a bargaining unit.

The City Manager and/or his/her designee shall meet with representatives of the Employee Association as needed. The City will provide Employee Association representatives reasonable paid time on the job each month for Employee Association business, meetings, and other related duties.

PART II – EMPLOYMENT POLICIES

2.1 EQUAL EMPLOYMENT OPPORTUNITY

The City of Midvale is an "Equal Opportunity Employer" and selects, hires, promotes, and compensates employees without regard to race, religion, pregnancy, age, disability, gender, color, national origin, or any other protected status. The City evaluates applicants for employment or candidates for promotion based upon their knowledge, skills, experience, education, and potential for job performance consistent with the needs of the position.

The City will make reasonable accommodations for qualified individuals with known disabilities, unless doing so would result in an 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.

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.

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.

2.2 SEXUAL HARASSMENT, HARASSMENT, BULLYING AND DISCRIMINATION POLICY

2.2.1 PROHIBITION AGAINST SEXUAL HARASSMENT, HARASSMENT, DISCRIMINATION OR BULLYING

Midvale City is committed to providing a work environment free from discrimination, harassment, bullying, and retaliation (victimization), and providing equal employment opportunities for all employees, applicants, and trainees. Employees must treat others with dignity and respect and should, themselves, be treated with dignity and respect. Employees should always consider whether their words or conduct could be offensive. Whether conduct violates this policy is not dependent upon the intent of the person who engages in the conduct. What matters is how the conduct is received and whether a reasonable person would find the conduct offensive and violates their dignity.

All allegations of harassment or bullying are taken seriously and addressed promptly. Any investigation will be conducted with the greatest degree of confidentiality consistent with completing a fair and thorough investigation.

Harassment or bullying by an employee will be treated as a disciplinary matter up to and including termination.

a. SEXUAL HARASSMENT

All employees of the City have the legal right (Title VII of the Civil Rights Act of 1964) to work in an environment free from sexual harassment. In addition, all individuals making application for employment with the City have the right to expect an environment free from sexual harassment.

Sexual harassment is an unlawful activity, which violates City policy. It is prohibited as a form of sex discrimination. It is unacceptable behavior that will not be tolerated at any level. Any employee who engages in any form of sexual harassment or inappropriate sexual conduct shall be subject to disciplinary action up to and including termination.

Sexual harassment, according to the federal Equal Employment Opportunity Commission (EEOC), consists of unwelcome sexual advances, requests for sexual favors or other verbal or physical acts of a sexual nature or sex-based nature where:

- Submission to such conduct is made either explicitly or implicitly as a term or condition of an individual's employment.
- An employment decision is based on an individual's acceptance or rejection of such conduct.
- Such conduct interferes with an individual's work performance or creates an intimidating, hostile, or offensive work environment.

It is also unlawful to retaliate or take reprisal in any way against anyone who has filed a complaint about sexual harassment or sexual discrimination.

The City and its supervisors, employees, and agents are under a duty to investigate and eradicate any form of sexual harassment or sex discrimination or complaints about such conduct. In addition to prohibiting sexual harassment by its employees, the City will not tolerate sexual harassment of its employees by its citizens, contractors, and/or vendors.

The City's management is committed to vigorously enforcing this prohibition of sexual harassment at all levels of the organization. This prohibition against sexual harassment is in effect at all times and in all places.

b. HARASSMENT/DISCRIMINATION

"Harassment" is a serious, severe or pervasive conduct, that is unwanted or offensive that has the purpose or effect of violating a person's dignity or creating an intimidating, humiliating, hostile or offensive environment. Discrimination and harassment (based on race, color, sex, pregnancy, age, national origin, religion, language, social origin, disability, genetic information, sexual orientation, veteran status, gender identity, or other categories protected by applicable law) will not be tolerated. Discrimination also includes treating someone less favorably because they have submitted or refused to submit to such behavior in the past.

Examples of potential harassment:

- Unwanted and inappropriate physical contact or horseplay, including touching, pinching, pushing, grabbing, unnecessary brushing against someone, invading personal space and physical or sexual assault.
- Unwelcome sexual advances or suggestive behavior, and suggestions that sexual favors may further a career or that a refusal may hinder it.
- Stalking or persecuting a person with unwanted attentions, gifts, or messages.
- Continued suggestions for dating, romance, or social activity after it has been made clear that the suggestions are unwelcome.
- Sending or displaying material that is pornographic or that some people may find offensive (including e-mails, text messages, video clips and images sent by mobile phone or posted on the internet).
- Offensive or intimidating comments or gestures, or insensitive jokes or pranks that undermine the dignity of the person.
- Mocking, mimicking or belittling a person's physical condition or age.
- Racist, sexist, homophobic or ageist jokes, or derogatory or stereotypical remarks about a particular ethnic, social, linguistic or religious group, or gender.
- Outing or threatening to out someone as gay or lesbian.
- Shunning someone, for example, by deliberately excluding them from a work related conversation or a workplace social activity

Persons may perceive harassment even if they are not the intended target if it creates an offensive environment for them.

c. BULLYING

"Bullying" is offensive, intimidating, malicious or insulting behavior involving the misuse of power that makes a person feel vulnerable, upset, humiliated, undermined or threatened. "Power" does not always mean being in a position of authority, but can include both personal strength and the power to coerce through fear or intimidation. Bullying can take the form of physical, verbal and non-verbal conduct. What matters is how the conduct is received and whether a reasonable person would find the conduct offensive, intimidating, malicious or insulting.

Examples of potential bullying:

- Shouting at, being sarcastic towards, ridiculing or demeaning others
- Physical or psychological threats
- Acts of physical or psychological violence
- Creation of arbitrary standards for one person, imposing unrealistic demands, micromanaging work, or using supervision to intimidate a person.
- Inappropriate, exaggerated or untrue derogatory remarks about someone's performance, particularly in front of others.
- Sabotage at work
- Abuse of authority or power by those in positions of seniority
- Deliberately excluding someone from meetings or communications without good reason, or encouraging others to do so
- Taking credit for another's work

Legitimate, reasonable, and constructive criticism of a worker's performance or behavior, or reasonable instructions given to workers in the course of their employment, will not amount to bullying on their own.

2.2.2 STATEMENT OF PENALTIES FOR MISCONDUCT

An employee's commission of acts of sexual harassment, harassment, bullying, and/or retaliation will result in disciplinary procedures as outlined in this manual. Discipline shall depend on the nature or severity of the misconduct. All records concerning sexual harassment, harassment, or bullying complaints or the results of disciplinary actions shall be maintained and stored in the City's Human Resource Department as protected files.

2.2.3 COMPLAINT PROCEDURE

Each employee is responsible for creating an atmosphere free of discrimination and harassment, sexual or otherwise unlawful, and for respecting the rights of their coworkers.

Employees that experience or are witness to any job-related harassment based on sex, race, or another protected class, or believe you or someone else have been treated in an unlawful, discriminatory manner, are required to promptly report the incident either in writing or verbally to a Supervisor, Department Head, Human Resource Director, City Attorney, Assistant City Managers, or City Manager. The normal chain of command does not need to be followed. Complaints will be handled in a confidential manner. The following procedure will guide the investigation of harassment claims:

- Employees shall immediately file a harassment complaint either in writing or verbally with a Supervisor, Department Head, Human Resource Director, City Attorney, Assistant City Managers, or City Manager. Employees can raise concerns and make reports without fear of reprisal.

- The City Manager or designee will promptly conduct a thorough investigation of the alleged harassment complaint. The investigation will be handled in a confidential manner with information disseminated on a strict need-to-know basis. Every employee who is given information regarding the complaint will be informed of the need to preserve the confidentiality of the information they receive.

- Any employee of the City who is accused of harassment shall not question, coerce, intimidate, or retaliate in any way against the employee who has filed a complaint or against employees who have provided information concerning the complaint.

- All employees shall fully cooperate in any investigation of harassment or retaliation. Disciplinary action will be taken against any employee who obstructs or does not fully cooperate with any investigation of harassment or retaliation.

2.2.4 TRAINING

As part of the City's employment orientation, new employees will be given a copy of the City's harassment policy and sign a statement that they have received it. The City will strive to provide employees with training at least annually about the City's harassment policy and reporting procedures.

2.2.5 INVESTIGATION OF ALLEGED ILLEGAL HARASSMENT, DISCRIMINATION, BULLYING OR SEXUAL HARASSMENT

Any employee, who believes he/she has been the victim of any illegal discrimination, bullying, or harassment or wants to report an incident, should promptly report the matter to his or her supervisor. If the supervisor is

unavailable or the employee believes it would be inappropriate to contact that person, the employee should immediately contact the Department Head, Human Resources Director, Assistant City Managers, City Attorney, or the City Manager. Employees can raise concerns and make reports without fear of reprisal.

Any supervisor or manager who becomes aware of possible illegal discrimination, bullying, or any type of harassment should promptly advise the City Manager or any member of management who will report the concern to the Equal Employment Opportunity (EEO) Officer of the City. The City Manager is the EEO Officer for the City. The City Manager will conduct a timely and confidential investigation of all claims or reports of harassment. The City Manager may delegate a representative or agent to conduct fact finding on his/her behalf. As part of the investigation, the City Manager or his/her designee will meet with the employee bringing the complaint to determine the nature of the harassment, make inquiry about what remedy the employee is seeking, and otherwise determine the focus of the investigation.

Should the investigation disclose that evidence exists on which to determine that illegal discrimination, bullying or harassment has occurred, the individual(s) found engaging in such prohibited activity will be subject to disciplinary action, up to and including termination of employment. Consideration will be given to the nature, the severity and the circumstances of the illegal discrimination or harassment. During an investigation the Department Head, with the approval of the City Manager, will have the authority to temporarily restructure work assignments, change work conditions, and separate involved and interested parties in the interests of maintaining a work environment free from any potential threat, hostility or intimidation. While all materials, records and notes about the investigation shall remain confidential, any disciplinary action taken as the result of such investigation shall be made a matter of record in the involved employee's personnel file.

Investigations will include interviews with individuals involved in, or who have knowledge of the events, circumstances or conditions surrounding any complaint of discrimination or harassment. Investigations shall be conducted and concluded within reasonable time frames, generally not to exceed 30 days, Investigations will report and record findings of fact, conclusions based upon those facts, including reasonable beliefs supported by evidence and record, and will outline actions to be taken.

The City Manager will, upon the completion of an investigation, act within thirty (30) days on the investigation's findings of fact, conclusions and recommendations to determine what, if any, disciplinary action should be taken. The City Manager will review the investigation with the City Attorney and the

Human Resource Director to determine what action is contemplated. In addition to disciplinary action, the City Manager has the right to direct an appropriate and reasonable remedy to work conditions, or to direct a change in procedures, and otherwise act to correct, modify or change work environments in order to enforce this policy.

2.3 AMERICANS WITH DISABILITIES ACT AND REASONABLE ACCOMMODATION POLICY

It is the policy of Midvale City to comply with all federal and state laws concerning the employment of persons with disabilities and to act in accordance with regulations and guidance issued by the Equal Employment Opportunity Commission (EEOC). Furthermore, it is City policy not to discriminate against qualified individuals with disabilities in regard to application procedures, hiring, advancement, discharge, compensation, training or other terms, conditions and privileges of employment.

The Human Resource Director is designated as the Americans with Disabilities Act (ADA) Coordinator for Midvale City. The City will reasonably accommodate qualified individuals with a disability so they can perform essential functions of a job unless doing so causes a direct threat to these individuals or others in the workplace and the threat cannot be eliminated by reasonable accommodation or if the accommodation creates an undue hardship to Midvale City.

An employee may seek reasonable accommodations related to pregnancy, childbirth, breastfeeding, or related conditions unless the requested accommodation creates an undue hardship to Midvale City. This policy does not allow an employee to bring their child to the workplace.

A certification from your health care provider concerning the medical advisability of a requested accommodation is required. The certification must include the date the requested accommodation becomes medically advisable, the probable duration of the reasonable accommodation, and an explanatory statement as to the medical advisability of the reasonable accommodation.

PROCESS:

1. A reasonable accommodation request must be submitted in writing to the Human Resource Director.

2. The Human Resource Director will begin the process by determining whether the employee is a "qualified individual with a disability".

3. The Human Resource Director will review the essential job duties of the position, engaging in an interactive process with the employee and conducting a careful analysis of the employee's requested accommodation.

4. The employee will be notified in writing of the decision regarding the reasonable accommodation request.

Contact Human Resources with any questions or requests for accommodation.

Individuals who are currently using illegal drugs are excluded from coverage under the City's ADA policy.

2.4 EMPLOYEE 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/her employment, shall immediately notify their Supervisor, Department Head, and/or City Attorney. In most cases, under provisions of the Governmental Immunity Act (Section 63-30-36 and 37 of the Utah Code), employees shall receive defense and indemnification unless the case involves fraud, malice, or the use of alcohol or drugs by the employee. If a lawsuit results against an employee, the Governmental Immunity Act stipulates that the employee must request a defense from the City in writing within ten (10) calendar days of receipt of the lawsuit from the City.

2.5 CONFIDENTIALITY

Unless authorized, City employees shall not interfere, offer advice, or otherwise make comment regarding any incident surrounding a City legal issue, pending court case regarding City business, or employee disciplinary action to the public or other City employees. Inappropriate release or discussion of confidential City information to unauthorized individuals will result in disciplinary action and possible termination.

2.6 PERSONNEL FILES

The City maintains personnel files on each employee. These files contain documentation regarding all aspects of your tenure with the City, such as performance appraisals, beneficiary designation forms, disciplinary warning notices, and letters of commendation. If you are interested in reviewing your file, contact the Human Resource Department to schedule an appointment.

Your personnel file is a permanent record and the information entered in it will remain in it. However, written warnings and other disciplinary actions may have follow-up progress reports attached by your supervisor if they feel it appropriate. In addition, you have the right to attach your own comments to anything in your personnel file.

Documentation of disciplinary action may not be removed from an employee's personnel file for a minimum of three (3) years from the time the action is closed and unless agreed to as part of the disciplinary procedure. An agreement to remove

disciplinary documents from the employee's personnel file must be approved by the City Manager.

To ensure that your personnel file is up-to-date at all times, notify Human Resources of any changes in your name, telephone number, home address, marital status, number of dependents, beneficiary designations, scholastic achievements, emergency contacts and so forth.

HIPAA PRIVACY REGULATIONS: The City is compliant with the privacy portion of the Health Insurance Portability and Accountability Act (HIPAA). The privacy section requires the proper protection of Personal Health Information (PHI). The City has implemented procedures to safeguard the access to all health documentation. Employees who have access to any PHI are required to comply with the privacy policy and will limit use of this documentation to the minimum necessary to accomplish their required work.

2.7 SEPARATION OF EMPLOYMENT

Employees who voluntary resign may receive an exit interview administered by the Department Head, Human Resource Director, or designee. Employees who resign and desire to remain in good standing with the City, should give a minimum two (2) 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 Head.

Proper notice generally allows the City sufficient time to calculate accrued vacation, compensatory time and/or other monies to which the employee may be entitled and to include such monies in their final paycheck. 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.

2.7.1 RETIREMENT

A full-time employee with at least ten (10) years of service with the City or five (5) 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.

2.7.2 RETIREMENT GIFT

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:

Years of Service	Gift Certificate Amount

1-9 Years	$100
10-19 Years	$200
20+ Years	$300

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.

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 into your Department Head.

2.7.3 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.

2.7.4 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.

2.7.5 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.

2.7.6 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.

2.7.7 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 ICMA RC 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 appropriate paperwork from the Human Resources Department.

2.8 SUPERVISOR & SUBORDINATE RELATIONSHIPS

Midvale City does not permit romantic relationships or dating between supervisors and subordinates. For purposes of this policy, a supervisor includes any supervisor within the same line of authority as the subordinate or any person charged with evaluating the subordinate. If such a relationship develops, the supervisor involved is responsible to immediately disclose the existence of the relationship in writing to his/her Supervisor and Department Head.

2.9 COMPLAINT RESOLUTION PROCEDURE

Misunderstandings or conflicts can arise in any organization. To ensure effective working relations, it is important that such matters be resolved before serious problems develop. Most incidents resolve themselves naturally; however, should a situation persist that you believe is detrimental to you or the City, you should follow the procedure described here for bringing your complaint to management's attention:

2.9.1 STEP ONE

Discussion of the problem with your immediate supervisor is encouraged as a first step. If, however, you don't believe a discussion with your supervisor is appropriate, you may proceed directly to Step Two. If you have a claim of discrimination involving a protected class such as race, color, religion, sex, national origin, age, disability, genetics or other protected class according to federal and state law, retaliation, harassment or other unlawful treatment, you should report it immediately to a Supervisor, Department Head, City Attorney, Human Resources Director, Assistant City Managers, or City Manager.

2.9.2 STEP TWO

If your problem is not resolved after discussion with your supervisor or if you feel discussion with your supervisor is inappropriate, you are encouraged to request a meeting with your Department Head. In an effort to resolve the problem, the Department Head will consider the facts, conduct an investigation, and may also review the matter with Human Resources. You will normally

receive a response regarding your problem within ten (10) calendar days of meeting with your Department Head.

The Department Head is the final level of review except for terminations, suspensions for more than two days without pay, or involuntary transfers from one position to another with less remuneration for any reason.

2.9.3 STEP THREE

If you are not satisfied with your Department Head's decision regarding a termination, suspension for more than two days without pay, or involuntary transfer to a position with less remuneration and you are a regular employee (not appointed, part-time, temporary or probationary), you may appeal the decision to the City Manager. You must file a written notice of appeal with the City Recorder within ten (10) calendar days after the Department Head provides notice of the final decision.

2.9.4 STEP FOUR

If you are not satisfied with the City Manager's decision regarding a termination, suspension for more than two days without pay, or involuntary transfer to a position with less remuneration and you are a regular employee (not appointed, part-time, temporary or probationary), you may appeal the decision to the Employee Appeal Board. You must file a written notice of appeal with the City Recorder within ten (10) calendar days after the City Manager provides notice of the final decision.

The Employee Appeal Board consists of a hearing officer appointed by the Mayor with the advice and consent of the City Council.

The City does not tolerate any form of retaliation against employees availing themselves of this procedure. The procedure should not be construed, however, as preventing, limiting or delaying the City from taking disciplinary action against any individual, up to and including termination in circumstances (such as those involving problems of overall performance, conduct or demeanor) where the City concludes disciplinary action to be appropriate.

Contact your Department Head or Human Resources for more details and information on this process.

PART III – COMPENSATION POLICIES

3.1 CLASSIFICATIONS OF EMPLOYMENT

3.1.1 FULL TIME

Employees regularly scheduled to work 40 hours or more per week with full participation in employee benefits based on full-time status.

3.1.2 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.

3.1.3 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 ¾ time except for health benefits, which will be paid the same as full-time employees.

3.1.4 PROBATIONARY

Employees whose performance is being evaluated and determined whether further employment or retention in a specific position with the City is appropriate.

3.1.5 TEMPORARY

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 beyond six (6) 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.

3.1.6 NON-EXEMPT

Employees who are entitled to receive overtime pay or compensatory time for hours worked over 40 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."

3.1.7 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.

3.1.8 DEPARTMENT HEADS

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.

3.2 POSITION TITLE CHANGES

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

3.3 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.

3.4 PROBATIONARY EMPLOYEE

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.

All new full-time employees who are hired with intention of becoming regular employees are required to serve six (6) months in a probationary status. At the end of your probationary period, your supervisor will evaluate your performance. If your performance during the probationary period is satisfactory, you may be eligible for a 0 – 5% increase (as budget allows) as determined by your Department Head and with approval of the City Manager. During your first year of employment, you will not be eligible for a merit increase.

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 (6) months at the discretion of the Department Head 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.

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 with no increase at the end of the probationary period. Any continuous absence in excess of ten (10) working days will automatically extend a probationary period by the length of the absence as determined by the Department Head.

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 or for no reason at all. At-will employees have no right to grievance reviews or to appeal their termination.

3.5 PROMOTION

A promotion is defined as advancement in a career-ladder structure from one grade and salary range to another. A reclassification is not considered a promotion. Employees who are promoted will begin a new probationary period for the new position related to work performance only. Employees who are promoted are not eligible for a probationary increase. Employees who are promoted will advance to the new grade and salary range for that position. The promoted employee may advance to the minimum salary of the new salary range with a minimum 5% increase. If the employee's qualifications and experience warrant, the employee may receive more than the policy allows with City Manager approval. The City Manager shall approve all promotional salary increases above the minimum of the salary range. The employee's anniversary date will remain the same.

If a promoted employee is not successful in the new position within the probationary period, he/she may be placed back in the position held immediately prior to the promotion, or to 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.

3.6 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. Market research is conducted annually by the Human Resource Director in cooperation with other individual Department Heads.

When the duties and responsibilities of a position change significantly, the Department Head shall submit the draft job description to the Human Resource

Director who will prepare a new job description. The revised job description will be reviewed by the Human Resource Director to determine if the change in job duties warrants a reclassification to a higher pay grade. Reclassification of a position does not require the position to be reposted.

The Department Head shall include sufficient funds in the department's budget request for the subsequent year if the new salary range requires an increase in compensation for the affected employee. The effective date of any reclassification shall be after funds are appropriated by the City Council. A qualified employee in a position, which is reclassified to a higher salary range, shall be entitled to a salary adjustment to the minimum of the new beginning minimum salary for the grade. If the employee's qualifications and experience warrant, the employee may receive higher than the beginning minimum salary for the grade of the position with the approval of the Department Head and the City Manager. If the position is reclassified to a lower salary range, the affected employee's salary will remain the same or be reduced to the maximum of the new salary range, whichever is less.

All reclassification adjustments in excess of the base salary of the salary range must be justified in writing by the Department Head and submitted for approval by the City Manager. In all instances, particular attention should be given to the impact the proposed reclassification will have on existing employees.

Reclassification may take place at any time during the budget year. Reclassification adjustments will become effective upon the date the employee is approved for the reclassification. Department Heads must take into consideration the budget impact and get appropriate budget approvals for non-budgeted reclassifications.

3.7 REORGANIZATION

A reorganization occurs when an existing position or job is completely eliminated and the incumbent is without a position or job. The incumbent can then be assigned to a vacant position for which he or she is qualified. The addition of duties to a current job and/or the changing of a job title, without the elimination or addition of a position may be considered reorganization.

Newly created jobs, as distinguished from the addition of duties to a current job, that include titles and salaries are NOT considered to be reorganizations. The Hiring Policy must be followed.

All reorganization adjustments in excess of the base salary of the salary range must be justified in writing by the Department Head and submitted for approval by the City Manager. In all instances, particular attention should be given to the impact the proposed reorganization will have on existing employees.

Reorganizations may take place at any time during the budget year. Reorganization adjustments will become effective upon the date the employee is approved for the new position. Department Heads must take into consideration the budget impact and get appropriate budget approvals for any reorganization.

3.8 DEMOTION

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.

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.

3.9 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 Heads may transfer employees within their department. 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.

3.10 ACTING POSITIONS

An employee is eligible for extra duty pay whenever he/she is requested in writing by the Department Head 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 the 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 five (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 Head shall submit a Personnel Action Form reflecting the salary increase. The Department Head shall also complete a new Personnel Action Form to ensure the salary increase terminates as soon as the additional job duties cease.

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.

3.11 REINSTATEMENT OF PRIOR SERVICE

An employee who is reinstated to their former jobs and departments may have his/her previous service reinstated subject to the following:

- A position must be available.
- The return date must be within one year of the termination date.
- 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.
- The time between termination and the rehire date is not counted toward service time.

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 either 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 Head with approval of the City Manager.

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 benefits.

3.12 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 Head as approved by the City Council.

3.13 VOLUNTEER POSITIONS

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.

3.14 ABANDONMENT OF POSITION

Unauthorized absences may constitute cause for separation. An employee who fails to call his/her supervisor and/or Department Head for three (3) 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 Head 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 (10) calendar days of receipt or delivery of the termination notice.

Note: All references in this manual are in calendar days unless otherwise noted.

3.15 REDUCTION IN FORCE

When it becomes necessary to reduce the work force, regular full-time and part-time employee(s) within the positions to be eliminated shall be notified in writing of the lay-off at least sixty (60) calendar days before the planned lay-off. Employees not given a 60-day notice will be paid for the amount of time left in the 60-day notification period. Employee benefits will continue through the end of the month after the 60-day notification period ends.

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

1. 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.

2. 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 for elimination those employees whose most recent performance evaluation have 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 Head will notify the employee(s) verbally of the position elimination.

3. Employees will not be allowed to "bump" (a re-assignment of jobs based on seniority) other employees out of their current positions.

4. Employees resigned 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 (1) 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.

5. 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 Head will determine if the employee's current salary is appropriate.

3.16 DECEASED EMPLOYEE

When employees are deceased, the Human Resource Director will work with surviving family representatives to process all separation papers and insure that all benefits are properly taken care of.

3.17 RECRUITMENT / SELECTION POLICY

3.17.1 GENERAL POLICY

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.

3.17.2 ANTI-NEPOTISM

Midvale City complies with Title 52, Chapter 3, Utah Code Annotated, concerning the prohibition of the employment of relatives. Therefore, 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. Volunteers providing services to the City are excluded from this provision. The City Manager's approval is required for any new hire of employees related to current City employees.

3.17.3 EMPLOYMENT OF MINOR

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

3.17.4 JOB POSTINGS

Job openings may be posted in-house and externally at the same time for a minimum of seven (7) days if desired by the Department Head. Generally, job openings will be posted in-house for a minimum of five days by the Human Resource Director. If the position is not filled with a City employee, the position must be posted for a minimum of seven days on the City web site and the Job Posting Board. Once the posting period has been satisfied, Human Resources and the applicable Department Head will review the applications. No external job offers will be extended prior to the posting requirement. Positions may be filled with applicants from a position that had met the posting requirements within the prior six months.

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.

3.17.5 APPLICATION REQUIREMENTS

In general, the following application process is followed for all job postings. City employees are encouraged to apply for any posted position:

- 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.

- The City accepts applications for open positions from all interested qualified parties and evaluates applicants based upon job criteria.

- All applications from every job candidate must be turned into the Human Resource Director before any interviewing or hiring takes place. The Human Resource Director will accept applications for the open position until the specified closing date of the job. Once the job has closed, the Human Resource Director and the Department Head or hiring manager will screen all applications for minimum qualifications. The Human Resource Department shall keep all applications in accordance with the State Records Retention Schedule.

- Once the most qualified applicants have been identified, a validated process consistent with departmental needs will be used. The Department Head or designee 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.

- 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 (3) 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.

- Falsification of any information required in the application process is grounds for immediate disqualification.

3.17.6 SELECTION PROCEDURES

Job applicants may be required to take tests, which the City deems necessary for a specific position.

3.17.7 JOB OFFER REQUIREMENTS

The Department Head will make the final candidate selection and consult with the Human Resource Director to determine the appropriate salary range for the position. The Department Head 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 Head 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.

Job offers to all candidates (internal or external) 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 Head to personally notify internal candidates of the hiring decision.

3.17.8 VETERANS PREFERENCE

In accordance with Title 71, Chapter 10, Utah Code Annotated.

3.17.9 MIDVALE CITY RESIDENT PREFERENCE

Preference in employment shall be given to a bona fide Midvale City resident who meets all the qualifications for the position.

If a current employee is hired for another position in the City, the employee's previous supervisor shall be given a minimum of two (2) 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. Note: Any deviation from this policy must be approved by the City Manager.

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.

3.18 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 Department.** After the first two cards have been replaced, the employee shall pay a $25 fee for each additional identification card issued.

3.19 REASONABLE ACCOMMODATIONS FOR PERSONS WITH DISABILITIES

In order to implement "reasonable accommodations" as defined by law, Midvale City reserves the right to make exceptions to any of the provisions contained in this Manual. An employee seeking a reasonable accommodation for a disability should contact the Human Resource Director.

Supervisors who receive notice of an employee's disability or inquiries or requests from employees regarding accommodations must direct questions to the Human Resource Director.

3.20 SALARY PROGRAMS

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.

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.

Your total compensation at Midvale City consists not only of the salary you are paid but also 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 Head or the Human Resource Department.

3.20.1 COST OF LIVING ADJUSTMENTS (COLA)

Cost of living adjustments may be considered annually. The COLA is based on the change in the Consumer Price Index (CPI) 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 the first full pay period of July. Part-time employees may be eligible for cost of living adjustments only upon Council approval.

3.20.2 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 the first full pay period in December each year as approved by the City Council. Part-time employees (working less than 30 hours a week) are not eligible for merit increases unless approved by the City Council. During your first year of employment or first year in a newly hired position within the City, you may be eligible for a probationary increase; however you will not be eligible for a merit increase.

3.21 PAY FOR PERFORMANCE

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. Consistent with this goal, your performance will be evaluated by your supervisor and you will receive a written evaluation at least annually. These written evaluations will be used in deciding individual pay increases each year.

Any performance increases employees receive will be based on their Supervisor's evaluation in conjunction with budget monies available. The City Council approves a certain amount of dollars for performance increases each fiscal year which Department Heads then allocate based on each employee's performance. Part-time employees (working less than 30 hours a week) are not eligible for merit increases unless approved by the City Council.

Department Heads and Supervisors shall conduct employee performance evaluations during the month of November each year to assist employees in performing their responsibilities. Performance evaluation increases will begin the first full pay period in December of each year based on your evaluation and dependent upon available funding as approved by the City Council. If your current salary is higher than the top of your position's range, you will be eligible to receive a one-time incentive bonus equal

to the amount of merit increase you qualified for with your performance evaluation. You are not eligible for a merit increase during the first year of employment or first year in a newly hired position within the City.

In addition to the regular performance evaluations described above, special written performance evaluations may be conducted by your supervisor at any time to advise you of the existence of employment problems.

3.21.1 GUIDELINES

a. Performance evaluations will consist of a review between the supervisor and the employee using the Midvale City PEP System. In general, the Employee Performance Appraisal System will consist of the following:

i. Review Job Description
ii. Evaluate Employee Performance
iii. Produce Employee Work Plan
iv. Employee Comments and Signatures
v. Return to Human Resource Department

b. Review Job Description. The first step in the appraisal process is for the supervisor to review and recommend any necessary changes or updates to the job description to the Human Resource Director. The final job description should be shared with, understood, and signed by the employee. Since the job description outlines the essential or primary duties, responsibilities, and details of the position, the employee should be informed of any modifications to the job description.

c. Evaluate Employee Performance. Supervisors will evaluate the performance of their employees based upon a set of factors, as determined by the Department Head. The performance factors are intended to provide a road map so employees understand the knowledge, skills and abilities necessary for appropriate performance that have been identified as being critical to the success of the organization. Although factors may be changed from year to year, they may include factors such as the following:

i. Attitude and Professionalism
ii. Innovation, Change, and Initiative
iii. Job Knowledge, Technical Skills, and Quantity of Work
iv. Decision Making and Problem Solving
v. Planning, Organizing, and Time Management Skills
vi. Dependability and Reliability
vii. Communication
viii. Interpersonal Skills and Teamwork

ix. Supervision and Leadership

Each supervisor will objectively consider the employee's performance and select the rating level in each area that most accurately describes how well the employee accomplished or did not accomplish a given factor. The supervisor will provide written justifications and performance examples for any ratings given which are considered outside of the ordinary. Prior to sharing the completed performance ratings with the employee during a formal review meeting, each supervisor will submit the completed performance ratings to the City Manager or designee, in order to ensure organizational equity and conformance to applicable budget constraints.

d. Produce Employee Work Plan. After a preliminary review of the performance ratings has been completed, the supervisor and the employee will meet to discuss the evaluation, progress made in performance since the last evaluation, and any areas that need improvement. During this meeting, the supervisor will review the evaluation and facilitate an open exchange concerning expectations and results. The supervisor should be open and make every effort to maintain a positive and encouraging discussion. The supervisor and employee will focus on creating goals to direct job performance. The Employee Work Plan will also include an action plan to help the employee reach those goals, along with reasonable deadlines to complete them.

e. Employee Comments and Signatures. An opportunity will also be given for employees to record remarks and give feedback on the performance evaluation process. Both the supervisor and employee must sign the appraisal form. If the employee refused to sign the appraisal form, the supervisor will indicate this on the signature line along with the date and time, indicating that the employee refuses to sign. If the Department Head is not the supervisor of the employee being appraised, the Department Head should also review the appraisals and insert their initial next to the supervisor's signature before forwarding the appraisal packet to the Human Resource Department. Similarly, if other managers exist in a department's chain-of-command between the Department Head and the direct supervisor, the Department Head may also have additional reviews and associated initials included next to the supervisor's signature.

f. Return to the Human Resource Department. Completed performance evaluations shall permanently remain in the employee's personnel file and become a part of the private information of that file. As a private and confidential personnel file, the performance evaluation scores are not to be shared with employees outside of the evaluation, review and approval process of the employee evaluated. Performance evaluations may be used in decisions

concerning advancement, future training needs, performance related salary adjustments and contested disciplinary actions.

3.21.2 PERFORMANCE PERIODS

a. Probationary Period.

i. Employees working in the probationary period shall have a performance evaluation at the end of the designated probationary period.

ii. The performance evaluations may be used to provide information to both the employee and management regarding the employee's performance.

iii. Probationary employees should understand that their performance evaluations and results of such evaluations shall not obligate Midvale City to a particular course of action relative to probationary employees, nor shall it create any property/due process rights for probationary employees relative to their job.

b. Annual.

The employee appraisal process takes place throughout the year, culminating in the official Employee Performance Appraisal System process, which will take place annually during the month of November.

3.22 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 a payday falls on a holiday, the payroll will be distributed the working day prior to the holiday. All time sheets must be signed by the employee and be checked and initialed by the Department Head before they are submitted to the Human Resource Department.

3.22.1 WORK HOURS

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 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 the 9/80 schedule will have every other Friday off as determined by their Department Head.

3.22.2 LUNCH PERIODS

Employees may be eligible for an unpaid lunch break at a length of time approved by your Department Head. 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 Head.

3.22.3 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.

3.22.4 CURRENT ADDRESS

Employees are responsible for making sure the Human Resources Department has their most current home address.

3.22.5 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.

3.22.6 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.

3.23 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.

3.23.1 NON-EXEMPT

If you are classified as a non-exempt employee, you will be paid one and one-half times your regular hourly rate of pay for all hours worked in excess of the 40 hours within a 7 day workweek, excluding leave and holiday time. Compensatory hours may be accrued to a maximum of 100 hours.

Compensatory time accrued in excess of 100 hours will be paid down to 100 hours on the payday for the period in which it was earned.

Each workweek stands alone in computing hours worked. Averaging hours worked over two or more periods will not be allowed. Your supervisor will attempt to provide you with reasonable notice when the need for overtime work arises. Please remember, however, that advance notice may not always be possible.

If you feel it is necessary to work overtime to complete your responsibilities, you must get prior approval from your Department Head. Failure to work scheduled overtime or overtime worked without prior authorization from the Department Head may result in disciplinary action up to and including possible termination of employment. It is your responsibility to ensure that all hours worked are recorded in the correct work period.

Eligible employees must make an election to receive overtime pay or compensatory time for hours worked in excess of 40 hours in a workweek on an "Overtime Compensation Election/Agreement Form" distributed annually by the Human Resource Department. This election/agreement is made in January of each calendar year and will remain in effect through the calendar year unless management makes a change. Any change made by management becomes effective in the next pay period after notification of the change. Employees are responsible to record overtime or compensatory time accurately on their timecards. The time recorded on the employee's timecard will be the determining factor as to whether the employee will be paid overtime, compensatory time, or leave time. Every timecard must be signed by the employee and department head and initialed by the supervisor. If the type of pay on the employee's timecard differs from the employee's Overtime Compensation Election/Agreement Form, the information recorded on the timecard controls the type of pay the employee will receive, unless it violates the City's leave policies and limitation on accrued compensatory time. Failure, by the employee to accurately record hours worked may result in loss of pay for that period and possible discipline.

3.23.2 EXEMPT

If you are classified as an exempt employee, you will be paid on a salary basis. You are not eligible for overtime or compensatory time. The City will not knowingly make improper or illegal deductions from your paycheck. If you feel that an improper deduction has been made from your paycheck, contact the Human Resource Department.

3.23.3 VOLUNTEER

You are considered to be a volunteer if you perform service for Midvale City for civic, charitable, or humanitarian reasons, without promise, expectation, or receipt of compensation. You cannot perform volunteer work similar to the duties you perform as a City paid employee. 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. If you have any questions regarding this, please discuss it with your supervisor or the Human Resource Department.

3.23.4 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.

3.23.5 CALL BACK OR ON-CALL COMPENSATION

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 a two-hour minimum. 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.

Employees of the City in the Public Works Department are required to serve in an "on-call" status and be available for a call back to work for up to a week at a time during otherwise unscheduled, off-duty hours.

On-call status may be defined as limiting and/or restricting your personal activities to the degree that you are unable to travel as desired and must be able to respond in the required timeframe to after-hour City-related questions or emergencies. If you are placed on-call, you must be available to be reached during the entire on-call shift and return to work if needed within 30 minutes of a call or within the time limit specified by the department supervisor.

It is the policy of the City to pay employees specifically designated as on-call a minimum of 11 hours for each week or 1.5 hours per day in which they serve in a paid on-call or call back status. If you serve less than one full workweek in this status, the number of hours of applicable overtime will be pro-rated. When and if you perform actual work and service as a result of being called back to

work, you will be paid any additional hours worked, with a minimum of two hours pay.

The supervisor will notify you of the on-call schedule. If you are on-call and cannot be reached or cannot come to work, you are not eligible for on-call pay. While on-call, no employee shall consume alcoholic beverages or do anything to impair his/her ability to respond for duty.

3.23.6 TIME OFF PLANS

As allowed under the Fair Labor Standards Act (FLSA), 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 with reduced work periods while still earning their full-time compensation.

3.23.7 TRAVEL TIME

Reasonable travel time for call-back duty, emergency response, travel between work sites or traveling out of town on business during the normal work schedule or working hours is compensable time and shall be payable to the employee subject to the applicable terms and conditions of the federal Fair Labor Standards Act.

PART IV – EMPLOYEE BENEFITS

4.1 MEDICAL, DENTAL AND VISION INSURANCE PLANS

The City offers group medical and dental insurance benefits to eligible employees that meet the requirements of the City's plan. Vision Insurance is offered as a voluntary plan paid 100% by the employee. 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."

Eligible employment classifications are:

- Full-time employees
- Qualified part-time employees
- Probationary employees in the above classifications

Employees who provide proof of insurance under another plan may choose to waive the City's coverage. A portion of the City's insurance premium cost may be reimbursed to the employee through the payroll process.

4.2 LIFE INSURANCE

The City provides a life insurance benefit of $50,000 for the City employee, $5,000 for a spouse and $2,500 for dependents. All Full-time and Qualified Part-time City employees are eligible for this life insurance benefit. Additional life insurance is available for eligible employees and their families as an option and is paid by the employee. Additional information can be obtained from the Human Resource Department.

4.3 LONG 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 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 for periods of time exceeding 90 days. All Full-Time and Qualified Part-Time employees are eligible. The City pays for the premium cost(s) associated with the respective long-term disability insurance plan and policy provisions for covered employees.

4.4 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.

   FMLA under the provisions of the Family Medical Leave Act, an injured employee may have some rights to a period of job protection during a worker's compensation absence. Under this Act, the protected period could be up to 12 weeks, depending on the employee's use of any Family Medical Leave during the preceding rolling year. Regardless of the status of a worker's compensation claim, in the event an injured employee is unable to return to work upon expiration of any FMLA leave rights, the employee's appointment with the City may be terminated at the City's discretion.

e. When injured while on duty, an employee must:

   1) 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. Approved medical facilities include:

First Med Urgent Care
8822 S. Redwood Road #E122
West Jordan, UT 84088
801-256-0009

Hours: M-F 8 a.m. – 10 p.m.
Sat. 9 a.m. – 10 p.m.
Sun. Noon – 10 p.m.

2) Ensure that doctors who treat their injuries complete a medical report describing how, when and where the accident occurred, copies of which shall be sent to the Human Resource Director.

3) Immediately report the injury to their supervisor or Department Head. The supervisor shall be responsible for notifying the Human Resource Director. Claims not meeting statutory notification requirements can be denied under workers compensation laws.

4) The job related injury shall be detailed on forms prescribed by the Utah Industrial Commission and the City. These forms must be completed and submitted to the Human Resource Director within three (3) days following the incident producing the injury.

5) 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.

6) Employees injured while on duty must submit to a drug test as prescribed by drug testing policy in Part 6.15.

7) 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 Part 6.15.

8) 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.

9) 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. The City also reserves the right to pay for a second or third opinion from medical professionals of its choice.

10) 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 Workers' 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. An employee who returns to work from Workers' Compensation and whose performance is unsatisfactory may be subject to disciplinary action according to the provisions of the Midvale City Policies and Procedures.

h. 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.

i. 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 workers compensation costs workers compensation for injuries that occur during an employee's voluntary participation in any off-duty recreational, social, or athletic activity sponsored by the City.

4.5 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 or a leave of absence; an employee's divorce or legal separation: a dependent child no longer meeting eligibility requirements; and termination of Family or Medical Leave.

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 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.

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 employee's rights and obligations.

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 eighteen (18) months.

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.

4.6 RETIREMENT PLANS

The City offers retirement programs to employees in eligible employment classifications, which are funded in part by the City, and in part by those eligible employees. Eligible employment classifications are specific to each type of program, subject to the terms and conditions as described in this policy.

4.7 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.

4.8 UTAH RETIREMENT SYSTEM (URS)

The Public Employees 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.

Appointed and elected employees who began working before July 1, 2011 may be eligible to opt out of the URS. Those employees who choose to opt out of URS will receive their retirement into a 401(a) account administered by ICMA-RC. Non-benefited temporary or part-time (<30 hrs/wk) employees are not eligible for the URS. Eligible employees must work a minimum of 30 hours per week and receive benefits from the City.

4.8.1 BENEFITS PAID

The amount of benefit paid is determined by your hire date, age, years of service credit, final average salary and a benefit formula designed by the Utah Retirement System. 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.

4.8.2 TIER 1 EMPLOYEES

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.

NONCONTRIBUTORY SYSTEM: If you leave employment covered by the Utah Retirement System, 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.

4.8.3 TIER 2 EMPLOYEES

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.

Tier 2 employees may choose between a defined contribution or a hybrid plan which are described below. Employees have one year after employment begins to make this irrevocable choice of plans.

4.8.3.1 DEFINED CONTRIBUTION PLAN

The full City contribution will be put into a 401(k) account administered by the URS. Employees may elect to make voluntary contributions as well. Employees in this plan become vested after four years of service.

4.8.3.2 HYBRID PLAN

This plan is a combination defined benefit (pension) and defined contribution. As long as the defined benefit rate remains below 10 percent for public employees, employees will receive the difference between the 10 percent of the required contribution rate into a 401(k) account administered by the URS. If the defined benefit rate reaches or exceeds 10 percent, employees will no longer receive any of this amount into a 401(k) account.

In addition, if the defined benefit rate exceeds 10 percent, employees will be required to pay the portion of the contribution amount above these rates. Employees on this plan may elect to make voluntary 401(k) contributions as well. Employees in this plan become vested after four years of service.

4.8.4 URS 401(K) PLAN

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.

4.8.5 URS ACCOUNT ACCESS

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.

For additional information regarding your Utah Retirement System accounts, contact the URS or the Human Resource Departments.

4.9 ICMA RETIREMENT BENEFITS

The City provides a supplemental retirement benefit through the International City/County Management Association (ICMA). Department Directors, elected and appointed officials may opt out of the Utah Retirement program and instead invest the full amount in the ICMA program. The City also offers qualified savings plans through ICMA.

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

4.9.1 ICMA 401(a) PLAN

If an employee is Post-Retired from Utah Retirement System, the City will contribute the same monthly amount required by URS for active members to their ICMA 401(A) Plan. The City provides a total of 1% match to the ICMA 401(a) account of any eligible employees who contribute a minimum 1% to an ICMA 457 plan or URS 401(k) plan. This election can only be made during open enrollment each year.

4.9.2 ICMA 457 PLAN

The City also offers qualified savings plans through ICMA.

ICMA ACCOUNT ACCESS: To access your ICMA RC account online, go to www.icmarc.org. This website shows your daily account values, answers frequently asked questions and updates you on retirement trends. You can also call Vantage Line at 1-800-669-7400. Vantage Line is an interactive voice response system that allows you to transfer funds from one account to another, change your investment choices for new contributions and obtain summary information about your account.

4.9.3 WITHDRAWALS FROM YOUR 401(A) ACCOUNT OR 457 ACCOUNT

The IRS allows withdrawals from your 401(a) account or 457 account only under certain circumstances. Contact ICMA-RC for more information.

4.9.3.1 FINANCIAL HARDSHIP

Only employee 457 contributions may be withdrawn in cases of financial hardship.

Federal rules allow hardship withdrawals for these reasons:

- To pay deductible medical expenses
- To purchase, stop eviction from, or stop foreclosure on your principle residence
- To pay tuition for the next quarter or semester of college for you or your spouse, child or dependent

You may not withdraw more than the amount of your immediate financial need. To receive a withdrawal, you must sign a written statement that you are unable to meet your need another way. Contact Human Resources or ICMA if you have any questions regarding this withdrawal option.

4.9.3.2 AT TERMINATION

You may withdraw part or all of your retirement accounts upon termination. There is normally a 10 percent penalty on withdrawals from your 401(a) account made before you reach age 59½. However, if you work through the year in which you turn 55, there is no 10 percent penalty for early withdrawal. Starting January 1, 1993 the IRS began requiring a 20 percent withholding of the funds withdrawn. This 20 percent does not change the penalty or taxes due. As usual, any funds withheld in excess of the taxes and penalties due is refunded after you file your taxes for the year. You may avoid the taxes and penalties by leaving your money in the plan or having it rolled into another qualified plan. You may obtain all appropriate paperwork from Human Resources or ICMA.

4.9.3.3 AT DEATH

If you die before benefits start, your vested account will be paid to your spouse or beneficiary under one or more forms available under the plan. If you die after you start receiving benefits, death benefits will be paid according to the form you chose. Not all forms have death benefits.

4.9.4 401 (a) LOAN PROGRAM

Because Midvale City Administration recognizes that allowing you to borrow from your 401(a) retirement plan encourages increased participation and provides you with increased flexibility in your financial affairs, a 401(a) loan program has been established. Following is a brief summary of the plan.

Availability and Amount: Loans will only be approved if the proceeds will be used within a reasonable time for the following reasons.

- To purchase your principal residence or stop foreclosure on your principle residence
- To pay medical bills
- To pay tuition for you or any dependent
- To refinance your principal residence

In addition, to encourage increased participation in the savings plan, you will also be able to apply for loans for other personal reasons provided the amount of the loan is less than your total voluntary contributions. The loan amount can be up to 50 percent of your vested plan benefit provided the loan does not exceed $50,000 or is not less than $1,000.

4.9.4.1 PAYMENT TERMS AND TERM OF LOAN: The loan must be repaid within five years, unless you request a shorter term or the purpose of the loan is to purchase your personal residence. If you are using the loan to purchase your principal residence, the loan may be extended for a term no longer than the maximum amount of time that a commercial lender would allow. The loan must be repaid in substantially equal installments over the term of the loan. Payments must be made by payroll deduction. There is no penalty for prepayment of any plan loan. You will be fully responsible for all charges to establish or administer the loan which may be levied by the City's 401 (a) provider.

4.9.4.2 REQUEST FOR LOAN: You may obtain the appropriate loan forms online or apply for the loan online. You will be required to specify the amount of the loan, the term of repayment of the loan, and a statement that the loan will be secured by your vested plan benefit. In addition, if you are married, your spouse will be required to consent to the loan in writing.

Each loan must be fully documented in the form of a promissory note signed by you for the face amount of the loan together with the interest rate.

4.9.4.3 INTEREST RATE: The interest charged on the loan will be determined by the loan administrator at the time the loan is made.

4.9.4.4 DEFAULT: If you fail to comply with any provisions contained in any promissory note or security agreement or any other instrument delivered to the plan or make any representation or warranty to the plan that is found to be materially untrue, you will be considered to be in default of the loan.

4.9.4.5 TERMINATION OF EMPLOYMENT: If you cease to be an employee, you must, within 31 days of termination, arrange through the loan administrator to continue payments that previously may have been made through payroll deduction. Otherwise, the balance of the outstanding loan becomes due and payable.

For more details or to obtain a complete copy of the loan policy, contact ICMA or Human Resources.

4.9.5 RETIREMENT HEALTH SAVINGS PLAN (RHS)

All employees, including elected officials, are required to participate in the Vantage Care Retirement Health Savings Plan (RHS).

CONTRIBUTION SOURCES AND AMOUNTS:

- **DIRECT EMPLOYER CONTRIBUTIONS:** A discretionary amount to be determined each Plan Year.

- **MANDATORY EMPLOYEE COMPENSATION CONTRIBUTIONS:** Decreased Merit or Pay Plan Adjustment per City Policy.

- **MANDATORY EMPLOYEE LEAVE CONTRIBUTIONS:** Accrued Sick Leave per City Policy

Only participants with accrued sick leave in excess of 480 hours at the end of the first full pay period in January are eligible for contribution to the RHSP. Contribution is equal to sick leave earned during calendar year less sick leave used during calendar year multiplied by 50%. Hours necessary to reach 480 hours are considered "used." Example: Henry had 420 hours accrued sick leave at January 20, 2009 (end of first full pay period.) During 2010, he earned 96 hours, and used 10 hours, so on January 20, 2010 (end of first full pay period), he has 506 hours accrued sick leave. The contribution to Henry's RHSP is 13 hours. (480 – 420 = 60, hours needed to get to threshold of 480. 96-10-60 = 26, 50% of 26 = 13). AFTER the contribution to the RHS plan, participants may

elect to convert 25% of remaining sick leave in excess of 240 hours to vacation leave.

Ten (10) percent of total accrued sick leave hours at applicable hourly rate upon separation from service.

Contact the Human Resource Department for additional information on the RHS Plan.

4.10 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.

Years of Service	Gift Certificate Amount
5 Years	$100
10 Years	$200
15 Years	$300
20 Years	$400
25 Years	$500
30 Years	$600

In addition to the Employee Service Awards Program the City would like to recognize an Employee of the Year and a Supervisor of the Year on an annual basis including Public Safety for Midvale City.

4.11 WELLNESS PROGRAM

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 Employees Association for your benefit. It is a voluntary program for appointed, regular, qualified part-time, part-time, and elected employees. The program has the following objectives:

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

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.

4.12 CLOTHING ALLOWANCE

It is the policy of the City to assist employees with job related costs of uniforms and clothing accessories mandated by the City. The City at its sole discretion will provide the necessary clothing and equipment. The intent of this program is to ensure employees maintain clean, neat, and proper uniform and appearance in their role(s) of representing the City and its reputation and interests.

The purpose of the clothing and accessories allowance is to cover the acquisition, repair, cleaning, upkeep, and replacement of required and appropriate uniforms and clothing accessories as may be directed and controlled through employees' respective departments and Department Heads.

The following are those departments and uniform allowances which shall be paid to covered employees monthly:

4.12.1 PUBLIC WORKS DEPARTMENT: Each employee who is determined by their supervisor to be involved in work which requires or warrants protective clothing, will be provided clean coveralls and other proper safety gear/wear as determined by his/her supervisor. In lieu of a clothing allowance, the department will annually provide shirts, pants, and steel-toed boots.

4.12.2 FIELD PERSONNEL: Each employee who is determined by their supervisor to be involved in work which requires or warrants protective clothing, will be provided clean coveralls and other proper safety gear/wear as determined by his/her supervisor. In lieu of a clothing allowance, the department will annually provide shirts, pants, and steel-toed boots.

4.13 AUTOMOBILE MILEAGE REIMBURSEMENT

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 Head to use their personal vehicle for City business.

Commuting to and from work in City provided vehicles that are not qualified non-personal use vehicles (as described in IRS regulation section 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.

4.14 CAR ALLOWANCE

The City Manager, Assistant City Managers, Department Heads, and Employees (as determined by the Department Head) 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 the normal day to day usage (i.e. driving to attend a conference) is considered reimbursable at the current IRS rate.

4.15 EMPLOYEE ASSISTANCE PROGRAM

Midvale City has elected to fund an employee assistance program to assist employees and their dependents in addressing and facilitating solutions for:

- Marital difficulties
- Family problems
- Personal emotional difficulties
- Legal issues
- Financial problems
- Referrals to medical professionals
- Alcohol/drug abuse
- Critical incident counseling etc.

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.

4.16 TRAINING AND TRAVEL POLICY

All travel for City business outside a 50-mile radius of Midvale City shall be requested on a travel request form and be pre-authorized by your Department Head.

Whenever possible, City vehicles will be used for travel associated with City business. Overnight use of any City vehicle must be pre-approved by the City Manager.

a. Employees may use their personal vehicle for City business as circumstances warrant and will be reimbursed for mileage in accordance with the following:

   - Calculated mileage will be to and from the destination beginning in Midvale City. Mileage reimbursement requests must be signed by your Department Head.

- Mileage will be reimbursed at the rate determined by the Internal Revenue Service.

b. If a commercial airline is used, tourist or economy fare must be used if available.

c. If railway or bus is used, first class fare, plus necessary lower berth or roomette is allowable. However, coach facilities, when considered reasonable and satisfactory, should be used whenever possible.

d. Personal cars may be used if advantageous to the City. When a personal car is used for trips used in excess of 50 miles (one way) from the City, the City reimbursement for the use of the car plus meals and lodging required enroute shall not exceed the cost of economy class air fare. Reimbursement for personal car use shall be at the rate determined by the Internal Revenue Service.

e. A rental car will be authorized only if it is determined to be the most cost effective means of transportation while away on City business.

f. If you stay with relatives, friends or other means in lieu of staying in a hotel, you are eligible for a $50 per night stipend.

PER DIEM:

Employees shall be paid per diem for City related travel in accordance with the following:

a. The daily per diem allowance will be determined by the amount listed on the U.S. General Services Administration website at www.gsa.gov for the City where the training is being held (the amount for incidentals will not be included in the daily amount).

b. 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.

c. Per diem rates shall be adjusted with the U.S. General Services Administration adjustments.

4.17 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 assistance program encourages personal development through formal education so employees can maintain and improve job-related skills.

a. The City may provide educational assistance up to seventy-five (75%) or $500 maximum of the cost of tuition, fees, and books per semester/term (Semester/terms defined as: September through December; January through May; and June through August) to all eligible employees. A maximum amount of $1,500 per fiscal year in tuition assistance may be granted dependent upon annual budget appropriations. Only full-time employees are eligible to participate in this program.

b. To maintain eligibility employees must remain on the active payroll and be performing their job satisfactorily through completion of each course. Educational assistance is available to eligible employees to attain a college degree, so long as the degree and course work directly relates to the employee's career path, subject to the limitations identified in this policy.

c. The City has sole discretion to determine approval for any educational assistance requested. Approval must occur first through the Department Head and next through the City Manager prior to enrollment in the course, training, or class offering.

d. It is a requirement of the City under this policy that costs of tuition, fees, or books are disbursed upon successful completion of approved training, certification, class, or course work. Where a grade is given, the employee is required to 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 completed request for reimbursement along with documentation of successful completion of the course to the City Manager on proper form(s) within 30 calendar days of the successful completion of any approved course.

e. The City may make an exception to the reimbursement policy when the course offering is in the nature of training or certification type work, 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). Under such an exception, the City may pay for the course directly, subject to the recommendation of the Department Head and the written approval of the City Manager.

f. If an employee voluntarily separates from the City's employment within two years after completion of any course, the amount of educational financial

assistance for that course(s) shall be considered a loan. Accordingly, the City-paid portion of the training costs will be deducted from the employee's last paycheck.

g. The City may, at its discretion, 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 or City.

PART V – LEAVE POLICIES

5.1 ANNUAL VACATION LEAVE

Vacation time off with pay is available for eligible employees to provide opportunities for rest, relaxation, and personal pursuits. Persons hired on an emergency, seasonal, or temporary basis shall not be eligible for annual vacation leave. Part-time employees are not eligible for vacation leave. Qualified Part-time employees receive vacation on a pro-rated basis. Benefited full-time employees shall accrue annual vacation leave in accordance with the following:

Years of Consecutive City Service	Hours of Vacation Accrued Per Month	Per Year
0 – 5	8	96
6 – 10	10	120
11 – 15	12	144
16+	14	168

A maximum of 160 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 160 hours, the excess balance will be forfeited and added to the sick leave bank.

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 time of separation from the City.

Employees who have been separated from the City for less than one year, and are reinstated to the same position, may be allowed to reinstate their previous vacation accrual rate according to years of service. Employees, who have been separated for one year or more, will be prohibited from vacation time reinstatement. Reinstatement of vacation time must be approved by the City Manager.

Department Heads are credited their authorized number of vacation pay 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 Heads.

A holiday that falls during an employee's annual vacation leave shall be counted as a paid holiday. Annual vacation leave shall be requested on a leave request form and pre-approved by the employee's Supervisor. Advancing vacation leave to any employee is prohibited.

5.2 HOLIDAY LEAVE AND HOLIDAY PAY

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

• New Year's Day	January 1st
• Martin Luther King Day	3rd Monday in January
• Presidents' Day	3rd Monday in February
• Memorial Day	Last Monday in May
• Independence Day	July 4th
• Pioneer Day	July 24th
• Labor Day	1st Monday in September
• Veteran's Day	November 11th
• Thanksgiving Day	4th Thursday in November
• Thanksgiving Day (Day After)	4th Friday in November
• Christmas Day	December 25th
• Christmas Holiday	TBD Annually

If any of the above holidays fall on Saturday, the holiday shall be observed on the preceding Friday. If any of the above holidays fall on a Sunday, the holiday shall be observed on the following Monday or as designated by the City Manager.

Full-time employees are eligible for eight hours (8) of holiday pay per holiday listed above. All holidays must be taken as a full eight (8) hour day. No incremental usage is allowed. Qualified Part-time employees will receive holidays on a pro-rated basis, which also may not be used incrementally. Part-time employees (working less than 30 hours per week) are not eligible for holiday pay.

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 (1.5) times their straight time base pay rate plus eight (8) hours of holiday pay as long as they meet the 40 hour work week including the holiday.

If a shift work employee works a shift that spans a two-day period, one of which is a holiday, any holiday pay shall be limited to the hours falling within the 24 hours constituting the applicable holiday.

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.

5.3 SICK LEAVE

Sick leave time off with pay is provided to eligible 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 Head. Sick leave hours are intended primarily to provide income protection in the event of illness or injury, and may not be used for any other absence.

Full-time employees shall accrue one 8 hour day per month for a total of twelve (12) days (96 hours) annually. 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 shall not be eligible for sick leave.

An employee hired within one year to their former job or department may have their prior sick-leave balances reinstated, following the successful completion of either the six or twelve-month probationary period, unless it has been converted to the retirement health savings plan.

Paid sick leave shall be accounted for in minimum increments of one quarter (1/4) 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.

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.

Employees unable to fulfill normal work assignments due to illness or injury may or may not be allowed light duty assignments depending on availability.

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), shall become suspect of policy abuse.

Where a pattern of sick leave use is present, or a question arises as to the legitimate use of accrued sick leave, Department Heads 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.

Advancing sick leave to any employee is prohibited.

A medical release may be required before returning to work.

Employees, Supervisors, and Department Heads 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. 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.

An FMLA request form is to be completed by the employee and submitted to both the employee's Department Head and 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 (paid and unpaid) benefit for the employee.

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.

5.4 SICK LEAVE CONVERSION AND PAYMENTS

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 at the end of the first complete pay period in January.

Employees retiring with state retirement benefits or other City approved retirement program benefits during a calendar year, may elect to convert 25% of their unused sick leave over 240 hours at the end of the first complete pay period in January or delay the conversion to the effective date of retirement within the same year. This election is allowed **one time** each calendar year.

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.

5.5 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.

Any unused vacation hours over the 160 allowed that are forfeited by employees at the end of the year shall be donated to the sick leave bank.

Eligible full-time City employees must have been employed with the City for one year or more and 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.

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. 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.

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.

All requests must be approved by the employee's Department Head 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.

Advancing sick leave to any employee is prohibited.

5.6 BEREAVEMENT LEAVE

Full-time employees working 40 hours per week and qualified part-time employees working a minimum of 30 hours per week are eligible for bereavement leave. Qualified Part-time employees receive bereavement leave on a pro-rated basis. Employees working a 40-hour work week will receive a maximum of three (3) days bereavement leave with the availability of an additional two (2) days as needed for travel or family responsibilities dealing with the funeral services upon approval by the Department Head. Bereavement leave is for making arrangements for and attendance at funeral services upon the death of an immediate member of the employee's family as defined in this section.

For purposes of this section, "immediate members" will include father, stepfather, father-in-law, mother, stepmother, mother-in-law, brother, stepbrother, half-brother, brother-in-law, sister, stepsister, half-sister, sister-in-law, aunts, uncles, nieces, nephews, son, step-son, son-in-law, daughter, step-daughter, daughter-in-law, grandparents-in-law, grandparents, step-grandparents, grandchildren, step-grandchildren, and spouse. The days will be with pay and will not be charged to either earned sick leave or annual leave. Bereavement leave will not accrue to the employee's

benefit if not used for the intended purpose. Leave for attendance at funerals other than those covered above will be considered either leave without pay, personal leave, or vacation. Employees may be required to provide verification of the death (obituary) and their attendance at the funeral (funeral program).

5.7 MILITARY LEAVE

Persons serving in the uniformed military services will be granted military leave without pay for the period of service and a reasonable amount of time to travel to and return from duty as prescribed by federal law. The vacated position may be temporarily filled and the employee will return to service with the City in either the same position or a similar position within the same pay grade and scope of responsibility, if the employee meets the requirements of federal law. During the time of absence, the employee will continue to build seniority; the employee will not lose seniority obtained prior to obtaining military leave. All employees who are or shall become members of a reserve component shall be allowed full pay equal to the difference between military pay and City pay, when military pay is less than City pay, spent on duty with military units of the United States and the State of Utah in an "activated or deployment" status. Military leave for the purpose of annual training or other non-deployment activity will not qualify the employee for the full pay equal to the difference between military pay and City pay. This leave shall be in addition to annual vacation leave with pay. A copy of orders will be required for salary payment. Any employee serving with the uniformed services may use accrued annual leave (vacation), if he/she requests it before commencing such service.

No officer or employee shall be subjected to any loss or decrease of vacation or holiday privilege or be prejudiced by reason of such absence with reference to promotion or continuances in office, employment, reappointment to office, or reemployment.

An employee reinstated under the foregoing provisions shall not be discharged from his/her position within one year after the reinstatement unless there is just cause for the discharge or a reduction in force.

Employees serving on active duty with the armed forces pursuant to a leave of absence under this section may participate for up to 24 months following separation from City employment in the City-sponsored employee group health and accident insurance plan for themselves and dependents, if they make the required timely premium payments pursuant to federal law.

Upon reinstatement to City employment, the employee shall be entitled to participate in the retirement insurance and other benefit programs offered by the City pursuant to the established laws, rules, and practices related to persons on leave of absence in effect at the time the reinstated employee commenced such active military service. This section shall not be construed to retain, in office or in the employment of the City, any person elected or appointed for a definite term of office, or any person appointed

by or serving under a person elected or appointed for a definite term of the person by whom he/she was appointed or under whom he/she was serving whose term shall otherwise expire in operation of law.

The employee serving on active duty with the military has the right to convert the City employees' group term life insurance containing a "war exclusion" provision, which would prevent payment of the double indemnity for accidental death.

Active duty service in the armed forces may qualify for service credit, which may qualify and/or increase the retirement benefits an employee might receive from the retirement program administered by the Utah State Retirement System, as provided by law. It is the employee's responsibility to contact the State Retirement Office for further information. The City will not make the employer-paid contributions and the employee-paid contributions, if any, otherwise paid by the City in behalf of the employee, for former employees serving on active military duty. For those employees whose employment with the City is reinstated following separation from active military service, the City will make the contribution adjustment representing the employer's contribution for the period of military service upon the following conditions:

- The reinstated employee requests the City to make the contribution adjustment payment to the Utah State Retirement System.
- The reinstated employee makes the contribution adjustment payment to the Utah State Retirement System as required by law.
- The reinstated employee meets all of the criteria for eligibility for the service credit, as provided by state and/or federal law.

Active duty service in the armed forces will be used in calculating the "length of service" for "annual leave" (vacation) for a reinstated employee, pursuant to this manual.

5.8 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. If the jury or witness service is completed during regular work hours, an employee is expected to return to work upon completion of the service. The employee shall receive his/her regular pay when performing jury and witness duty money received for jury or witness service is returned to the City within one (1) week of receipt. Verification of jury and witness duty will be required. If you fail to comply with this policy, disciplinary action may be taken.

5.9 PAID LEAVE/UNPAID LEAVE

Accrued leave must be used during an approved leave in order to maintain City provided benefits. If an employee has no accrued leave and is on approved unpaid leave, all benefits including vacation, sick leave, holiday leave and retirement will be discontinued until the employee returns to work unless provided for under state or federal guidelines. Insurance benefits may be continued under approved unpaid leave if the full premium is paid by the employee.

5.10 FAMILY MEDICAL LEAVE [FMLA]

The Family and Medical Leave Act of 1993 (FMLA) grants eligible employees the statutory right to take up to 12 weeks of paid and/or unpaid leave per year under specified circumstances related to serious health conditions and childbirth. Employees are encouraged to talk with their Supervisors, Department Head, or Human Resource Director to raise concerns and seek information about the Family and Medical Leave Act, or their working conditions related to taking such leave, without fear of retaliation.

5.10.1 ELIGIBLE EMPLOYEES

Only eligible employees are entitled to take FMLA leave. An **eligible** employee is a:

- Has worked for Midvale City for at least 12 months; and
- Has at least 1,250 hours of service for Midvale City during the 12 month period immediately preceding the leave

Eligible employees are entitled to 12 weeks of paid or unpaid Family and Medical Leave within the calculated leave year if the following definition of serious health condition is met:

- An illness, injury, impairment, or physical or mental condition that involves either an overnight stay in a medical care facility, or continuing treatment by a health care provider for a condition that either prevents the employee from performing the functions of the employee's job, or prevents the qualified family member from participating in school or other daily activities. Subject to certain conditions, the continuing treatment requirement may be met by a period of incapacity of more than 3 consecutive calendar days combined with at least two visits to a health care provider or one visit and a regimen of continuing treatment, or incapacity due to pregnancy, or incapacity due to a chronic condition. Other conditions may meet the definition of continuing treatment.

5.10.2 MILITARY FAMILY LEAVE ENTITLEMENTS ~~MEMBER~~

Eligible employees with a spouse, son, daughter, or parent on active duty or call to active duty status in the National Guard or Reserves in support of a contingency operation may use their 12-week leave entitlement to address certain qualifying exigencies. Qualifying exigencies may include attending certain military events, arranging for alternative childcare, addressing certain financial and legal arrangements, attending certain counseling sessions, and attending post-deployment reintegration briefings. FMLA also includes a special leave entitlement that permits eligible employees to take up to 26 weeks of leave to care for a covered service-member during a single 12-month period. A covered service member is a current member of the Armed Forces, including a member of the National Guard or Reserves, who has a serious injury or illness incurred in the line of duty on active duty that may render the service member medically unfit to perform his or her duties for which the service member is undergoing medical treatment, recuperation, or therapy; or is in outpatient status; or is on the temporary disability retired list.

5.10.3 ROLLING 12 MONTH PERIOD

A "rolling" 12-month period 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.

EXAMPLE FOR 12-MONTH ROLLING PERIOD

If an employee has taken 8 weeks of leave during the past 12 months, an additional 4 weeks of leave could be taken. If an employee used 4 weeks beginning February 1, 2003, and 4 weeks beginning June 1, and 4 weeks beginning December 1, 2003, the employee would not be entitled to any additional leave until February 1, 2004. However, beginning on February 1, 2004, the employee would be entitled to 4 weeks of leave, on June 1 the employee would be entitled to an additional 4 weeks, etc.

5.10.4 INTERMITTENT LEAVE

When medically necessary, you may be eligible to take FMLA Leave intermittently for your own serious health condition, the serious health condition of a spouse, child or parent or for military caregiver leave. You must make reasonable attempts to arrange leave to minimize disruption of the City's operations. Qualifying exigency leave may also be taken intermittently; however, leave due to the birth or placement of a child for adoption or foster care may not be taken intermittently and must be completed within a 12-month

period from the date of birth or placement of the child and requires the City Manager's approval.

5.10.5 NOTICE OF LEAVE

You should not use FMLA Leave to circumvent your department's leave request procedure. To request FMLA Leave, contact Human Resources 30 days in advance of when you want the leave to begin. In case of an emergency, contact Human Resources as soon as is practical. Supervisors also have a responsibility to notify Human Resources if they are aware of an employee with a medical condition who may be eligible to be placed on FMLA Leave. Failure to provide timely notice may result in a delay in the start of your leave. Within five business days of your leave request, Human Resources will notify you if the leave will be designated as FMLA Leave.

5.10.6 CONCURRENT LEAVE

When taking FMLA Leave for your own serious health condition, you are required to use accrued paid leave (sick leave, compensatory time and vacation) before going on unpaid leave status. The City recognizes that employees may need to take time, under this policy, to care for a seriously ill spouse or family member. Your supervisor may require you to return to work if you use the leave for unrelated activities such as working a second job or any other activity not related to caring for a family member during regularly scheduled Midvale City working hours.

5.10.7 WORKER'S COMPENSATION LEAVE

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.

5.10.8 PAID LEAVE DURING FMLA LEAVE

You are required to use accrued vacation, comp time, or sick leave during a FMLA leave according to the provisions of the City's sick and annual leave policies. Consistent with sick leave policies, sick leave may only be used to care for the medical needs of you or another qualified individual, as defined in the Family Medical Leave Act. In all other situations, leave without pay will apply.

5.10.9 MAINTENANCE OF BENEFITS

The City will continue health benefits (medical and dental insurance coverage) for benefit-eligible employees during any paid FMLA leave on the same basis as for active employees.

The regularly deducted premiums due for medical and dental coverage during periods of unpaid FMLA leave will be collected according to existing procedures for premium payment during an approved leave without pay. Employees will be

contacted by Human Resources regarding provisions for payments. If you fail to make payments for your portion of the insurance premiums in a timely manner, the City may terminate those benefits.

The flexible spending account (FSA) program is governed by specifications of the FSA plan. Human Resources will inform employees regarding payment provisions for continuation of the FSA plan during FMLA leave.

Under circumstances where you fail, without cause related to any medical condition, to report back after the leave ends, you may be required to reimburse the City for the health insurance premium costs paid on your behalf during the entire period of the leave.

5.10.10 MARRIED COUPLES WORKING FOR MIDVALE CITY

If you and your spouse both work for Midvale City, the total number of weeks of FMLA Leave to which both employees are entitled will be limited to 12 weeks during any leave year if the leave is taken (1) for the birth of a child, (2) for the placement of a child for adoption or foster care or (3) to care for a parent with a serious medical condition. Each employee would then be entitled to the difference between the amount of leave taken for the above-mentioned reasons and 12 weeks. Likewise, the total number of weeks of leave to which both employees are entitled will be limited to 26 weeks during a single 12 month period if the leave is taken for (1) Military Caregiver Leave or (2) a combination of Military Caregiver Leave and leave taken for the birth or placement of a child for adoption or foster care or to care for a parent with a serious medical condition. For example, you and your spouse both take six weeks off for the birth of your child. Those 12 weeks are the maximum combined total you and your spouse can take for the birth of a child. Each employee would then have six remaining weeks of FMLA leave available in the year.

5.10.14 RETURN FROM LEAVE

Upon return from FMLA Leave, you will be restored to your original position or an equivalent position if the original position is not available. Upon returning from leave for your own serious health condition, you may be required to provide a Fitness for Duty (FFD) certification signed by a health care provider. Failure to provide a FFD certification may delay your return to work. In addition, the City may take any personnel action/decision that would have happened if you had continued to work while you are on FMLA Leave.

If you have any questions regarding FMLA Leave, please contact Human Resources.

5.11 LEAVE WITHOUT PAY

Employees are advised to accumulate leave to have available for unexpected reasons such as vacation opportunities, family events, injury or illness. Employees that have not kept adequate leave balances sometimes want to take leave without pay. The use of unpaid leave may indicate that your absenteeism is excessive and therefore is discouraged.

The City may terminate insurance benefits during any leave without pay exceeding one full pay period. Vacation time and sick leave will be prorated based on the hours worked for the pay period when leave without pay is used.

Leaves of absence without pay may be granted by a Department Head for the following reasons only:

- Military Leaves of Absence
- Eligible leave covered under the Family and Medical Leave Act or the Americans with Disabilities Act
- Other medical absences of less than five working days when the Department Head determines that absence will not adversely impact operations
- Temporary leaves of absence to mitigate budget shortfalls
- Jury duty and witness leave
- Disciplinary action
- Previously scheduled commitments of new employees that are agreed to at the time of job offer.

Employees who exhaust all eligible leave and are unable or unwilling to work may be terminated. Any leave without pay must be approved in writing by the Department Head.

5.12 ADMINISTRATIVE LEAVE WITH PAY

Administrative leave with pay may be granted with prior approval of the City Manager or designee under the following circumstances:

- Pending the outcome of an investigation to determine possible disciplinary action against the employee.
- With regard to incidents resulting in extreme stress.

Any employee placed on administrative leave with pay must be available and responsive to their Supervisor or Department Head during regular business hours.

5.13 LEAVE OF ABSENCE

Under special circumstances, employees may find it necessary to request leave without pay for a reason other than family or medical leave.

Full-time employees who have successfully completed their probationary period are eligible to request leave as described in this policy.

Eligible employees may be granted a period of up to 30 consecutive calendar days on a rolling year basis. If this initial period of absence proves insufficient, consideration will be given to a written request for a single extension of no more than 60 consecutive calendar days.

Eligible employees interested in a leave of absence must submit a written request to their Department Head detailing the nature of the leave.

Requests for leave of absence will be considered based on criteria such as the nature of the request, the impact to the organization, and the benefit to the employee and/or the City. The City does not grant a leave of absence without pay, unless it is believed the employee will return to City employment at the end of the leave.

Prior written approval will be obtained from the employee's Department Head and the City Manager.

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.

1) Once the employee has exhausted all of his or her applicable leave benefits, they will no longer continue to accrue vacation, sick leave, holiday leave, and other City benefits during the approved leave of absence period, unless provided for under state or federal guidelines.

2) Accrued leave must be used during an approved leave of absence in order to maintain City provided benefits. If an employee has no accrued leave, 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.

3) At the completion of an approved leave of absence, every reasonable effort will be made to return the employee to the same position, if it is available, or to a

similar available position for which the employee is qualified, or in accordance with any leave agreement(s). However, the City cannot guarantee reinstatement in all cases and is under no obligation to hold a specific job.

4) If an employee fails to report to work promptly at the expiration of the approved leave period, the City will assume the employee has resigned.

5.14 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 Head 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.

PART VI – EMPLOYEE CONDUCT

6.1 GUIDELINES FOR APPROPRIATE CONDUCT

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.

Whether you are on duty or off, your conduct reflects on the City. Consequently, you are encouraged to observe the highest standards of professionalism at all times. It is the responsibility of each employee to comply with these standards, department policies and the supervisory instructions given to them for performance of their duties. Types of behavior and conduct that the City considers important include, but are not limited to, the following:

6.1.1 DUTY TO ACT LAWFULLY

This includes knowing the law and following it.

CONFIDENTIALITY: Unless authorized, City employees shall not interfere, offer advice, or otherwise make comment regarding any incident surrounding a City legal issue, pending court case regarding City business, or employee disciplinary action to the public or other City employees. Inappropriate release or discussion of confidential City information to unauthorized individuals will result in disciplinary action and possible termination.

6.1.2 DUTY OF ETHICAL CONDUCT AND LOYALTY TO THE CITY

This duty includes avoiding any activities which may conflict with City responsibilities; respecting and preserving City property and resources; maintaining official confidences; not abusing City time, benefits or privileges of employment; and acting ethically and honestly in all matters which may reflect on the reputation of the City.

6.1.3 DUTY TO PROMOTE WORK EFFICIENCY AND MORALE

This duty includes being present, punctual and fit for all assigned duties; acting competently; following supervisor instructions; respecting the personal health,

dignity, reputation, property and time of coworkers; reporting work place hazards and fostering safety; and promoting positive communication, good morale and maximum efficiency within the organization.

6.1.4 DUTY OF SERVICE TO THE GENERAL PUBLIC

This duty includes promoting the health, safety and welfare of the general public; displaying respect for members of the public; being diplomatic, helpful and speaking truthfully; promptly removing or reporting public hazards; being conscious of and containing costs of government; and dressing and acting in a manner which encourages confidence in the City and its work force.

Should your performance, work habits, overall attitude, conduct or demeanor become unsatisfactory in the judgment of the City, based on violations either of the above or any other City policies, rules or regulations, you will be subject to disciplinary action, up to and including dismissal.

Refer to Part 7 of the Policies and Procedures Manual for Standards of Conduct, Disciplinary Action, and Employee Appeal process.

6.2 CONFLICT OF INTEREST

The City's conflict of interest ordinance, comprised of Title 2 Chapter 16 Article 7 outlines the City's position on maintaining an employment relationship absent of any conflict of interest. As a City, we are required by ordinance to advise all employees, officers (elected officials), and volunteers, of their responsibilities outlined in the conflict of interest ordinance, as well as obtain documentation of compliance. As a result, a conflict of interest form must be completed prior to acceptance of an offer of employment.

6.2.1 CONFLICT OF INTEREST ORDINANCE SUMMARY

Listed below is a summary of the conflict of interest ordinance. Please refer to the actual conflict of interest ordinance for further clarification. The following summary should not be considered exhaustive or preclude a careful reading of the actual ordinance; however, the ordinance includes the following major concepts:

Please Note: It is your responsibility to notify Human Resources if your status changes throughout the year. You **MUST disclose any and all possible conflicts.

6.2.2 DEFINITIONS

An expanded definitional section is included to define numerous terms. It is included to aid in the clarity of meaning and to assist in interpreting the ordinance.

6.2.3 DISCLOSURE/DISQUALIFICATION

Section 2.16.720 prohibits officials, employees, and volunteers from acting upon City matters in which they have a personal interest. The prohibited conflict is one that involves a personal interest that is "individualized" and "distinguishable" from those that affect the public, generally. The ordinance requires disclosure of such interest and requires a public servant's disqualification from participating or deliberating on any such matters.

6.2.4 PROHIBITION AGAINST USING ONE'S CITY POSITION IMPROPERLY

Section 2.16.730 prohibits the disclosure of confidential City information or the use of such information for personal advantage by the public servant, relatives, or others. It also prohibits the use of a person's public position to further the personal financial or other interests of the public servant.

6.2.5 REQUIRED DISCLOSURES

Section 2.16.740 requires every public servant to disclose his/her business or financial interests that are subject to City regulation. It also sets timelines when these disclosures must be made and renewed. These disclosures are filed as public records, with the City Recorder. However, to protect privacy interests the specific dollar amounts need not be disclosed. The section only requires a generic description and whether or not the value exceeds $2,000 dollars, in order to protect personal privacy interests.

6.2.6 TRANSACTIONS INVOLVING THE CITY

Section 2.16.750 prohibits an employee, officer, or volunteer of the City from receiving compensation for assisting someone in doing business with the City, unless there is a sworn written statement giving the information required by this section and disclosure in an open meeting to the members of the body, if any, of which he or she is a member.

6.2.7 PROHIBITION ON OFFERING, ACCEPTING, SOLICITING, OR RECEIVING GIFTS

Section 2.16.760 prohibits citizens from making or offering gifts and public servants from soliciting or accepting improper gifts. Prohibited gifts are those that influence the recipient from departing from the faithful and impartial discharge of public duties or has the primary purpose of rewarding the public official for taking or not taking official action.

6.2.8 PROHIBITION OF COERCION TO DO BUSINESS

Section 2.16.770 prohibits an officer, employee, or volunteer from seeking to coerce a subordinate or another employee, officer, or volunteer to do business

with a private entity, in which that individual has a personal financial interest.

6.2.9 IMPROPER USE OF CITY INFORMATION

Section 2.16.780 prohibits an employee, officer, or volunteer from acquiring an interest in a private business entity, based on inside information from the City that is not available to the general public. That is, it prohibits an employee from using confidential private City information for private personal gain.

6.3 INFORMATION REPORTING & WHISTLE BLOWING

6.3.1 LIABILITY TO REPORT

If you become aware of any occurrence which may give rise to a lawsuit, if you receive a notice of claim, or are sued because of an incident related to your employment, you shall immediately notify your Supervisor, Department Head, and/or City Attorney. In most cases, under provisions of the Governmental Immunity Act (Section 63-30-36 and 37 of the Utah Code), employees shall receive defense and indemnification unless the case involves fraud, malice, or the use of alcohol or drugs by the employee. If a lawsuit results against an employee, the Governmental Immunity Act stipulates that the employee must request a defense from the City in writing within ten (10) calendar days of receipt of the lawsuit from the City.

6.3.2 WHISTLE BLOWING

As a public employee, you have a responsibility to formally inform appropriate administrative officials if you become aware of, or reasonably suspect the waste of public funds, property, manpower or a violation of law, relating to your employment. You should give written notice to, or otherwise formally inform, the appropriate administrative official as soon as possible when you become aware of the suspected waste or violation. An appropriate administrative official is your immediate Supervisor, unless you reasonably believe the Supervisor cannot or will not fairly and constructively report the problem. If that is the case, you may report the incident to the Mayor, City Manager, Assistant City Managers, Department Head, Human Resource Director, City Attorney or you may notify the State Auditor.

6.3.3 IMPROPER DISCLOSURE/ SPREADING OF RUMORS

You are responsible for refraining from spreading information which is hostile to City operations or other employees which you know, or have reason to know is malicious, false or frivolous. You also are not to disclose, or induce others to disclose confidential information acquired due to your position. You are NOT allowed to use confidential information for your gain, benefit or purposes.

6.3.4 ASSIST INVESTIGATIONS

You have a duty to participate in an investigation, hearing, inquiry or other form of administrative review by the City arising from a report of the existence of any waste of public funds, property, manpower or violation of law as may be requested by City officials.

6.4 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 head and City Manager.

PROCEDURES

Midvale City applies this policy consistently and non-discriminatorily 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:

1. 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 at 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.

2. 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).

3. In evaluating the effect that outside work may have on an employee's job performance and other job-related responsibilities, the employees department head will consider whether the proposed employment:

- May reduce the employee's efficiency in working in the City.
- Affects the employee's ability to respond to being on-call for the City.
- Involves working for an organization that does a significant amount of business with the City, such as major contractors, suppliers, service providers.

- May adversely affect the City's image.
- May create a conflict of interest. A conflict of interest is defined as a substantial conflict between their private interests and their public duties.

4. Employees who have accepted outside employment may not use City paid sick leave to perform work on the outside job.

5. The department head may pursue disciplinary action up to and including termination of employment for the fraudulent use of City sick leave or for issues identified in Section 6.4 (2) above.

6. An authorization form must be filled out and signed each year declaring the employee's outside job, the job duties, and hours worked. This form must be signed by the employee's supervisor, department head, 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.

6.5 DISTRIBUTION OF LITERATURE AND SOLICITATION

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.

With prior permission from the Human Resources Department, you may place literature in a break room. Additionally, you must receive permission from your Department Head to place literature in designated areas within the department. Do not place personal solicitations, information or announcements on the network computer system. Non-employees are likewise prohibited from distributing material or soliciting employees on City premises at any time.

The solicitation of financial contributions and gifts or soliciting for any other reason is restricted. Consistent with Utah State Code 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. Please be advised that solicitation activities are prohibited while in a City uniform or during your scheduled work hours.

6.6 ELECTRONIC COMMUNICATIONS USAGE

6.6.1 PROHIBITED COMMUNICATIONS.

Employees are advised of the following prohibited activities and prohibited uses of Midvale City electronic media:

a. **Prohibited Activities.** Sending, receiving, displaying, printing or otherwise disseminating material that is fraudulent, harassing, illegal, sexually revealing, explicit or obscene. Employees or users encountering such material should immediately report it to their supervisor/ manager or a human resources representative.

b. **Prohibited Uses.** Employees or users may not utilize Midvale City's internet, intranet and email resources for commercial and personal advertisements, solicitations, promotions, destructive programs (i.e., viruses or self-replicating software), political material, gambling or any other use that is or may be adverse to the best interests of the organization. Users should exercise the same care in drafting email as they would for any other written communication. Anything created on the computer or internet may be viewed by others. Visiting adult web sites containing sexual images is strictly prohibited.

c. In addition, electronic media cannot be used for knowingly transmitting, retrieving, or storing any communication that is:
   i. Discriminatory or harassing;
   ii. Derogatory to any individual or group;
   iii. Obscene, sexually explicit or pornographic;
   iv. Defamatory or threatening;
   v. In violation of any license governing the use of software;
   vi. Engaged in for any purpose that is illegal or contrary to Midvale City policy or professional interests.

6.6.2 Personal Use. Computers, telephone, e-mail, internet and electronic media and services are provided for business purposes to assist employees in the performance of their jobs. It is understood that there will be occasional or incidental use of electronic media (e.g. sending or receiving e-mail or telephone calls) for personal, non-City purposes, and as such, should be done in a manner that does not negatively affect the systems' use for City purposes or employee productivity. Employees are expected to demonstrate a sense of personal responsibility and accountability in using City resources for personal purposes. Use of the City computers, computer resources, e-mail, or other resources for the employee's outside business endeavors is prohibited. Under no circumstances may any employee use City computers, computer resources, internet access, e-mail, or other resources to run, support or operate a personal business.

6.6.3 Access to Employee Communications.

a. Electronic information created and/or communicated by an employee using a City computer, e-mail, word processing, utility programs,

spreadsheets, voicemail, telephones, internet, and similar electronic media may be monitored by Midvale City.

b. Midvale City gathers and stores daily user log files for most electronic activities and monitors employee communications directly (e.g., telephone numbers dialed, emails sent and received, internet sites visited, call length, and time at which calls are made) for the following purposes:
   i. Confidentiality and data security;
   ii. Cost analysis;
   iii. Resource allocation;
   iv. Monitor and prevent potential internet virus intrusions;
   v. Optimum technical management of information resources;
   vi. Detecting patterns of use that indicate employees are violating City policies or engaging in illegal activity.

c. Midvale City reserves the right, at its discretion, to review any employee's City-issued electronic devises, files and messages to the extent necessary to ensure electronic media and services are not being compromised and are being used in compliance with the law, this policy and any other City policies.

d. Employees should not assume electronic communications are private. Accordingly, if an employee has personal sensitive information to transmit electronically, he/she should use other personal means not provided by the City or on City computers, telephones, fax machines, printers, etc.

e. In order to prevent security breaches of the City's information systems, an employee's computer should be manually locked when an employee leaves the work station regardless of the length of time that the employee will be away. Employees should not rely on auto- lock features that lock the computer after a pre-set number of minutes.

6.6.4 Software. To prevent potential computer virus intrusions from being transmitted through the City's network system, downloading of any unauthorized programs or software is strictly prohibited. Only software registered through the City and installed by authorized IT personnel may be downloaded. Employees should contact the City's Information Technology Department if they have any questions.

6.6.5 Security / Appropriate Use.

a. Employees must respect the confidentiality of other individuals' electronic communications. Employees are prohibited from engaging in or attempting to engage in the following:

i. Monitoring or intercepting the files or electronic communications of other employees or third parties;
ii. Hacking or obtaining security access to systems or accounts they are not authorized to use;
iii. Using other people's log-ins or passwords;
iv. Using online chat/instant messenger (IM) programs for non-business related activity.
v. Breaching, testing, or monitoring computer or network security measures.

b. No e-mail or other electronic communications can be sent that attempt to hide the identity of the sender or represent the sender as someone else.

c. Electronic media and services should not be used in a manner that is likely to cause network congestion or significantly hamper the ability of other people to access and use the system.

d. Anyone obtaining electronic access to other companies' or individuals' materials must respect all copyrights and cannot copy, retrieve, modify or forward copyrighted materials except as permitted by the copyright owner.

6.6.6 Encryptions. Encryption software may be utilized for purposes of safeguarding sensitive or confidential business information. Employees who may use encryption on files stored on a City computer must provide their supervisor with a sealed hard copy record (to be retained in a secure location) of all of the passwords and/or encryption keys necessary to access the files.

6.6.7 Online Chat Rooms / Instant Messaging.

a. Employees should remember that any messages or information sent using City provided computers and equipment to one or more individuals via an electronic network (e.g., internet mailing lists, bulletin boards, chat rooms, and online services) are statements identifiable and attributable. The installation or use of external online instant messaging programs is prohibited without prior City approval.

b. The City recognizes that participation in some forums may be important to the performance of an employee's job. For instance, an employee may find the answer to a technical problem by consulting members of a user group devoted to a particular technical area.

6.6.8 Violations. Violations of previous sections of this policy which outline the privilege of access to e-mail, telephones, the internet or any other City electronic media will be subject to disciplinary action, up to and including termination of employment, legal action, and/or criminal liability.

6.6.9 ELECTRONIC MAIL ACCOUNTS FOR COUNCIL MEMBERS

The City will provide an e-mail account to City Council members. This account shall be used for City business only, enabling communications with the public, City staff, and other elected and/or appointed officials. Council members must also follow City e-mail policy. The e-mail account will be deactivated when the City Council member completes a term without re-election or resigns.

6.7 SOCIAL MEDIA POLICY

Midvale City recognizes the growing importance of online social media networks as a communication tool. This policy addresses employees' use of such networks including: personal websites, web logs (blogs), wikis, social networks, online forums, virtual worlds, and any other kind of social media. Midvale City respects the right of employees to use these mediums during their personal time. Use of these mediums during company time or on company equipment, however, is prohibited.

6.7.1 GUIDELINES

Midvale City takes no position on employees' decision to participate in the use of social media networks. In general, employees who participate in social media are free to publish personal information without censorship by Midvale. Employees must avoid, however, posting information that could harm the City using the guidelines set forth below.

a. All employees are responsible for maintaining the city's positive reputation and under no circumstances should employees present the city to the public in a manner that diminishes its standing within the community. Instead, employees are responsible for presenting the city in a manner that safeguards the positive reputation of themselves, as well as the city's employees, and managers.

b. If an employee chooses to identify him or herself as a Midvale City employee on any social media network, he or she must adhere to the following:

   Employees are required to state in clear terms that the views expressed on any social media network are the employee's alone and that they do not necessarily reflect the views of Midvale City.

   - Employees are prohibited from disclosing information on any social media network that is confidential or proprietary to the City or to a third party that has disclosed information to the city. For example, information about or identifying co-workers or incidents that occur at the City.

- Employees are prohibited from displaying the City's logo on any social media network without permission from the City Manager. Also, they should not post disparaging images of co-workers.

- Employees are prohibited from making statements about Midvale City, their co-workers, elected officials, or other agencies that could be considered as harassing, threatening, libelous, or defamatory in any way.

- Employees are prohibited from acting as a spokesperson for Midvale City or posting comments as a representative of the City.

- Employees are prohibited from sharing any communication that engages in personal or sexual harassment, unfounded accusations, or remarks that would contribute to a hostile work environment (racial, sexual, religious, etc.), as well as any behavior not in agreement with Midvale City's Standards of Conduct Policy or general policies and procedures.

c. Employees who participate in social media may still decide to include information about their work at the City as part of their personal profile, as it would relate to a typical social conversation. This may include:

- Work information included in a personal profile, to include city name, job title, and job duties.

- Status updates regarding an employee's own job promotion.

- Personal participation in Midvale City sponsored events, including volunteer activities.

d. An employee who is responsible for a social media posting that fails to comply with the guidelines set forth in this policy or that otherwise causes harm to Midvale City may be subject to discipline, up to and including termination. Employees will be held responsible for the disclosure, whether purposeful or inadvertent, of confidential or proprietary company information, information that violates the privacy rights or other rights of a third party, or the content of anything posted on any social media. Further, employees may be liable for monetary damages for such disclosure.

e. Finally, employees should let the Human Resources Director know if they encounter incorrect information about Midvale City that might randomly

appear online. Employees themselves should not attempt to correct any such information that appears online.

6.8 PRODUCTIVITY

All employees should maximize their productivity and look for ways to reduce and/or eliminate the waste of time, money, and other resources in their jobs. Supervisors should assign work to make the best use of employees' skills and talents whenever possible. Work assignments used as discipline or punishment, such as manual labor when equipment is available or could be scheduled differently, may be considered as restricting output.

6.9 CELL PHONE USE

6.9.1 EXEMPT AND KEY EMPLOYEE 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 in emergency situations 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.

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 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;

Option 3: Carry a City issued cell phone (determined by the City) that will be for City business ONLY (personal use is prohibited) and the City will pay the costs. If the phone is damaged, it will be replaced at the City's discretion.

Contributions from the City will be included in the employee's pay check. Reimbursements to the City will be by payroll deduction with each pay check. The reimbursed amount will be determined based on a bundled plan for minutes and text as determined by the Department Head; or a bundled plan for minutes, text and data as determined by the Department Head.

6.9.2 USE OF CELL PHONES OR SIMILAR DEVICES

6.9.2.1 GENERAL USE AT WORK

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.

6.9.2.2 USE WHILE DRIVING

a. 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.

b. This prohibition includes receiving or placing calls (unless the device has hands-free capability), text messaging, surfing the Internet, receiving or responding to email, and checking for phone messages.

c. 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.

d. Employees violating this policy are subject to disciplinary action up to and including termination.

6.9.3 PERSONAL USE OF CITY-OWNED CELL PHONES

a. The City may issue business cell phones to employees for work-related communications. The City understands that these cell phones are used periodically for personal use. The City asks its employees to use discretion in the use of City-owned phones for personal reasons.

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 should 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 purchase their own personal cell phone.

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 (personal or City-owned) cell phone in which the City pays for or reimburses the employees for use, is considered public information and can be obtained through a Governments Records Access and Management Act (GRAMA) request.

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

6.9.4 USE OF PERSONAL CELL PHONES: The use of personal cell phones shall not interfere with an employee's duties. Section 6.9.2.2 applies to the use of personal cell phones while conducting city business. Any and all information on any (personal or City-owned) cell phone in which the City pays for or reimburses the employees for use, is considered public information and can be obtained through a Governments Records Access and Management Act (GRAMA) request.

6.10 DRESS AND HYGIENE STANDARDS

6.10.1 PURPOSE

City employees present the first impression of Midvale City to members of the public, and therefore, must present a professional image at all times. Professional attire complements an environment that reflects an efficient, orderly, professionally-operated organization. The purpose of this policy is to provide guidelines for employees and management as to what does and does not constitute appropriate professional attire. This policy is not an all-inclusive list of what is and is not acceptable and employees must exert judgment in their choice of clothing that is worn to work. This policy is intended for all City personnel working in both office and "in the field" settings.

6.10.2 ACCEPTABLE BUSINESS CASUAL ATTIRE

A business casual dress code is appropriate for City employees working in office type settings Monday through Thursday. Examples of Acceptable Business Casual Attire include:

a. Clothing that projects a professional image. All clothing shall be clean and without rips, holes, etc.

b. Slacks, dress pants or pants similar in style to Dockers or other makers of cotton, synthetic or wool pants.

c. Casual dresses, skirts and skorts that are no shorter than three (3) inches above the top of the knee. Skirts that are split at or below the knee. Leggings are allowed under a skirt or dress only.

d. Casual shirts, dress shirts, sleeveless sweaters and shirts, golf-type shirts and turtlenecks.

e. Business suits and sport jackets.

f. Men's dress shoes, clogs, boots, flats and dress heels. Open toe shoes (including sandals) will be acceptable for women only.

g. T-shirts are not acceptable on non-casual days.

h. An employee may wear non-blue denim jeans, if approved by the Department Head.

6.10.3 ACCEPTABLE CASUAL ATTIRE

A casual dress code is appropriate for City employees on Fridays. Employees are expected to present a neat appearance and shall not wear items classified as "Unacceptable Attire", as described below.

a. Blue Jeans must be in good condition (i.e. not ripped or tattered).

b. T-shirts and sweatshirts must be in good condition.

c. Athletic shoes in good clean condition.

d. Any of the above "Acceptable Business Casual Attire" is also appropriate on casual Fridays.

6.10.4 UNACCEPTABLE ATTIRE

The following is not acceptable attire at any time:

a. Shorts for men and women.

b. Clothing that is tight, clothing that is revealing such that either midriff or cleavage is exposed.

c. Clothing that contains offensive words, cartoons or images, etc.

d. Clothing that contains political statements, slogans or campaign related information.

e. Employees shall not wear any type of clothing, footwear, headgear, etc. that contains the name of a company or corporation that the City contracts with or uses as a vendor unless approved by the department director.

f. Bib overalls, sweatpants, exercise pants, warm-up suits and any spandex-like material pants that can be used for exercise.

g. Tight skirts, and mini-skirts, strapless dresses and spaghetti-strap dresses.

h. Midriff tops, halter tops and tube tops.

i. Shower footwear, beach flip-flops, or slippers.

j. Hats that have not been issued by the City.

k. Using a reasonable person standard, other attire which may not be considered appropriate for the workplace.

6.10.5 FIELD PERSONNEL: BUILDING INSPECTION AND PUBLIC WORKS DEPARTMENT PERSONNEL

Employees performing inspections on buildings or infrastructure and Public Works Department maintenance and operations personnel are allowed to wear jeans or similar attire which is appropriate to the type of work being performed. Field personnel who are provided city-issued clothing are required to maintain and wear that clothing while on duty unless otherwise approved by their department director. Building Department and Public Works management and office personnel will wear business casual or casual dress depending upon their particular job assignment. No shorts or athletic shoes are allowed while at work. Hats without a Midvale City logo are prohibited.

6.10.6 COMPLIANCE REQUIREMENTS

6.10.6.1 EMPLOYEES

City employees are responsible for complying with the above expectations and guidelines. Please contact your supervisor or Human Resources if you have a question as to whether or not a certain item is considered acceptable attire.

6.10.6.2 MANAGEMENT AND DEPARTMENT HEADS

Management and Department Heads are responsible for monitoring compliance to this policy within their respective departments. Department Heads have the discretion to further define compliance according to standards.

6.10.6.3 EMPLOYEE REQUEST FOR REVIEW

An employee who believes they have been treated unfairly or inappropriately under this policy may ask that the matter be reviewed by Human Resources. Human Resources will work with the employee and the Department Head to review the matter in a timely manner. The City Manager will make the final decision as needed.

6.10.6.4 EXCEPTIONS

Exceptions to this policy may be made on a case-by-case basis for religious reasons, medical conditions and other applicable circumstances. Requests of this nature must be submitted in writing for review by the Department Head and the Human Resources Department.

6.10.6.5 DISTRIBUTION

All employees will be provided with a copy of this policy.

6.10.6.6 REVIEW AND REVISION

The City reserves the right to rescind and/or amend this, and all City policies, at any time.

6.11 OUTSIDE ACTIVITIES

City employees shall not use City-owned property for work time in support of outside interests and activities.

6.12 TOBACCO USE

Midvale City is subject to and enforces the Utah Indoor Clean Air Act and is committed to providing a safe and healthful work environment. In order to maintain a safe and comfortable working environment, tobacco usage in City offices and facilities is prohibited. Usage is restricted in City vehicles.

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.

All employees are prohibited from smoking throughout the workplace, including all City buildings, vehicles, and equipment. Smoking is prohibited within 50 feet of any entranceway, exit, open window, or air intake of City buildings.

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.

6.13 EMPLOYEE GUN USE

Some employees may wish to carry a gun for personal protection. If you do so, you must have the concealed carry permit as required by law (Court area excluded). You must understand the following: with regard to using a gun, police officers and authorized fire investigators are the only individuals authorized to use deadly force while acting for and in behalf of Midvale City. 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.

6.14 POSSESSION OF PORNOGRAPHIC MATERIALS

The City prohibits employees from possessing, distributing, or viewing any kind of pornographic materials in the workplace or including city equipment, 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.

6.15 DRUG FREE WORK PLACE

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.

6.15.1 EMPLOYEE RESPONSIBILITY

Any employee convicted of a crime under a federal or state statute, which regulates controlled substances and/or the use, manufacture, possession or distribution of alcohol, shall notify their supervisor and the City Manager within five (5) calendar days after the date of conviction.

No employee shall represent Midvale City in an official capacity while under the influence or impaired from the influence of alcohol, illegal drugs, or legal drugs.

No employee using medication that may impair performance shall operate a motor vehicle or engage in safety sensitive functions while on duty for the City.

If an employee is using prescription or non-prescription medication, which may impair performance of duties, the employee shall report the use to their supervisor.

6.15.2 DISCIPLINARY ACTION

Because of the serious nature of illegal use or abuse of alcohol and/or controlled substances (prescribed or non-prescribed), appropriate employee disciplinary action will be taken, up to and including termination.

6.15.3 GENERAL DRUG TESTING POLICY

6.15.3.1 USDOT SAFETY-SENSITIVE POSITIONS

Those positions identified by segments of the United States Department of Transportation as safety-sensitive and subject to USDOT rules relating to drug and/or alcohol testing.

CRITERIA

- Under Federal Transportation Authority rules, those that require an employee to operate a revenue-generating vehicle and those persons who maintain, dispatch, or schedule use of such vehicles.

- Under Federal Motor Carrier Authority rules, those employees required to possess a commercial driver's license to:

    - Operate a vehicle that is rated to transport more than 15 passengers including a driver;

    - Drive a vehicle with a gross weight rating of 26,001 or more pounds; or

    - Drive a motor vehicle of any size carrying hazardous materials that requires placarding.

6.15.3.2 CITY SAFETY-SENSITIVE POSITIONS

Those positions identified by the Midvale City as safety-sensitive. These positions are subject to the City's drug and/or alcohol testing rules. City Safety-Sensitive positions include those that are classified as USDOT Safety-Sensitive, as well as those positions that meet the following criteria:

CRITERIA

Where the employee's performance of assigned duties could create a safety hazard that could cause injury or harm to the employee, other employees or citizens, or cause damage to property.

City Safety-Sensitive positions include, but are not limited to:

- Those that require the operation of a vehicle and/or motorized equipment, such as cars, trucks of any size, vehicle wheelchair lifts, tractors, mowers, weeders, trimmers, trash compactors, saws, and drills in order to perform their jobs;

- Those whose duties involve the construction of facilities;

- Those that are involved in the maintenance of facilities, streets, or vehicles; and

- Those that use and/or handle hazardous materials/chemicals.

Postings and advertisements of all safety-sensitive positions will indicate that selection for the positions is subject to drug and alcohol testing. All job descriptions for safety-sensitive positions will be so identified.

Job offers to applicants selected for safety-sensitive positions will be made contingent upon the results of the required drug and alcohol tests.

Supervisors are responsible for identifying those positions that meet the criteria of USDOT safety-sensitive positions. Supervisors are also responsible for identifying those positions that meet the criteria of City safety-sensitive positions.

Employees in safety sensitive positions returning after an extensive leave (30 days or more) must submit to a drug test.

Supervisors and employees will receive relevant training provided by the Human Resource Department in drug and alcohol awareness, the testing procedures specified in this Section, and the consequences of violation of the City's substance abuse policy.

6.15.4 PERSONS SUBJECT TO TESTING

6.15.4.1 MANDATORY TESTING OF EMPLOYEES

REASONABLE SUSPICION

Employees must be drug and/or alcohol tested if the supervisor as a reasonable suspicion based on specific, observable facts, that the employee is in violation of the City's substance abuse policy relating to drug or alcohol use or possession. Any drug and/or alcohol test ordered under reasonable suspicion must be approved by the City Manager or designee and the Department Head or designee. Reasonable suspicion may be based on, but is not limited to:

- Observable behavior such as direct observation of drug or alcohol use, or possession or physical symptoms of being under the influence of a drug or alcohol;
- A pattern of abnormal or erratic behavior;
- Arrest or conviction for a drug or alcohol related offense on or off the job, or the identification of an employee as the focus of a

criminal investigation into illegal drug possession, use, or trafficking;

- Information provided by reliable and credible sources that is independently corroborated;
- Newly discovered evidence that an employee has tampered with a previous drug and alcohol test; or
- Possession of drug paraphernalia.

OTHER CIRCUMSTANCES. Employees must be drug and/or alcohol tested if they:

- Failed a previous drug and/or alcohol test and have successfully completed counseling or rehabilitation treatment, before returning to work;
- Are in safety-sensitive positions and are required to take a physical; or
- Are in the employee assistance program for drug and/or alcohol problems or otherwise self-report drug and/or alcohol problems.
- Are involved in an accident involving a City vehicle or City equipment with or without injury.

6.15.4.2 MANDATORY TESTING – USDOT RULES

Those who are subject to U.S. Department of Transportation (USDOT) rules regarding safety-sensitive positions are subject to the following types of tests:

- Pre-employment (drugs only);
- Post-accident when there is a fatality, an injury treated away from the scene of the accident, the vehicle has been towed, or the driver receives a citation under state or local law for a moving violation arising from the accident;
- Random;
- Reasonable suspicion;
- Return to duty following a positive test; and

- Follow-up testing as prescribed by a Substance Abuse Professional.
    - All job applicants shall be informed of the policy at the pre-employment interviews. A copy of this policy shall be available for review by all job applicants.
    - All prospective employees shall be required, prior to being hired by the City, to sign the acknowledgment form agreeing to abide by the terms of this policy.
    - The City will exclude from employment any job applicant or prospective employee who refuses to abide by the terms of this policy.
    - Any prospective employee whose pre-employment drug and alcohol test results is confirmed positive and who does not have a medically sufficient explanation may reapply for employment with the City after six months from the date of such test.

6.15.4.3 DISCRETIONARY TESTING OF EMPLOYEES

The City may require drug and/or alcohol tests of employees:

- Whose use of City or approved equipment results in injury to the employee or another person or damage to any City equipment or property;
- Whose duties regularly involve exposure to drugs; (Testing will be conducted on a periodic, unannounced basis.)
- Who are allegedly involved in excessive use of force;
- Whose discharge of a firearm results in bodily injury, property damage, or violation of department general orders; and
- In safety-sensitive positions returning to work after an extended period of absence of 30 calendar days or more.

6.15.4.4 OTHER TESTS. Supervisors and managers are prohibited from demanding or encouraging drug or alcohol testing except as authorized in this chapter.

6.15.5 DRUG TESTING PROCEDURES

The City shall follow the guidelines listed below for employee and prospective employee drug testing.

Any drug or alcohol testing shall occur during or immediately after the regular work period of current employees, and shall be deemed work time for purposes of compensation and benefits for current employees.

Individuals will be sent to an outside clinic or testing facility licensed to perform such tests.

- If any employee is sent to an outside clinic for a "reasonable suspicion" test, the employee must be driven to the facility by the supervisor or his or her designee.
- The employee must then be put on paid administrative leave until the results of the test are available.
- The supervisor must make arrangements or help the employee make arrangements to get home without driving him or herself.

The City shall pay all costs of testing and transportation associated with a test required by the City.

Drug and alcohol testing will be conducted in compliance with federal, state and local laws, including but not limited to Utah Code Ann. § 34-41-101 *et. seq.*

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.

6.15.6 EMPLOYEE'S REQUIRED TO HOLD A COMMERCIAL DRIVER'S LICENSE (CDL)

Those employees required by their employment at Midvale City to hold a CDL shall be tested as required by federal and or state law and reimbursed for first time costs for obtaining and renewal of the license.

6.15.7 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:

- 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.

- 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.

6.16 WORKPLACE SEARCHES

In order to safeguard the property of our employees, our customers, and the City, and to help prevent the possession, use, and sale of illegal drugs on City premises, or possession of pornographic materials in the workplace, the City reserves the right to question employees based on reasonable suspicion and all other persons entering and leaving our premises, and to inspect any packages, parcels, purses, handbags, briefcases, lunch boxes or any other possessions or articles carried to and from the City's property. All offices, desks, computers, electronic files, hard files, lockers, etc., are the property of the City and are issued for the use of employees only during their employment. Inspections may be conducted at any time at the discretion of the City. No expectations of privacy exists regarding City-owned property.

6.17 POLITICAL ACTIVITY

Employees are strongly discouraged from participating in or using their influence to affect Midvale municipal elections (other than their personal, private vote at the polls) during working hours and at/on municipal facilities. Wisdom dictates that employees should maintain a neutral stance in Midvale municipal elections.

Employees can hold elected offices, be voting district officers, and be county, state, or national delegates in the parties of their choice.

Whether on or off duty, no City employee or appointed official shall use his/her position, title, uniform, City vehicle, City identification, or City equipment and supplies to solicit, either orally or by written communication, any assessments, contributions, or services for any political party or municipal candidate. No City employee or appointed official shall use his/her uniform, City vehicle, City identification, or City equipment or supplies to solicit contributions or in any way influence fellow employees to support or oppose any political party, candidate, or federal, state, county, or municipal elections.

State Law References: Utah Code Annotated §67-19-19 (Hatch Act) and §10-3-1108

6.18 PROCUREMENT POLICY

6.18.1 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 www.midvalecity.org Title 2, Chapter 2.28 – Procurement. For further information, contact the Administrative Services Department.

6.18.2 CREDIT CARDS

City credit cards shall be used for official City business only and all use shall comply with the City's purchasing policy.

6.19 PURCHASING CARD POLICY

6.19.1 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.

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.

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!**

This policy provides the guidelines under which you may utilize your purchasing card. Please read it carefully.

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.

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

6.19.2 POLICIES AND PROCEDURES:

This section provides a variety of information about the types of purchases that can and cannot be made, who will accept the card, records that must be maintained and reconciled monthly and miscellaneous information about the program.

Each card holder MUST attend a training session.

When you receive your card, sign the back of the card and always keep it in a secure place. Although the card is issued in your name, it is the property of Midvale City and is only to be used for City purchases as defined in this document.

6.19.3 GENERAL INFORMATION:

- This program helps to replace the use of petty cash and small dollar check requests.
- 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.
- 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.
- The purchasing card is not intended to replace the current travel and entertainment policy.
- 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.
- 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.
- 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 in 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.
- 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.

6.19.4 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.

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

- Personal purchases
- Unauthorized purchase of restricted items or from restricted vendors
- The cardholder allows the card to be used by another individual
- The cardholder makes a purchase for another individual
- The cardholder splits a purchase to circumvent a purchase limit
- The cardholder accepts cash for returns, sales tax payments, credits or disputed items
- The cardholder fails to enter purchases and upload receipts on the Purchasing Card website in a timely manner
- The cardholder fails to get receipts
- The cardholder fails to comply with the Procurement Ordinance or Purchasing Card Policy

The cardholder shall take reasonable precautions with the purchasing card. These include, but are not limited to the following:

- Reasonable safe-guarding of the card and protection against loss, theft, or unauthorized use
- Keep the card in view when you give it to a clerk, and get it back promptly
- Don't sign a blank receipt
- Draw a line through blank spaces above the total when signing receipts
- Destroy all carbon copies and voided receipts
- Never give your card number over the phone unless you are dealing with a company that you are sure is legitimate
- Never leave your card or receipts out where anyone can copy them or pick them up
- Don't allow card information to be saved or stored on websites when making purchases online

6.19.5 EXAMPLES OF WHEN THE PURCHASING CARD MAY BE USED:

- Subscriptions, seminars
- Hotel
- Car rental
- Miscellaneous maintenance requirements

- Office supplies
- Computer supplies, software (with approval from Information Services)
- Computer hardware (with approval from Information Services)
- Automotive repair (reserved for Fleet and selected departments)
- Postage

6.19.6 EXAMPLES OF WHEN THE PURCHASING CARD MAY NOT BE USED:

- Any item that requires a competitive process as specified in the City Procurement Ordinance
- Inappropriate use of City funds
- Capital expenditures
- Personal purchases

6.19.7 BUILT-IN RESTRICTION:

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.

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.

6.19.8 THE PURCHASING CARD WEBSITE:

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.

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.

All purchases must be approved by your Supervisor or Department Head. Supervisors and Department Heads have the ability to approve purchases on the website.

6.19.9 ALWAYS OBTAIN A RECEIPT WHEN USING THE PURCHASING CARD:

On the website, record the date of the transaction, the vendor name and code, the GL account charged, the merchandise purchased, and the dollar value of the sale. A separate entry is required for each purchase.

6.19.10 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.

6.19.11 RETAIN ALL RECEIPTS FOR GOODS AND SERVICES PURCHASED:

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.

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 timely, your purchasing card may be revoked.

Activity on the statements may be audited at any time by the City's Accounts Payable staff or the Program Administrator.

6.19.12 IF YOUR RECORDS DON'T AGREE WITH YOUR STATEMENT:

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.

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.

6.19.13 LOST OR STOLEN CARDS:

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!

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.

6.19.14 CARD CANCELLATION:

Upon termination of an employee, it is the responsibility of the supervisor to notify the Purchasing Card Administrator immediately.

6.19.15 SALES AND USE TAX:

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.

Should you have additional questions regarding the payment of sales tax, please contact the Purchasing Card Administrator.

6.19.16 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.

6.19.17 SUMMARY:

- 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.

- 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.

- 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!

- 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.

- 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.

- We continue to improve the way we conduct business. Your use of this program in conducting your daily business can help us make significant change 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.

- 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 Head.

- Do not share your purchasing card with other departments except in case of emergency.

- The assignee of the card is responsible for securing the card.

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

6.~~19~~ 20 SCRAP METAL POLICY

6.~~19~~ 20.1 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 extend. 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.

6.~~19~~ 20.2 SALE/DISPOSAL PROCESS

All City employees are responsible to deposit 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. The 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. 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. Only checks from the vendor shall be accepted for the payment of scrap metal. On no occasion shall 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.

PART VII – RULES & CORRECTIVE DISCIPLINARY ACTION

7.1 EMPLOYEE DISCIPLINE

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.

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.

7.1.1 STANDARDS OF CONDUCT – CRITICAL OFFENSES

Critical offenses are violations of *Midvale City's Standards of Conduct* that are extremely serious and may justify 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:

- Disclosing confidential City, employee, and/or citizen information to anyone without prior authorization.
- The unauthorized removal, falsification, intentional release of, or alteration of City records and/or documents such as, but not limited to, the employment application, drug or alcohol testing, or any other official and confidential document.
- Being convicted of a felony.
- Theft of any kind.

- The gross negligent destruction, abuse, damage of Midvale City property or the property of its employees.

- Conduct detrimental to the City.

- The distribution, possession, consumption, purchase, sale, or manufacture of intoxicants or illegal substances and/or reporting to work under the influence of such intoxicants.

- 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.

- 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.

- Unauthorized possession of weapons or firearms on City property.

- 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).

- Failure to report for duty or unauthorized absence.

- Violation of Sexual Harassment, Alcohol and Drug Abuse, Possession of Pornographic materials in the workplace, Tobacco Free Workplace, or Crime Free Policies.

- Dishonesty, deceit, or fraud.

- Failure to adhere to the City's Conflict of Interest ordinance Title 2, Chapter 4 of the Midvale Municipal Code.

7.1.2 STANDARDS OF CONDUCT – SERIOUS OFFENSES

Serious offenses are violations of *Midvale City's Standards of Conduct* that justify disciplinary action up to and including termination. The list should not be considered all-inclusive. They include but are not limited to:

- Excessive absenteeism and/or tardiness. Failure to use proper call-in procedure for reporting absences.

- Any violation of City departmental policies or procedures.
- Disregard for safety rules.
- Failure to follow specified job instructions.
- Failure to work harmoniously with other employees.
- Unauthorized solicitation on City premises.
- Creating or contributing to unsanitary conditions.
- Unauthorized operation of tools, machinery, or equipment.
- Gambling on City premises.
- Failure to report an injury or accident.
- Unauthorized sleeping on the job during work hours or leaving the site early without permission.
- Failure to maintain production and performance standards.
- Repeated violation of rules and procedures.
- Any conduct which reflects negatively on the character of the employee or the City.
- Non-exempt employees working unauthorized overtime.

7.1.3 CORRECTIVE DISCIPLINARY ACTION

The following is an explanation of the disciplinary action process, although Midvale City has the option of deviating from these steps when circumstances dictate.

All disciplinary actions, except terminations, are intended to be corrective and to result in compliance with policies, procedures, standards of conduct, and expected job performance standards. For discipline to be effective, the discipline must be presented to the employee soon after the improper action occurred. An employee should be advised in writing of discipline to be taken against him/her.

Discussions regarding the discipline should be on a need-to-know basis. Interviews should be conducted in a quiet area separate from coworkers.

Documentation of written discipline should be provided to the employee and the Human Resource Department.

7.1.4 DISCIPLINARY ACTION

Except in cases of critical or serious offenses, which result in termination, Midvale City generally uses a progressive disciplinary action procedure to resolve employee performance problems. A fact finding meeting will be held with the employee and Department Head or designee to discuss allegations prior to disciplinary action being taken. The process requires that the Department Head and/or designee be involved in all aspects of the disciplinary process. Disciplinary action must be documented in writing. The steps may include:

7.1.4.1 VERBAL WARNING

This is an informal warning, presented in a private meeting with the supervisor, and documented in writing but not placed in the employee's permanent file in the Human Resource Department. A copy of the disciplinary document is given to the employee. The document will also list the consequences if further performance problems continue. The verbal warning and pertinent documentation are kept in the supervisor's or department's file, and is not placed in the employee's Human Resources file unless further disciplinary action related to the verbal warning is taken. All verbal warnings that involve any type of potential or alleged discrimination (e.g., race, religion, gender, sexual harassment, or inappropriate sexual conduct, etc.) are to be forwarded to the Human Resource Department for review prior to verbal warning being presented to the employee. Disciplinary action involving these types of discriminatory infractions will be evaluated to ensure appropriate disciplinary action is taken, and a copy of which will be maintained in the Human Resource Department.

7.1.4.2 WRITTEN WARNING

Should further discipline be required after the Verbal Warning, the Department Head may issue a formal Written Warning, specifying the problem and the improvement required, a copy of which is placed, along with supporting documentation and the verbal warning in the employee's personnel file in the Human Resource Department. The disciplinary action is presented by the Department Head with the department manager and/or supervisor present at the meeting. The employee will be asked to read and sign the warning. At the Department Head's discretion, the written warning will be active for one year from the date of presentation to the employee. In effect, repeated performance problems that warrant formal disciplinary action, related or unrelated to this disciplinary action during the one-year period will escalate the discipline

to the next level of disciplinary action. This provision is intended to prevent employees from having multiple disciplinary infractions. The employee receives a copy of the warning. Another copy is placed in the employee's file in the Human Resources Department. The Written Warning will stipulate that if the problem is not corrected, the consequences will result in severe disciplinary action or termination. Refer to 7.2.6 "Removal of Disciplinary Record" for retention of disciplinary records in employee files.

7.1.4.3 PRE-DETERMINATION HEARING

Prior to the termination, suspension without pay, formal, written disciplinary action, or disciplinary demotion of a part-time or regular full-time employee who is not on probationary status, an employee is entitled to a hearing where information regarding allegations of misconduct is presented to the employee. As outlined in Utah Code Ann. §10-3-1105, probationary, seasonal, and temporary employees are not entitled to due process in the form of a pre-determination hearing. The hearing is for the purpose of allowing the employee to present any information or evidence that he/she believes is relevant to the allegations of misconduct.

If it is determined that a pre-determination hearing is appropriate, the Department Head shall conduct the hearing with the department supervisor present to offer input. Written notice of the disciplinary hearing shall be given to the employee at least two (2) business days before the hearing is held. The notice shall describe the facts relating to the employee's misconduct, and refer to the appropriate sections of the Midvale Policies and Procedures Manual and applicable laws, policies and procedures, which the employee has violated. The employee should also be told he/she may bring evidence or witnesses that the employee believes relevant to the hearing. The Department Head, in conjunction with the Human Resource Director, will be responsible for maintaining a written record of the hearing. Following the pre-determination hearing, a final decision shall be presented to the employee by the Department Head, supervisor, and the Human Resource Director within fourteen (14) calendar days from the date of the hearing. The Department Head may request an extension of up to a maximum of thirty (30) calendar days from the date of the hearing.

7.1.4.4 SEVERE DISCIPLINARY ACTION

If the employee does not show improvement in his/her performance, he/she may be suspended without pay, demoted, or terminated. Prior to initiating severe disciplinary action, it is the responsibility of the Department Head to conduct the pre-determination meeting with the employee, with the department supervisor present. The employee is

asked to read and sign the action. A copy of the disciplinary action will be given to the employee, and the original with applicable documentation is placed in the employee's file in the Human Resource Department. At the Department Head's discretion, the disciplinary action will be active for one year from the date it is presented to the employee. The disciplinary action will stipulate that if the performance problem is not corrected, the consequences will result in termination of employment. Suspension, without pay, of one or more full days (for exempt employees only) and partial days or more for non-exempt employees, may be applied only with prior approval of the Department Head and the City Manager. As specified in Utah Code Ann. §10-3-1106, any employee with a property interest in their job, (excludes employees in appointed positions) are entitled to take advantage of the appeal process if there is a suspension of more than two days without pay. Refer to 7.2.6 "Removal of Disciplinary Record" for retention of disciplinary records in employee files.

7.1.5 TERMINATION

If the final pre-determination hearing decision is to terminate the employee's employment, the Department Head shall confer with the City Attorney's office and the City Manager prior to formulating the termination document and presenting it to the employee. The disciplinary action document should set forth the reasons for termination. The Human Resource Director must be informed of any pending employee termination. The Department Head must contact the Human Resource Director prior to terminating an employee to coordinate the preparation of final wage and benefit payments and prepare an exit letter explaining termination and COBRA information. The termination document will include the reasons for termination. It will also inform the employee of the termination appeals process. The Department Head conducts the termination meeting with the department supervisor, Human Resource Director, and/or City Attorney. If the employee does not appear at the termination meeting, the termination letter will be mailed to that person at the current address with the City. The Department Head will be responsible for maintaining a written record of the meeting. The employee will be asked to sign the termination document and given a copy for their personal records.

7.1.6 APPEALS OF TERMINATION, SUSPENSION WITHOUT PAY OR MORE THAN TWO DAYS, AND INVOLUNTARY TRANSFER TO A POSITION WITH A DECREASE IN REMUNERATION

As specified in Utah Code Ann. §10-3-1106, employees who have been terminated, suspended for more than two (2) days without pay, or involuntary transferred to another position with a decrease in remuneration, are required to first exhaust the City's internal grievance procedure before they can appeal to

the Appeals Board. Refer to Grievance Procedure in this Manual for further information regarding the grievance process.

Once the City's grievance procedure is exhausted, employees who have been terminated, suspended without pay for more than two (2) days, or involuntarily transferred to a position with a decrease in remuneration are eligible to appeal the decision to the Employee Appeals Board. The appeal must be made within 10 working days of the final disposition of the City's internal grievance procedure. The manner of the appeal to the Employee Appeals Board shall be set forth in Utah Code Annotated §10-3-1106, which reads as, set forth in paragraphs 1-6 below. Time shall be computed in accordance with state law.

An employee to which Section 10-3-1105 applies may not be discharged, suspended without pay, or involuntarily transferred to a position with less remuneration:

- because of the employee's politics or religious beliefs; or
- incident to, or through changes, either in the elective officers, or governing body, or directors of departments.

If an employee is discharged, suspended for more than two days without pay, or involuntarily transferred from one position to another with less remuneration for any reason, the employee may, subject to Utah Code Annotated §10-3-1106 (2)(b), appeal the discharge, suspension without pay, or involuntary transfer to a Hearing Officer to be known as the appeal board, established under Utah Code Annotated §10-3-1106.

If the municipality provides an internal grievance procedure, the employee shall exhaust the employee's rights under that grievance procedure before appealing to the board.

Each appeal under Utah Code Annotated §10-3-1106 (2) shall be taken by filing written notice of the appeal with the City Recorder within ten (10) working days after:

- if the municipality provides an internal grievance procedure, the employee receives notice of the final disposition of the municipality's internal grievance procedure; or
- if the municipality does not provide an internal grievance procedure, the discharge, suspension, or involuntary transfer.

Upon the filing of an appeal under Utah Code Annotated §10-3-1106 (3), the City Recorder shall forthwith refer a copy of the appeal to the Hearing Officer. Upon receipt of the referral from the City Recorder, the Hearing Officer shall forthwith commence its investigation, take and receive evidence, and fully hear and determine the matter, which relates to the cause for the discharge, suspension, or transfer.

An employee who is subject of the discharge, suspension, or transfer may:

- appear in person and be represented by counsel;
- have a public hearing;
- confront the witness whose testimony is to be considered; and
- examine the evidence to be considered by the Hearing Officer.

The Hearing Officer shall have the power to subpoena witnesses and compel the production of books, papers, and any other evidence, as may be relevant to any investigation and a fair hearing or decision. Each decision of the Hearing Officer shall be certified to the Recorder within 15 days from the date the matter is referred to it. For good cause, the Hearing Officer may extend the 15-day period to a maximum of 60 days, if the employee and municipality both consent.

If the Hearing Officer finds in favor of the employee, the Hearing Officer shall determine whether the employee shall receive:

- the employee's salary for the period of time during which the employee was discharged or suspended without pay; or
- any deficiency in salary for the period during which the employee was transferred to a position of less remuneration.

A final action or order of the Hearing Officer may be appealed to the Court of Appeals by filing with that court a notice of appeal. Each notice of appeal shall be filed within 30 days after the issuance of the final action or order of the appeal board.

The Court of Appeals' review shall be on the record of the Appeal Board and for the purpose of determining if the Appeal Board abused its discretion or exceeded its authority.

7.2 EMPLOYEE GRIEVANCE PROCEDURES

7.2.1 GENERAL POLICY DEFINED

An employee may file a grievance if he/she disagrees with the disciplinary action or other management decision taken against him/her due to violation of Midvale City's policies and procedures or other employment action deemed unfair by the employee. The grievance process does not create a contract between the City and its employees.

Consideration should be given to members of the department who are being grieved. All information must be based on fact. Members will be held accountable for false information they provide in a grievance.

7.2.2 INFORMAL GRIEVANCE PROCEDURE

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 (10) calendar days with the immediate supervisor who then has ten (10) calendar days to present a decision before resorting to the Formal Grievance Procedure.

7.2.3 FORMAL GRIEVANCE PROCEDURE

7.2.3.1 FIRST LEVEL OF REVIEW

The grievant shall present the formal grievance in writing to his/her immediate supervisor within ten (10) calendar days from the result of the informal grievance procedure. The written grievance shall contain the following information:

- the name and job title of the grievant
- his/her department
- a clear and concise statement of the nature of the grievance, including the circumstances and dates involved
- the specific provision(s) of the employment action taken against the employee and the reason it is deemed inappropriate, referring to any laws, policies, or procedures alleged to have been violated
- the requested remedy
- the date

- the signature of the grievant

The supervisor shall render a decision and comments in writing and return it to the grievant within ten (10) calendar days after receiving the written grievance. If the grievant does not agree with the supervisor's decision or if no answer has been received within the specified time period, the grievant shall present the grievance in writing to the Department Head or designee within ten (10) calendar days from the date the employee was presented the action.

7.2.3.2 SECOND LEVEL OF REVIEW, DEPARTMENT HEAD

The Department Head or designee shall upon request, discuss the grievance with the grievant and with other appropriate individuals. The Department Head or designee shall render their decision and comments in writing and return to the grievant within ten (10) calendar days after receiving the formal written grievance. If the grievant does not agree with the decision reached or if no answer has been received within the specified time period, the grievant may appeal the grievance to the next level of the grievance procedure. In order to do so, the grievant must submit the grievance to the City Recorder, along with a written request that the grievance be considered at the third level, within ten (10) calendar days of the date of the Department Director's decision is rendered, or should have been rendered, pursuant to the specified time period.

7.2.3.3 THIRD LEVEL OF REVIEW, CITY MANAGER

If the grievance is not adjusted to the satisfaction of the employee under the procedures set forth in the foregoing sections, the employee shall submit a written request within ten (10) calendar days following the last step of the second level along with a copy of the record of the grievance developed to that point to the City Manager or designee. The City Manager will reach a decision based on the information received. The City Manager shall render a decision within then (10) calendar days. The decision of the City Manager shall be final and binding.

7.2.4 GENERAL PROVISIONS

Failure of the grievant to meet any of the specified deadlines shall constitute a withdrawal and waiver of the grievance. Failure by the City to meet any of the specified deadlines shall entitle the grievant to appeal to the next level of review.

Since it is important that grievances be processed as rapidly as possible, the number of days indicated at each level shall be considered a maximum, and every effort should be made to expedite the process. If the last day of the

specified time period falls on the weekend or a City-observed holiday, it shall be moved to the next working day that the City Hall is open. Otherwise, the time specified may be extended only by mutual written consent.

- Probationary employees may not initiate a grievance procedure after termination of employment during the probationary period.
- Employees shall be assured of freedom from reprisal for using the grievance procedures.
- The Human Resource Department shall act as a central repository for all grievance records.
- Any decision or finding involving an unbudgeted expenditure must be submitted to the City Manager before that decision can become final and binding.
- An employee's failure to appear for any scheduled meeting without notification will constitute a withdrawal and waiver of the grievance.

7.2.5 ADMINISTRATIVE LEAVE

Employees may be given administrative leave with pay to allow management time to investigate any alleged serious misconduct. If this happens, the employee's supervisor will notify the employee of the results of the investigation and of the action to be taken.

7.2.6 REMOVAL OF DISCIPLINARY RECORD

Documentation of disciplinary action may not be removed from an employee's personnel file for a minimum of three (3) years from the time the action is closed and unless agreed to as part of the disciplinary procedure. An agreement to remove disciplinary documents from the employee's personnel file must be approved by the City Manager.

7.3 EMPLOYEE APPEALS BOARD

- **HEARING OFFICER:** The appointed employee appeal board shall consist of a hearing officer appointed by the mayor with the advice and consent of the City Council.
- **COMPENSATION:** The hearing officer may receive compensation for services.
- **TERM:** The term of the Hearing Officer shall be for a period of three calendar years.

- **ELIGIBILITY FOR REAPPOINTMENT:** The hearing officer shall be eligible for reappointment or re-election.

- **JURISDICTION:** The Hearing Officer shall have the right and obligation to hear appeals from discharges or disciplinary transfers of all officers and employees who are not at-will or covered under the provisions of §10-3-1106 Utah Code Annotated, or its successor provision.

7.3.1 APPEAL PROCEDURE

7.3.1.1 NOTICE OF APPEAL

An appeal of a disciplinary action within the jurisdiction direction of the Board shall be taken by filing written notice of the appeal with the City Recorder, within ten (10) working days after the discharge or transfer is complete. Upon the filing of the appeal, the City Recorder shall promptly refer a copy of the appeal to the Hearing Officer. Upon receipt of the referral from the City Recorder, the Hearing Officer shall forthwith commence its investigation, take and receive evidence, and fully hear and determine the matter.

7.3.1.2 RIGHT TO COUNSEL

The employee shall be entitled to minimum due process of law, including the right to appear in person; be represented by counsel, at the expense of the employee; have a public hearing; confront the witness whose testimony is to be considered; and examine the evidence to be considered by the Hearing Officer.

7.3.1.3 SUBPOENAS

The Hearing Officer shall have the power to subpoena witnesses and compel the production of books, papers and any other evidence, as may be relevant to any investigation and a fair hearing or decision.

7.3.1.4 JURISDICTION OF HEARING OFFICER

The Hearing Officer shall have jurisdiction, pursuant to §10-3-1105 Utah Code Ann. and §10-3-1106 Utah Code Ann. The scope of the inquiry of the Hearing Officer shall be limited to determine if:

1) There was just cause for the demotion, transfer or termination of the employee; and if

2) The Department Head and/or his/her subordinates substantially complied with the appropriate

PART VIII – SAFETY & RISK MANAGEMENT

8.1 GENERAL POLICY

The following general safety rules apply in all City work areas. Each work area may prepare separate safety rules applicable to the specific nature of work in their area but not in conflict with these rules.

a. Proper training and/or licensing is required by all employees operating any type of power equipment.

b. Employees will use safety equipment appropriate to the job, such as safety glasses, gloves, toe guards, back supports, and hard hats, if required or appropriate to the work performed.

c. Employees will avoid wearing loose clothing and jewelry while working on or near equipment and machines. Long hair will be properly secured. Employees must also adhere to additional department policies.

d. Defective equipment will be reported immediately.

e. Employees will not operate equipment or use tools for which licensing and training has not been received.

f. In all work situations, safeguards required by State and Federal Safety Orders will be provided and followed.

g. Due to the potential risk, employees are prohibited from entertaining, or caring for, guests or family members in or around inherent dangerous work areas. These areas include, but are not limited to:

- Road repair sites;
- Construction areas;
- Vehicle maintenance areas;
- Animal control incidents;
- Sewer facilities.

h. 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.

i. 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.

8.2 PROPER USE OF CITY EQUIPMENT & TOOLS

The use of City equipment or tools for private purposes is strictly prohibited.

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.

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, signed into law on October 27, 1986. Employees must renew their commercial driver's license at four-year intervals.

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.

Employees using City vehicles shall ensure they are kept clean and serviced according to fleet specifications.

8.3 BUILDING SECURITY

8.3.1 DISTRIBUTION OF KEYS

The Department Heads are responsible for distribution of keys, keypad codes, and security access cards to building occupants. Department Heads 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, described in the following procedure.

8.3.2 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. All keys, security access cards, etc. will be returned to the City immediately upon termination of employment.

8.3.3 LOST KEYS

Any lost keys or security access cards shall be reported to the employee's supervisor and the Department Director immediately.

8.4 ACCIDENT REPORTING

All job related accidents, regardless of severity, personal or vehicular, shall be reported immediately to the applicable supervisor or Department Head. All accidents with or without injury must be immediately reported to the Risk Manager.

8.4.1 ACCIDENT WITH INJURY

When injured while on duty, **an employee must:**

- Call 9-1-1 and their supervisor immediately. If the immediate supervisor is unavailable, contact the Department Head even if the accident occurs after normal work hours.
- Remain at the accident until the police or supervisor approves your departure.
- Immediately obtain necessary treatment. The City recommends that 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.
- Submit to a drug test if determined necessary according to the drug testing policy located in Part VI. Supervisor or Department Head is required to drive the employee to get a drug test.
- Obtain a medical release form signed by a doctor and submit copies to the Human Resource Department and supervisor.
- Report to work as permitted by the medical release form.
- Detail job related injury on forms prescribed by the Utah Industrial Commission and the City. These forms must be completed within one week following the incident producing the injury.

8.4.2 ACCIDENT WITH NO INJURY

When involved in a vehicle accident, but not injured, **an employee must:**

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

8.5 RISK MANAGEMENT

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.

8.5.1 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 Head, and the City Attorney.

- 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.
- Pictures must be taken at the scene and submitted with the incident report.
- 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.

- The City Attorney will receive and coordinate the resolution of claims and lawsuits made against the City, its officers, employees, or volunteers.

8.5.2 INCIDENT REVIEW COMMITTEE (IRC)

Each department will have an Incident Review Committee to ensure that all incidents are investigated and evaluated in a fair, impartial, and consistent manner the incident review committee will review any incidents involving personal injury, damage to equipment to vehicles, and or claims against the City. The committee shall meet on an "as needed" basis.

8.5.3 VEHICLE/EQUIPMENT ACCIDENT INVESTIGATION

It is the policy of Midvale City to require an investigation and a review of all vehicle or equipment accidents involving employees during the course of their duties. This policy also covers privately owned vehicles used by City employees for City business.

Any vehicle or equipment accident within the boundaries of Midvale City will be investigated by an officer of the UPD Midvale Precinct. The City Manager, City Attorney and Human Resource Director shall be notified of the accident within three (3) calendar days of the incident

Any vehicle or equipment accident outside the boundaries of Midvale City will be investigated by an officer of the applicable jurisdiction.

Three copies of the accident report involving City vehicles, equipment, or personnel will be submitted to the City Manager, City Recorder, and Public Works Director.

8.5.4 INCIDENT REVIEW PROCESS FOR VEHICLE AND EQUIPMENT ACCIDENTS

Vehicle or equipment accidents involving employees, which has been determined by the Department Head to require an incident review, shall be conducted in accordance with the following:

- Employees shall attend Incident Review Committee (IRC) meetings when instructed to do so.

- After review of all information provided, the IRC will classify the accident as one of the following:

1) Non-preventable
2) Preventable/Mitigating
3) Preventable
4) Preventable/Reckless

- The IRC shall also document the severity of the accident according to one of the following:
  1) Very Minor (Less than $750)
  2) Minor ($750-$3250)
  3) Major (More than $3250)

- As a result of the IRC process, any disciplinary action will be determined and administered by the Department Head.

8.6 OCCUPATIONAL SAFETY AND HEALTH ADMINISTRATION (OSHA)

Midvale City will post all required OSHA notices in conspicuous places. Employees may obtain additional information regarding OSHA from their Department Head.

If an OSHA inspector arrives on a job site, an employee should contact their Department Head immediately. The Department Head shall make arrangements for any required inspections.

PART IX – FLEET MANAGEMENT

9.1 GENERAL POLICY

9.1.1 VEHICLE USE

City vehicles can only be utilized in connection with City business. Non-employees shall not be allowed to ride in a City vehicle except for the purpose of conducting City business or with Department Head approval. 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.

9.1.2 EMERGENCY USE

An employee may take an assigned vehicle home in an emergency situation upon prior approval from the Department Head.

9.1.3 POOL VEHICLES

Pool vehicles are primarily authorized for use by those employees who do not have a City vehicle assigned to them that need transportation to conduct City business.

9.1.4 TAKE HOME VEHICLES

City employees MUST live with 20 miles of the City limits in order to take home a City vehicle.

9.2 VEHICLE MAINTENANCE

9.2.1 MAINTENANCE & REPAIRS

The fleet division is responsible for all maintenance and repair of City vehicles. Employees will be notified of scheduled service due and will be required to make service appointments no later than five calendar days after notification.

9.2.2 VEHICLE INSPECTION

Vehicles will be inspected for condition and cleanliness while being serviced at the fleet maintenance facility. If any vehicle is found to be in an unacceptable condition, the employee's supervisor will be notified of condition of vehicle.

9.3 DRIVER RESPONSIBILITY

9.3.1 GENERAL RESPONSIBILITY

City employees are responsible for the care and general maintenance of City vehicles assigned to them.

Employees shall frequently check oil, lubricant levels and tire pressure. Employees shall not use fuel, oil lubricant, or other liquid additives in the vehicle other than authorized by fleet division.

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. 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.

9.3.2 IMPROPER CARE OF VEHICLES

Any employee found improperly maintaining a City vehicle may be subject to disciplinary action and the department of the employee may be assessed a fine. Such improper treatment shall include but not be limited to the following:

- Operating with an overheated engine.
- Failure to observe and respond to instrument panel.
- Operating with flat or under-inflated tires.
- Failure to report defects and needed repairs to fleet division.
- Driving vehicle in need of repairs.
- Failure to properly inspect vehicle before and after use.
- Failure to have vehicle serviced after notification given.
- Preventable repairs – defined as those caused by negligence of the driver.
- Enters an incorrect odometer reading when fueling a vehicle.

9.3.3 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 (2) calendar days prior to departure to ensure the vehicle is in proper working condition.

9.3.4 SAFE DRIVING PRACTICES

All employees operating a City vehicle or personal vehicle on City business shall have a valid Utah Driver's License. All City employees shall drive and park in accordance with all state and local laws, including wearing seat belts. Any citation received shall be the responsibility of the driver. Employees are prohibited from talking on the phone while driving a vehicle (unless a hands-free device is used). Unattended City vehicles shall be locked at all times. Unattended vehicles shall not be left with the engine idling unless overhead safety lights are in use on the roadside. Employees found in violation of safe driving practices will be subject to disciplinary action up to and including termination.

9.3.5 VEHICLE REGISTRATION & RENEWALS

It is the responsibility of each driver to ensure that any vehicle to which they are assigned completes the state inspection/emissions test by May 1 of each year.

9.4 VEHICLE REPLACEMENT/TRANSFERS

9.4.1 VEHICLE REPLACEMENT

Vehicles to be replaced will be determined by the Public Works Director.

9.4.2 REQUESTS FOR ADDITIONAL VEHICLES

Any requests for additional vehicles must be accompanied by written justification by the Department Head or designee and approved by the City Council.

9.4.3 TRANSFER OF VEHICLES

In order to maximize usage, the Public Works Director may transfer a vehicle from one employee to another or from one department to another. A two-week notice will be given prior to transfer.