

1 NORTH OGDEN CITY CORPORATION

2 EMPLOYEE POLICIES AND PROCEDURES

3 INTRODUCTION

4 The City Council has established the following policies and procedures to require the use of merit
5 principles in all City activities related to personnel so that all personnel actions are as fair and impartial
6 as possible.

7 As a matter of long-standing policy North Ogden City is an equal opportunity employer. The City shall
8 not discriminate against any applicant or employee on the basis of political or religious opinions or
9 affiliations or based on race, sex, national origin, age, physical or mental disability, except where specific
10 age, sex, physical or mental requirements constitute bona fide occupational qualifications necessary to
11 the proper and efficient administration of City services as determined by the Mayor and the City
12 Manager.

13 The rules and regulations contained in this policy manual shall be administered uniformly and apply to
14 all North Ogden City employees and others including: (1) elected officials, (2) members of volunteer
15 boards, committees and commissions, (3) independent contractors, (4) employees hired for temporary
16 positions (six months or less in a calendar year), and job applicants.

17 Individual policies or procedures contained herein are intended to be in harmony with federal and state
18 laws, shall be interpreted in a way to comply with such laws and shall be subordinate to such laws
19 whenever any conflict is shown to exist.

20 Department policies are intended to be in harmony with this policy manual and shall be subordinate to
21 such laws whenever any conflict is shown to exist. ~~supplemental to this policy manual and shall not
22 conflict with this policy. In case of any conflict between this policy manual and departmental policies,
23 this policy manual shall control.~~

24 While the City believes that the policies and procedures are in the best interest of the City and its
25 employees, these policies and procedures are not conditions of employment. The City Council reserves
26 the rights to modify, amend, revoke, suspend, terminate or change any or all of these policies and
27 procedures, in whole or in part, at any time, with or without notice. Because the City's work
28 requirements, programs, funding and service needs are subject to change, employment conditions and
29 status are subject to change at any time. **Therefore, although an employee may have been hired to fill
30 a specific position, with specified hours, pay duties, etc. All of these may be reduced, increased or
31 terminated without advanced notice and for any reason.** An employee also has the right to terminate
32 his/her employment with the City in the same manner, at any time and for any reason.

33 **Notwithstanding anything to the contrary that may appear herein, the policies and procedures of this
34 policy manual do not constitute an employment contract (explicit or implied) and shall not modify the
35 City employee's status as an at-will employee, except as otherwise provided by state Utah code**

36 **Annotated §10-3-1106 and/or federal law. This lack of an employment contract or guarantee also**
37 **applies to other benefits, privileges, and working conditions at North Ogden City.**

38 Nothing herein shall be construed as preventing the City from entering employment contracts with
39 specific individual employees when the City Council and Mayor believe that such an employment
40 contract will be in the best interest of the City. Employment contracts with individual employees must
41 be in writing to be binding upon the City, and shall be drafted by the Mayor or his designee and must be
42 individually approved by the City Council. In case of any conflict between an employment contract with
43 an individual employee and the policies and procedures in this manual, the terms of any fully executed
44 employment contract shall control.

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125		

126 DEFINITIONS

127

128 The following words, terms and phrases shall have the following meanings when used in this personnel
129 policy manual:

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131 1. "Fair Labor Standards Act" or "FLSA" shall mean the federal Fair Labor Standards Act (29 U.S.C.
132 §201-219, 251-262), together with any regulations promulgated under authority granted by the
133 FLSA to any executive officer or department.

134

135 2. "Full-time Employee" or "full-time employment" shall have the meaning described in Policy 1.5.

136

137 3. "Exempt Employee" shall mean a salaried employee.

138

139 4. "Non-exempt Employee" shall mean an hourly employee.

140

141 5. "Part-time Employee" or "part-time employment" shall have the meaning described in Policy
142 1.5. Permanent part-time employees will only be eligible to receive benefits in the form of
143 COLA's and bonuses.

144

145 6. "Temporary Employee" or "temporary employment" shall have the meaning described in Policy
146 1.5.3

147

148 7. "Seasonal Employee" or "seasonal employment" shall have the meaning described in Policy
149 1.5.6

150

151 8. "Public Safety Employees" shall mean employees of the North Ogden Police Department who
152 work various shifts according to a schedule produced by their departments.

153

154 9. "Immediate Family Members" shall mean as defined in Family Medical Leave Act – spouse, child
155 or parent of the employee.

156

157 10. "Retirement" shall mean 30 complete years or 35 complete years for those hired after June 30,
158 2010 of employment with North Ogden City for full-time employees and 20 complete or 25
159 complete years for those hired after June 30, 2010 for North Ogden City police officers.

160

161 11. "Mayor" shall mean the elected Mayor or in the absence of the elected Mayor for any reason
162 the term "Mayor" shall include the "Mayor Pro Tem".

163

164 12. "Permanent Part-time Employee" or "Permanent Part-time Employment" shall have the
165 meaning described in Policy 1.5.4

166

167 13. "Selection Committee" shall mean the committee determined by the Department Head and
168 Human Resource Director under the direction of the City Manager.

169

170 14. "Independent Contractor" shall have the meaning described in Policy 1.6.

171

172 15. "Weapons"

173
174

16. "Probationary Employee" shall have the meaning described in Policy 1.5

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CHAPTER 1
EMPLOYEE RECRUITMENT AND HIRING

Policy 1.1 POSTING OF JOB OPENINGS

POLICY

1. North Ogden City encourages current employees to apply for job opportunities within the City for which they are qualified.
 1. At the discretion of the City Manager, Mayor or Mayor Pro-Tem, some positions (excluding Department Heads) may be advertised in-house for a period of three (3) business days. After three (3) business days, if there are no qualified employees (meeting all the minimum requirements and/or completing an interview process), then the position will be advertised in the following manner.
 2. The Human Resource Director will post all job positions for open recruitment for the employees and general public on the City’s website, Utah League of City’s and Town’s website, and other sites that deem appropriate ~~in the local daily newspaper~~. Current City employees who meet the minimum job qualifications will be encouraged to apply.
 3. An employee applying for a job opening shall submit an application. All applications received from internal and external applicants will be given equal consideration.
 4. An employee’s current department head will be informed when an employee has been accepted for a new position.
 5. A Full-time employee transfer to a different grade normally will not be considered until after one year of continuous employment. Where it is in the best interest of the City, and if both department heads concerned agree, an earlier transfer may be negotiated with the approval of the City Manager ~~Mayor~~.
 6. The City may fill a position, by transferring an employee from another position of the same or similar class having the same salary range, after an employee has completed six months employment in their current position. When it is in the best interest of the City, and if both department heads concerned agree, an earlier transfer may be negotiated with the approval of the City Manager.
 7. Interdepartmental transfers must be approved by the City Manager after consultation with both department heads and the employee concerned.
 8. Part-time employees can be transferred from one position to another when it is in the best interest of the city and if both department heads concerned agree and with the approval of the City Manager. If the transfer is involuntary the employee can appeal Utah code Annotated §10-3-1106m the decision by following the procedure in Chapter 3.

223 Policy 1.2 RECRUITMENT AND HIRING

224

225 POLICY

226

227 It is the policy of North Ogden City to comply with all applicable laws regarding discrimination on the
228 basis of sex, age, race, national origin and ethnicity in its hiring decisions. To help hiring departments
229 meet their equal opportunity employment responsibility, all department heads and employees shall
230 comply with this policy with regard to all recruitment and hiring actions.

231

232 1. APPLICATION

233

234 1. Department heads shall consult with the City Manager regarding staffing needs and
235 shall not advertise any job opening until the City Manager has approved recruitment. All
236 personnel selection decisions shall be made by a selection committee, which shall
237 evaluate applicant responses using a sound decision making method which weighs the
238 importance of advantages in each of the valuation factors as decided on and developed
239 by department heads and the Human Resource Director.

240

241 2. The Human Resource Director will draft an advertisement for the position. The
242 advertisement shall contain all of the relevant information regarding the job that is
243 reasonably necessary and appropriate to generate a qualified applicant pool. The
244 advertisement shall be published on the City website for at least five (5) days prior to
245 the closing of the time to make applications and as directed in Policy 1.1.

246

247 3. The qualifications required of applicants will be related to the duties of the specific job
248 and reviewed for compliance with all City policies.

249

250 4. As a condition of employment, any Law Enforcement applicant shall be required to live
251 within a radius of 15 miles of North Ogden or to relocate to a permanent residence
252 within the 15 mile radius within ~~30~~ 90 calendar days without approval of department
253 head, of accepting an employment offer. ~~if their place of residence is located outside~~
254 ~~the boundaries of Weber County.~~ This residency requirement shall be ongoing and
255 continuous through the employment term.

256

257 5. In order to be considered for employment with the City, an applicant must sign a
258 written application and file the application with the Human Resource Director during
259 regular business hours. The Application Form will be in essentially the same format
260 contained in Exhibit "A or A1". The City will immediately reject all unsigned applications.

261

262 2. REVIEW OF APPLICATIONS

263

264 1. After the end of the time for submitting applications, the Human Resource Director shall
265 review all of the applications which have been received for the position. The Human
266 Resource Director shall eliminate all applicants who on the basis of information
267 provided in the applications do not meet the necessary qualifications and transmit the
268 remaining applications to the Selection Committee.

269

270 2. In reviewing the applications, the Selection Committee will consider each applicant
271 individually and will not consider an applicant to be unqualified if the individual is able
272 to perform the essential functions of the job with reasonable accommodations.
273

274 3. INTERVIEWS AND REFERENCES
275

276 1. The Selection Committee shall rank the applications(using a sound decision making
277 process) and invite selected applicants for interviews. The Selection Committee will
278 conduct the interviews under the supervision of the City Manager.
279

280 2. The Human Resource Director will contact references provided by an applicant. The
281 Human Resources Director will keep records of all contacts with references and keep
282 the records as part of the applicant’s file. Only the Human Resources Director or his/her
283 designee will be permitted to perform reference checks.
284

285 3. The Police Department will provide their own reference checks and background checks
286 for sworn Police Officers. The Human Resource Director will keep records of all contacts
287 with references and keep the records as part of the applicant’s file.
288

289 4. RECOMMENDATION AND HIRING
290

291 1. At the conclusion of the interviewing process, the department head shall recommend
292 one candidate to the City Manager to fill the position. The recommendation shall
293 include a recommendation for the salary to be paid to the applicant upon hiring.
294

295 2. After receiving the recommendation of the department head, the City Manager,
296 together with the department head, may interview the recommended applicant. The
297 City Manager shall have discretion regarding whether an additional interview is
298 necessary.
299

300 3. The City Manager shall then concur with the recommendation of the department head
301 or reject the recommendation. If the City Manager concurs with the recommendation of
302 the department head, ~~he shall transmit the recommendation to the Mayor for a final~~
303 ~~decision.~~ If the City Manager rejects the recommendation, the department head shall
304 recommend a different applicant for the position and the City Manager shall review the
305 new recommendation and may, at his or her discretion, interview the person who has
306 been recommended to fill the position. Department Head positions shall be filled with
307 advice and consent of the City Council.
308

309 4. All offers of employment shall be conditioned upon a background check and drug
310 testing prior to commencing employment with the City. For Public Safety positions the
311 offer of employment may also be conditioned upon the results of a medical
312 examination, polygraph testing, job related physical ability testing and psychological
313 testing. All applicants must consent to this testing by executing “consent” in essentially
314 the same form as Exhibit “B”.
315

316 Testing under this paragraph will occur only after a conditional offer of employment has

- 317 been made.
- 318 All medical, psychological, physical, or polygraph examinations that are
- 319 specifically required prior to commencing employment shall be conducted by
- 320 duly licensed or otherwise qualified individuals approved by the City.
- 321
- 322 3. If the individual performing the testing deems any candidate
- 323 medically, emotionally or otherwise unable to perform the
- 324 duties of the position applied for without reasonable accommodation, the
- 325 individual(s) administering the testing shall state in writing the reasons for the
- 326 inability and the accommodations necessary to allow the applicant to fill the
- 327 position.
- 328
- 329 4. The City shall bear all costs of any required pre-employment testing.
- 330
- 331 5. The job offer shall be made in writing by the City Manager or the Mayor. The offer shall
- 332 instruct the applicant to sign the letter and return it to the City Office to indicate
- 333 acceptance of the offer. Offers which are not returned within two weeks shall be
- 334 deemed to be rejected.
- 335
- 336 6. For those positions requiring certifications including CDL and for which the City will be
- 337 required incur expense to facilitate the employee obtaining the needed certification, the
- 338 applicant shall be required to sign an agreement which stipulates their commitment to
- 339 work for the City for a minimum of one calendar year after such certifications are
- 340 acquired. Failure to complete the one-year minimum shall result in a charge against the
- 341 employee to cover cost of certification unless waived at the consent of the City
- 342 Manager. Re-certifications are not subject to this requirement.
- 343
- 344 7. If the initial job offer is not acceptable to the applicant or if the applicant makes a
- 345 counter-offer of employment by modifying any of the substantive terms of the City's
- 346 offer, the City Manager must approve any decision to change the offer. In the case of
- 347 Department Head Position or City Manager Position, Council must approve any decision
- 348 to change the offer.
- 349
- 350 8. Upon accepting an offer for employment, the selected applicant must receive a copy of
- 351 the Personnel Policies and Procedures Manual and must sign a General Contract
- 352 Disclaimer Exhibit "C" upon receipt of the manual.
- 353
- 354 5. DISPOSITION OF NON-SELECTED APPLICATIONS AND REJECTION LETTERS TO APPLICANTS.
- 355
- 356 1. When an applicant is not selected, all forms and information relating to the applicant
- 357 must be returned immediately to the Human Resource Director who will file them
- 358 according to the State's Retention Schedule.
- 359
- 360 2. After the job offer has been accepted, the Human Resource Director shall notify the
- 361 non-selected applicants within a reasonable length of time.
- 362 3. ~~The Human Resource Director will file them according to the State's Retention Schedule.~~
- 363

364 Policy 1.3 CLASSIFICATION AND JOB DESCRIPTION

365

366 POLICY

367

368 All positions shall be classified under a plan to be composed of a list of positions supported by written
369 specifications setting forth the duties and responsibilities of each position and the qualifications
370 necessary for designation to that position. These specifications will be periodically reviewed and
371 updated.

372

373 1. CLASSIFICATION PLAN

374

375 1. The purpose of the classification plan shall be to:

376

377 1. Provide fair and equitable compensation for services.

378

379 2. Establish minimum qualification standards for recruiting purposes. (This
380 includes minimum requirements of training and experience as well as minimum
381 requirements of skills, knowledge, abilities and other qualifications necessary
382 for entry into the position.)

383

384 3. Provide department heads and supervisors with a means of analyzing work
385 distribution, areas of responsibility, lines of authority and other important
386 relationships between positions.

387

388 4. Provide a basis for establishing standards of work performance.

389

390 5. Indicate training needs.

391

392 6. Provide uniform titles for positions.

393

394 2. JOB DESCRIPTION

395

396 1. When a new position is created, the department head shall send the City Manager
397 a request for classification of the position with a description of the applicable duties and
398 responsibilities to be assigned to the position.

399

400 2. The Human Resource Director shall then create a formal job description for the
401 position, after analysis and evaluation of the duties and responsibilities without regard
402 to the personal characteristics, abilities or qualifications of the prospective incumbent.

403

404 3. The job description shall describe the department in which the position is located, the
405 position's direct supervisor, and the salary range for the position, the duties of the
406 position and the qualifications for the position.

407

408 Policy 1.4 EMPLOYMENT OF RELATIVES

409

410 POLICY

411

412 The City shall comply with Title 52, Chapter 3, Utah Code Annotated regarding employment of relatives.

413 A copy of this statute is provided as Exhibit "D".

414

415 Policy 1.5 TYPES OF EMPLOYMENT

416

417 POLICY

418

419 North Ogden City strives to retain qualified, competent and well-trained employees and classifies those
420 employees according to the hours worked and duties performed.

421

422 EMPLOYMENT TYPES

423

424 1. **Full-time employment** is the employment type of most City employees. For employees who
425 have not been classified as exempt under FLSA, full-time employment shall begin on the date of
426 hire. Full-time employment is: a) 40 hours per week and b) 43 hours per week for police
427 officers. Full-time employees qualify for all regular
428 benefits.

429

430 2. **Probationary employment** means the employment status of all new employees during the first
431 six months of employment with the City with the possibility of an extension of the probation
432 period if necessary. An employee who is transferred shall commence a new probationary
433 period, which shall last six months from the transfer. Issues surrounding probationary
434 employment are more fully described in Policy 6.2

435

436 3. **Temporary employment** means employment by the City, which ~~cannot~~ ~~does not, under~~
437 ~~ordinary circumstances,~~ exceed 12 weeks or working more than 32 hours per week in any
438 calendar year. Utah code Annotated §10-3-1106. ~~but cannot work more than 32 hours per~~
439 ~~week.~~ ~~Temporary employees may be hired by department heads without following all of the~~
440 ~~procedures described in Policy 1.2, provided that the creation of the temporary position has~~
441 ~~been approved by the City Manager.~~ Applicants for temporary employment must meet the
442 minimum qualifications of the position for which they are employed. ~~Temporary employees do~~
443 ~~not qualify for regular benefits.~~

444

445 4. **Part-time employment** means employment for less than the number of hours described under
446 full-time employment above ~~and cannot work more than 32 hours per week.~~ ~~Part-time~~
447 ~~employees may be hired by department heads without following all of the procedures described~~
448 ~~in Policy 1.2, provided that the creation of the Part-time and Permanent Part-time position has~~
449 ~~been approved by the City Manager.~~ Applicants for Part-time must meet the qualification of the
450 position for which they are employed. Part-time employees do not qualify for regular benefits.

451

452 5. **Permanent Part-time employment** means employment for less than the number of hours
453 described under full-time employment above for a position that is currently permanent.
454 Applicants for permanent Part-time employment must meet the qualification of the position for
455 which they are employed. Permanent Part-time employees may qualify for COLA.

456

457 6. **Seasonal employment** may mean full-time employment by the City, which does not, ~~under~~
458 ~~ordinary circumstances,~~ exceed six months in any calendar year. Seasonal employees may be
459 hired by department heads without following all of the procedures described in Policy 1.2,
460 provided that the creation of the seasonal position has been approved by the City Manager.

461 Applicants for seasonal employment must meet the minimum qualifications of the position for
462 which they are employed. Seasonal Employees do not qualify for regular benefits.

463
464 7. **Emergency employment** (other than Declaration of Emergency) means employment during an
465 emergency, which will not typically continue past the duration of the emergency. The purpose
466 of emergency employment shall be to prevent undue delay or serious interference with the
467 provision of vital City services during the emergency. In an emergency, department heads may
468 hire emergency employees for a period not to exceed thirty (30) calendar days. Such employees
469 may be hired using the most expedient methods that are practicable and reasonable under the
470 circumstances and without following the procedures of Policies 1.1 and 1.2, although the City
471 Manager's ~~Mayor's~~ approval shall be necessary to hire an emergency employee. The City
472 Manager must also approve the hourly rate of pay for all emergency employees prior to the
473 hiring of the emergency employee. No emergency employee will remain employed with the City
474 past the duration of the emergency unless the emergency employee completes the hiring
475 process as described in Policy 1.2 and the retention of the emergency employee is approved by
476 the City Manager.

477
478

479 Policy 1.6 INDEPENDENT CONTRACTORS

480

481 POLICY

482

483 Because North Ogden retains a skilled and qualified work force, there should be little need for the hiring
484 of independent contractors. This Policy describes the procedure for hiring independent contractors. This
485 policy does not apply to the letting of contracts for public improvements or for repair of streets, water
486 lines, sewer lines, storm sewer line or other utilities.

487

488 1. A department head who believes that he has a project, which requires the hiring of an
489 independent contractor, shall inform the City Manager in writing of the need for an
490 independent contractor. The department head shall describe the project for which the
491 independent contractor is needed and the skills which the independent contractor should have.
492 The department head shall also describe the steps he/she has taken to locate a person with the
493 necessary skills among the City's existing employees.

494

495 2. The City Manager shall review the request from the department head and hire an independent
496 contractor. If the City Manager believes that the request is unjustified, he shall notify the
497 department head of his decision and no independent contractor shall be hired. If the City
498 Manager believes that the request to retain an independent contractor is justified, he shall
499 consult with the Mayor regarding the hiring of an independent contractor.

500

501 3. No independent contractor shall be hired without the consent of both the City Manager and the
502 Mayor.

503

504 4. If the Mayor and the City Manager decide to hire an independent contractor, they shall place an
505 advertisement in a newspaper, interview applicants and choose an independent contractor to
506 fill the position. The department head who requested the independent contractor may
507 participate in the selection process, but the decision regarding which applicant to retain shall be
508 made by the Mayor and the City Manager.

509

510 5. All independent contractors must be hired by contract in order to ensure compliance with
511 specific protection provisions of the Fair Labor Standards Act and to protect the City from
512 potential financial liabilities. The City Manager, working with the City Attorney and with the
513 participation of the Mayor, will negotiate the terms of the contract and draft the specific terms
514 of the contract. The Mayor shall execute these contracts as required by law.

515

516 6. Each contract with an independent contractor MUST contain the following provisions:

517

518 1. All contracts must contain indemnity and liability defense provisions in which the
519 contractor assumes all liability arising out of his/her work and agrees to assume all of
520 the costs of defending any claims brought against the City as a result of the independent
521 contractor's work for the City.

522

523 2. All contractors must provide evidence of comprehensive general liability insurance,
524 including contractual liability insurance covering the contract concerned including listing

525 the City as a “named insured” where required by the City Manager, and evidence of
526 workers compensation insurance prior to the execution of the contract.

527 3. The City, City officials, employees, agents and volunteers must be names as additional
528 insured on the independent contractor’s liability insurance policy.

529
530 As a guide for department heads and other employees, the City believes that it will be beneficial to
531 describe the differences between employees and independent contractors. Employees who will be
532 working with independent contractors should understand these differences in order to appreciate the
533 reasons that independent contractors are treated differently than employees and to avoid committing
534 errors which might transform an independent contractor relationship into an employee relationship.

535
536 In general terms, an employee is one who is hired and paid a salary, a wage, or at a fixed rate, to
537 perform the employer’s work as directed by the employer and who is subject to a comparatively high
538 degree of control in performing those duties. In contrast, an independent contractor is one who is
539 engaged to do some particular project or piece of work, usually for a set total sum, who may do the job
540 in a his own way, subject to only minimal restrictions or controls and is responsible only for its
541 satisfactory completion.

542
543 A number of factors may be considered in determining whether an individual is an employee or an
544 independent contractor. No one of these factors is determinative; it is necessary to examine all of the
545 circumstances in order to determine whether an individual is an employee of an independent
546 contractor. Factors that are commonly examined are: control, opportunity for profit or loss, investment,
547 permanency and skill.

548
549 7. CONTROL

550
551 Independent contractors are largely independent of their manager’s control. The right to hire
552 helpers and the right to set one’s hours are indicative of independent contractors. Control is
553 especially helpful to determine if a person is an independent contractor when it appears that an
554 individual exerts control over a meaningful part of his/her activities and operated as a separate
555 economic agency.

556
557 8. OPPORTUNITY FOR PROFIT OR LOSS

558
559 Independent contractors have opportunities for financial profit and loss. For instance, if an
560 independent contractor completes a project, he/she will make a profit. On the other hand, if an
561 independent contractor does not complete a project or does not have a sufficient number of
562 projects at any one time, he/she will experience losses. If an alleged independent contractor has
563 no such opportunities, the individual’s status as an independent contractor must be closely
564 examined.

565
566 9. PERMANENCY

567
568 Independent contractors usually have the ability to terminate the relationship according to
569 guidelines of the contract and perform their operations elsewhere. If it is not possible for the
570 independent contractor to terminate the relationship pursuant to the contract, it is likely that
571 the individual is dependent on the organization and is therefore not an independent contractor.

572 In addition, independent contractors usually are hired to perform a specific task or project.
573 When that task or project is completed, the independent contractor's relationship with the City
574 is usually terminated.

575 10. SKILL

576
577 Routine work that requires industry and efficiency is not indicative of independence and non-
578 employee status. Operators should have the ability to initiate all major components of their
579 work, including advertising, pricing and the hiring or subcontractors necessary to complete the
580 work.

581
582 11. METHOD OF PAYMENT

583
584 An independent contractor is usually paid in one lump sum at the conclusion of the job or in a
585 number of lump sums as the work progresses. In contrast, an employee is typically paid by the
586 hour or on a salary basis.
587

588 CHAPTER 2
589 EMPLOYEE CONDUCT

590
591 Policy 2.1 EMPLOYEE CONDUCT

592
593 POLICY

594
595 Employees of North Ogden City are expected to accept and adhere to high standards of personal and
596 professional conduct at all times. This not only involves sincere respect for the rights and feelings of
597 others, but also demands that an employee refrain from behavior that might be harmful or threatening
598 to themselves, their co-workers, and/or North Ogden City, or that might negatively impact the
599 perception of the City held by current or potential residents and/or the public at large. Should an
600 employee's performance, work habits, overall attitude, behavior or demeanor become unsatisfactory in
601 the judgment of the Mayor, City Manager, or department head, an employee may be subject to
602 disciplinary action which may include termination. This provision shall not be interpreted so as to create
603 any expectation of continued employment or in any way limit or restrict the employee's at-will
604 employment status described above.

605
606 An employee of North Ogden City is expected to faithfully perform all the duties and responsibilities
607 required by his/her job description and all additional duties and responsibilities assigned by the
608 department head or supervisor in a timely manner. Should an employee fail to perform these job duties
609 and responsibilities at prescribed levels, he/she may be subject to disciplinary action which may include
610 termination. This provision shall not be interpreted so as to create any expectation of continued
611 employment or in any way limit or restrict the employee's at-will employment status described above.

612
613 1. RECEIPT OF GIFTS

- 614
615 1. The City shall adhere to the provisions of Utah Code Ann.§§10-3-1304. A copy of this
616 statute is attached as Exhibit "E".
617
618 2. In addition to this provision, City employees are prohibited from soliciting or accepting
619 any gift, gratuity, favor, entertainment, loan or any item of monetary value from any
620 person seeking to obtain or to continue business with the City, or from any person
621 within or outside City employment whose interests may be affected by the employee's
622 performance or non-performance of official duties. Non-monetary gifts of less than
623 \$50.00 per year from any one person or entity are excluded from the prohibition in this
624 paragraph.
625
626 3. City employees shall also not solicit or accept any gift, gratuity, favor, entertainment,
627 loan or other item or monetary value on behalf of their family members. For purposes
628 of this paragraph, the term "family members" includes spouses, children, grandchildren,
629 siblings, aunts, uncles, first cousins and grandparents.

630
631 2. OUTSIDE EMPLOYMENT
632

- 633 1. Employees wishing to enter into outside employment shall notify the City of this fact
634 and give all relevant information to the City using the Employee’s Notice of Outside
635 Employment form attached as Exhibit “I”.
636
- 637 2. Upon written authorization or approval of the City Manager and the department head, a
638 full-time employee may engage in outside employment. Employees whose requests for
639 approval of outside employment are denied by the City Manager may appeal that
640 decision to the Mayor.
641
- 642 3. No employee may engage in additional employment which in any manner interferes
643 with the proper and effective performance of the employee’s official duties, takes place
644 during the employee’s assigned hours of employment with the City, or results in a
645 conflict of interest, or a perceived conflict of interest.
646
- 647 4. If the City Manager and/or the Mayor, in consultation with the department head,
648 determines that an employee’s outside employment is disadvantageous to the City’s
649 interests, the employee shall terminate the outside employment upon receiving
650 reasonable notification in writing by the department head, the City Manager, or the
651 Mayor.
652
- 653 5. Public Safety employees are covered under the “Off-duty employment” Standard
654 Operating Procedures #15.
655
- 656 6. Under no circumstances shall any of the City’s equipment be utilized for outside
657 employment, for personal financial gain or for the personal financial gain or any family
658 member.
659

660 3. PRIVILEGED INFORMATION
661

- 662 1. City employees who are involved with information of significant public interest may not
663 use this privileged information for personal gain, not to benefit friends, family members
664 or acquaintances. Violation of this provision regarding use of City information for private
665 gain shall be cause for disciplinary action which may include termination. This provision
666 shall not be interpreted to create any expectation of continued employment or in any
667 way limit or restrict the employee’s at-will employment status described above.
668
- 669 2. If an employee has any interests, which could be affected by any proposed City plan or
670 activity, the employee shall disclose all of the relevant facts to his/her supervisor
671 immediately upon learning of the possibility of a conflict of interest. The report shall
672 include a description of the employee’s interest that may be affected, the proposed City
673 plan or activity that may affect the employee’s interest, and the anticipated effect on
674 the employee’s interest. Failure to make this report in a timely manner shall be cause
675 for disciplinary action which may include termination.
676
- 677 3. If any member of the public (including candidates for public office and the press)
678 requests information held by the City from an employee, the employee shall refer the
679 person to the City Manager or other person designated by the City Manager. Much of

680 the information collected and retained by the City is private, controlled or protected and
681 the City may be liable for improperly releasing that information. Under no
682 circumstances should employees, who have not been designated by the City Manager,
683 attempt to determine which information the public is entitled to and which information
684 is private, controlled or protected. Violation of this provision may be the basis of
685 disciplinary action that may include termination. This provision shall not be interpreted
686 to create any expectation of continued employment or in any way limit or restrict the
687 employee's at-will employment status described above.
688

689 4. POLITICAL ACTIVITY

690 The following restrictions apply to the political activities of non-elected City employees:

- 693 1. An employee shall not use official authority or influence for the purpose of interfering
694 with or affecting the result of an election or nomination for office.
695
- 696 2. An employee shall not directly or indirectly coerce, command or advise a state or local
697 officer or employee to pay, lend or contribute anything of value to a party, committee,
698 organization, agency or person for political purposes.
699
- 700 3. An employee shall not use City work time to campaign for political office, to campaign
701 for the election of any candidate, to campaign for the passage of any issue submitted to
702 the voters for approval or otherwise engage in political activity.
703
- 704 4. An employee shall not use his/her position with the City to intimate that the City has
705 endorsed any candidate for any local, state or federal office or has endorsed any
706 position regarding any issue, which has been submitted to the voters.
707

708 5. DRESS CODE AND APPEARANCE

709
710 As public servants, it is essential that City employees maintain high standards of personal
711 appearance while performing the public's business. Clothing should be clean and appropriate
712 for the job duties assigned. Reasonable grooming and hygiene standards should be followed.
713 Extreme or immodest styles of clothing, hair, body piercings and tattoos that draw attention to
714 the employee and detract from the dignity of the public office are prohibited. An employee
715 shall wear clothing that promotes high standards of personal and professional conduct at all
716 times
717

- 718 ~~1. An employee shall not have tattoos or piercings that are exposed that might negatively~~
719 ~~impact the perception of the City held by current or potential residents and/or the~~
720 ~~public at large.~~
- 721
722 ~~2. An employee shall wear clothing that promotes high standards of personal and~~
723 ~~professional conduct at all times.~~

724
725 6. GROUNDS FOR DISCIPLINE
726

727 1. In addition to the matters addressed elsewhere in this Policy and in this Personnel Policy
728 Manual, the following are some, but not necessarily all, of the causes justifying
729 discipline or dismissal:

- 730
- 731 1. Falsification of City records.
 - 732
 - 733 2. Knowingly marking the time slip of another employee, authorizing one's time
734 slip to be marked by another employee, unauthorized alteration of a time slip or
735 deliberately turning in a false time slip.
 - 736
 - 737 3. With the exception of police officers, having weapons or explosives in City-
738 owned vehicles **is not permitted.** ~~unless such possession is in conformity with a~~
739 ~~valid and current concealed weapons permit.~~
 - 740
 - 741 4. Carelessness that affects the safety of others.
 - 742
 - 743 5. Threatening, intimidating, coercing or interfering with others while in the course
744 of employment.
 - 745
 - 746 6. Theft, removal or the unofficial use of City property or property of any
747 employee.
 - 748
 - 749 7. Gambling or engaging in a lottery at any City work area while on duty or during
750 work hours.
 - 751
 - 752 8. Misusing, destroying or damaging any City property or the property of another.
 - 753
 - 754 9. Deliberately restricting or slowing work or output.
 - 755
 - 756 10. Drinking any alcoholic beverage or taking or using any illegal drug during work
757 hours or while on duty.
 - 758
 - 759 11. Taking any drug or medication while on duty which impairs the employee's
760 judgment, regardless of whether the employee has a prescription for the drug
761 or medication.
 - 762
 - 763 12. Refusing to submit to drug testing.
 - 764
 - 765 13. Immoral conduct or indecency while on the job.
 - 766
 - 767 14. Unauthorized sleeping on the job during working hours.
 - 768
 - 769 15. Incompetence.
 - 770
 - 771 16. Inability or unwillingness to work with or get along with other employees.
 - 772
 - 773 17. Inability or unwillingness to interact acceptably with the public.

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18. Conviction of any felony.
 19. Conviction of any misdemeanor involving violence, use of alcoholic beverages, driving under the influence, or use of illegal drugs.
 20. Unauthorized interference or participation in the City's personnel decisions or relations, including unauthorized interference or participation in hiring procedures or disciplinary procedures involving other employees.
 21. Conducting unauthorized investigations into City affairs or matters.
 22. Rudeness or intimidation of others, regardless of whether the others are members of the public or other City employees.
 23. Taking and maintain outside employment which interferes with the employee's performance of his/her duties for the City or which creates a conflict of interest for the employee.
 24. Using the City's information for personal gain, or to provide gains for friends, family members or acquaintances.
 25. Releasing City information without authorization.
 26. Engaging in political activities while on duty and/or with City equipment in violation of Policy 2.1.
 27. Committing acts of sexual harassment which may be reasonably construed as creating or contributing to a hostile work environment.
 28. Conditioning any benefit of employment or intimating that any benefit of employment (including continuation of employment) on an employee's participation in, or toleration of, unwanted or unwelcome sexual advances.
 29. Committing any act of discrimination on the basis of another person's race, national origin, color, gender, sexual orientation, age, religion, disability, veteran's status regardless of whether the other person is another employee or a member of the public.
 30. Committing any act which may reasonably be construed as a denial of, or interference with, the civil rights of another person.
 31. Any violation of the City's drug-free workplace rules described in Policy 2.3.
 32. Any violation of the City's Internet policy.
 33. Any violation of the City's Cellular Phone policy.

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- 34. Any misuse of a City computer, copy machine, etc...
- 35. Any other action that may be detrimental to the City as determined by the City Council, Mayor and City Manager.

This provision shall not be interpreted to create any expectation of continued employment or in any way limit or restrict the employee's at-will employment status described above.

830 Policy 2.2 EMPLOYEE DISCIPLINE

831

832 POLICY

833

834 Employees of North Ogden are expected to adhere to high standards of personal and professional
835 conduct at all times. Employees who cannot or will not adhere to those standards may be subject to
836 discipline up to and including termination of employment. This provision shall not be interpreted to
837 create any expectation of continued employment or in any way limit or restrict the employee's at-will
838 employment status described above.

839

840 1. GENERAL POLICY

841

842 1. Although the City will usually use progressive discipline, it is not required to do so and
843 nothing in this policy or in this Personnel Policies and Procedures Manual shall be
844 construed as a guarantee or a contract that the City will follow any particular order of
845 discipline or that any particular form of discipline will proceed any other form of
846 discipline.

847

848 2. VERBAL WARNING

849

850 1. Whenever grounds for disciplinary action exist, and the supervisor determines that
851 more severe action is not immediately necessary, the supervisor shall verbally
852 communicate to the employee the supervisor's observation of the deficiency
853 demonstrated at the time of the action.

854

855 2. In addition to communicating with the employee at the time of the action, the
856 supervisor shall document the verbal warning in the employee's records and shall notify
857 the City Manager of the warning as soon as possible after the warning is given.

858

859 3. The City Manager may request that the supervisor provide him/her with documentation
860 regarding the verbal warning for inclusion in the employee's personnel file.

861

862 4. Whenever possible, sufficient time as determined by the Department Head, but no
863 longer than six (6) months, for improvement after a verbal warning should precede
864 disciplinary action by reprimand, suspension, demotion or dismissal.

865

866 3. REPRIMAND

867

868 1. A department head or supervisor may, after consultation with the City Manager,
869 reprimand an employee. Such reprimand shall be in writing and be addressed to the
870 employee and shall state the reason for the reprimand. The department head shall use
871 the form for reprimand attached hereto as Exhibit "G".

872

873 2. The employee shall be asked to sign the reprimand to verify that he has received it. The
874 employee's signature on the reprimand does not signify that the employee agrees with
875 the reprimand.

876

877 3. A signed copy of the reprimand shall be delivered to the City Manager for inclusion in
878 the employee's personnel file.

879
880 4. SUSPENSION

881
882 1. A department head, with the concurrence of the City Manager, may suspend without
883 pay an employee for up to, but not exceeding: 1) 40 consecutive work hours and 2) 43
884 hours for police officers.

885
886 2. On or before the effective date of the suspension, the City Manager and the employee
887 shall be furnished with a written copy of the department head's statement setting forth
888 the reasons for the suspension. The statement shall be in the format attached as Exhibit
889 "H".

890
891 3. Upon receipt of a written statement of suspension the employee may appeal as
892 provided in Policy Section 3.1.

893
894 4. An employee suspended for disciplinary reasons shall continue to receive City
895 contributions to retirement, health, dental and disability and life insurance programs.
896 However, the employee shall pay his/her portion of benefits to continue coverage
897 through the period of suspension.

898
899 5. DEMOTION

900
901 1. A department head may, with the approval of the City Manager, demote or transfer any
902 employee in the department for either the good of the City or as a disciplinary measure.
903 The department head shall notify the employee of the demotion using the form
904 attached as Exhibit "I".

905
906 ~~2. Full-time employees, not excluded under Utah Code Ann. §10-3-1105, have the right to~~
907 ~~appeal their demotion to the Appeals Board and City Council as more particularly~~
908 ~~described in Utah Code Ann. §10-3-1106.~~

909
910 2. An employee (with the exception of an employee on probationary status) who is
911 demoted, transferred or reduced in grade, shall have the right to appeal as provided in
912 Policy Section 3.1.

913
914 6. DISMISSAL

915
916 1. A department head may, with the concurrence of the City Manager and the approval of
917 the Mayor, dismiss any full-time employee in the department by delivering a written
918 statement of reasons to the employee concerned. The employee shall receive written
919 notice of the termination as provided in Exhibit "J".

920
921 2. Upon receipt of such written statement of dismissal, the employee may appeal as
922 provided in Policy 3.1. In any such case a hearing shall be held that allows the employee

923 to respond to the stated reasons for his/her dismissal and provide related information
924 before the dismissal takes place.

925
926 ~~3. Full-time employees, not excluded under Utah Code Ann. §10-3-1105, have the right to~~
927 ~~appeal their dismissal to the Appeals Board and City Council as more particularly~~
928 ~~described in Utah Code Ann. §10-3-1106.~~

929 2. An employee (with the exception of an employee on probationary status) who is
930 demoted, transferred or reduced in grade, shall have the right to appeal as provided in
931 Policy Section 3.1.

932
933 4. If the employee elects not to appeal, the employee shall have a separation interview
934 with the City Manager.

935
936 7. ORDER OF DISCIPLINE

937
938 1. A department head or supervisor may impose the forms of disciplinary action described
939 above either separately or in combination with other such disciplinary action. No form
940 of disciplinary action is a necessary prerequisite to the imposition of any other form of
941 disciplinary action.

942

943 Policy 2.3 SUBSTANCE ABUSE AND DRUG FREE WORKPLACE

944

945 POLICY STATEMENT

946

947 The City believes that a healthy and productive work force, safe-working conditions free from the effects
948 of drugs and alcohol, and maintenance of the quality of services rendered by the City is important. The
949 abuse of drugs and alcohol creates a variety of workplace problems, including increased injuries on the
950 job, increased absenteeism, increased workplace theft, decreased employee morale, decreased
951 productivity and a decline in the quality of products and services.

952

953 Therefore, the City hereby adopts this Policy for testing employees and prospective employees as
954 related to drugs and alcohol in the workplace. All employees are to sign that they acknowledge,
955 understand and agree to abide by North Ogden City's Drug and Alcohol Testing Policy (Exhibit "K").

956

957 1. DRUG AND ALCOHOL TESTING POLICY DEFINITIONS

958

959 For the purposes of this policy:

960

961 1. "Alcohol" means alcoholic beverages and any other intoxicating substance.

962

963 2. "Drugs" used in this policy refer to and include all drugs, paraphernalia, controlled
964 substances, and mood or mind altering inhalants, any of which were not prescribed by a
965 license physician/dentist in the United States for the person taking or in possession of
966 the drug or substance, or which have not been used as prescribed or directed.

967

968 3. "Drug paraphernalia" means objects used to manufacture, compound, convert,
969 produce, process, prepare, test, analyze, pack, store, contain, and/or inject, ingest,
970 inhale or otherwise introduce a drug into the human body.

971

972 4. "Employee" means any person in the service of the City whether for compensation or as
973 a volunteer.

974

975 5. "Prospective employee" means any person who has made application for employment
976 with the City and to whom the City has offered employment, conditional upon the
977 results of a drug and alcohol test.

978

979 6. "Conviction" means a finding of guilt (including a plea of nolo contendere) or imposition
980 of sentence, or both, by any judicial body charged with the responsibility to determine
981 violations of the federal or state criminal statutes.

982

983 7. "Criminal Drug Statute" means a federal or state criminal statute involving the
984 manufacture, distribution, dispensing, possession or use of any controlled substance.

985

986 8. "MRO" means Medical Review Officer, charged with reviewing and interpreting test
987 results and determining any alternate medical explanation.

988

989 9. "Drug Policy Coordinator" is the City employee specifically designed to administer the
990 Drug and Alcohol Testing Policy and through whom any procedures or disciplinary or
991 rehabilitative action regarding this policy, must be reviewed and approved. The Drug
992 Policy Coordinator is the City Manger or other person designated by the City Manager.
993

994 10. "CDL – Commercial Driver's License" is the license required to operate a commercial
995 vehicle.
996

997 2. TESTING POLICY
998

999 It is the policy of the City to test employees and prospective employees for the presence of drugs or
1000 alcohol, according to the provisions set forth below, as a condition of hire or continued employment.
1001 Any employee or prospective employee failing or refusing to take the test will not be eligible for
1002 employment, or if employed, shall be subject to termination. The City shall consider as negative all
1003 confirmed positive drug and alcohol test results with a medically sufficient explanation. This provision
1004 shall not be interpreted to create any expectation of continued employment or in any way limit or
1005 restrict the employee's at-will employment status described above.
1006

1007 1. The City shall require the testing of employees and prospective employees, including
1008 management, on a periodic basis, under the following circumstances and purposes:
1009

1010 1. Pre-Employment Test. Offers of employment shall be made conditional upon
1011 submission to a drug or alcohol test. All prospective employees shall be tested
1012 for drug or alcohol usage prior to being placed for employment. All job
1013 applicants shall be informed of this policy at the pre-employment interviews. A
1014 copy of this policy shall be available for review by all job applicants. All
1015 prospective employees shall be required, prior to being hired by the City, to
1016 sign the acknowledgement form, agreeing to abide by the terms of this policy.
1017 The City will exclude from employment any job applicant or prospective
1018 employee who refuses to abide by the terms of this policy. Any prospective
1019 employee whose pre-employment drug and alcohol test results in a confirmed
1020 positive and who does not have a medically sufficient explanation (as
1021 determined in the sole, but reasonable, discretion of the MRO), may reapply for
1022 employment with the City after six months from the date of such test. If the City
1023 hires a prospective employee, he or she must have first successfully passed the
1024 above-references pre-employment drug and alcohol test, and thereafter he or
1025 she will be subject to all the procedures and requirements for drug and alcohol
1026 testing as set forth in this policy.
1027

1028 In addition, any employee who has taken an extended leave of absence of six
1029 months or longer must be retested under this section before returning to work.
1030

1031 2. Reasonable Suspicion (For Cause) Testing. Certain supervisors shall be trained to
1032 look for behaviors, which may indicate drug or alcohol usage. These behaviors
1033 include, but are not limited to: direct observation of drug or alcohol used, drug
1034 paraphernalia, abnormal or erratic behaviors such as accidents, stealing, or
1035 repeated errors on the job, or unsatisfactory time and attendance patterns, any

1036 of which are coupled with specific contemporaneous events that indicate
1037 probable drug or alcohol use. An employee will be required to provide a urine
1038 sample, as defined below, when such reasonable suspicion arises and at least
1039 one supervisor or manager, and the designated Drug Policy Coordinator, concur
1040 that a reasonable suspicion of drug or alcohol use exists. The decision to test for
1041 drug or alcohol use by an employee is based on specific contemporaneous,
1042 physical, behavioral, and/or performance indicators. Once the authorized
1043 supervisor has determined that a reasonable suspicion exists, and after consent
1044 of the City Manager testing is to be done immediately.

1045
1046 3. Return to Duty Testing. If the City returns to duty an employee after he/she has
1047 voluntarily sought rehabilitation for drug or alcohol abuse and has successfully
1048 completed rehabilitation, such employee shall be entered into a program of
1049 unannounced drug and alcohol testing for a predetermined period of time at
1050 the sole discretion of the City.

1051
1052 4. Post-Accident Testing. Post accident testing will be conducted on employees
1053 whose performance either contributed to an accident, or cannot be completely
1054 discounted as contributing to the accident. Such testing will occur as soon as
1055 possible, but not later than twelve hours after an accident has occurred. The
1056 immediate supervisor and the department head of such employee, in
1057 association with the Drug Policy Coordinator, shall determine of the
1058 performance of that employee either contributed to the accident or cannot be
1059 completely discounted as a contributing factor.

1060
1061 5. Random Testing. The City reserves the right to implement a random drug and
1062 alcohol testing program consistent with applicable federal, state and local law,
1063 for the purpose of maintaining safety and as a deterrent to drug and alcohol
1064 abuse.

1065
1066 2. Employees who are required to hold a Commercial Driver’s License (CDL) and drive
1067 commercial vehicles as a condition of employment may be tested as required by federal
1068 and/or state law.

1069
1070 3. Any drug or alcohol testing shall occur during or immediately after the regular work
1071 period of current employees and shall be deemed work time for purposes of
1072 compensation and benefits for current employees.

1073
1074 4. Individuals will be tested on City premises or sent to an outside clinic or testing facility
1075 licensed to perform such tests. If an employee is sent to an outside clinic for a
1076 “Reasonable Suspicion” test, the employee must be driven to the facility by the
1077 supervisor or his/her designee. The employee must then be put on administrative leave
1078 until the results of the test are available. The supervisor must make arrangements or
1079 help the employee make arrangements to get home without driving him/herself.

1080
1081 5. The City shall pay all costs of testing and transportation associated with a test required
1082 by the City.

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6. All sample collection and testing shall be performed under the following conditions:
 1. The collection of samples shall be performed under reasonable and sanitary conditions.
 2. Samples shall be collected and tested with due regard to the privacy of the individual being tested, and in a manner reasonable calculated to prevent substitutions or interference with the collection or testing of reliable samples.
 3. The collection of samples shall be documented, and the documentation procedures shall include labeling of samples, to reasonable preclude the probability of erroneous identification of test results. An opportunity shall be provided for the employee or prospective employee to provide notification of any information that he or she considers to be relevant to the test, including identification of currently or recently used prescriptions or non-prescription drugs or other relevant medical information.
 4. Sample collection, storage and transportation to the place of testing shall be performed in a manner that reasonable precludes the probability of samples misidentification, contamination or adulteration.
 5. Sample testing shall conform to scientifically accepted analytical methods and procedures.
 6. Testing shall include verification or confirmation of any positive initial screening test by gas chromatography, gas chromatography-mass spectroscopy, or other comparably reliable method.
 7. In the case of urine testing, an employee or prospective employee will submit a split urine sample. A split urine sample shall consist of at least 45 ml of urine. The urine shall be divided into two specimen bottles, with at least 30 ml of urine in one bottle and at least 15 ml of urine in the other. If the test results of the 30 ml urine sample indicate the presence of drugs, the donor of the test shall have 72 hours from the time he is so notified to request at his options that the 15 ml urine sample be tested for the indicated drugs, the expense of which shall be divided equally between the donor and the City. The test results of both samples may be considered at any subsequent disciplinary hearing.
 8. 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.
 1. **City Action** Upon receipt of a verified or confirmed positive drug or alcohol test result, which indicated a violation of this policy (and in the case of urine testing after providing the employee or prospective employee notice of the result of the initial test and the option to have the 15 ml urine sample tested), or upon the refusal of any employee or

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prospective employee to provide a sample, the City may use that test result or refusal as the basis for disciplinary or rehabilitative actions, which may include, but not be limited to the following:

1. Termination of employment.
2. Refusal to hire a prospective employee.
3. Any other disciplinary measures in conformance with the City's practices, policies or procedures.

2. **Confidentiality** The information received from the drug testing results shall be the property of the City. Test results information may be released to the person who has been tested upon written request.

3. **Work Place Rules**

1. Employees who possess, dispense, manufacture or distribute alcohol, drugs or drug paraphernalia on City premises or on City time may be subject to disciplinary action, including termination.
2. Employees undergoing prescribed medical treatment with a drug that may alter physical or mental abilities must report that to their supervisor.
3. Any employee convicted of violating a criminal drug statute must notify the City Manager within five (5) days of conviction. The City may take appropriate disciplinary or rehabilitative actions as a consequence.
4. No employee may use of be under the influence of drugs or alcohol on the City's premises, in the City's vehicles, or any time the employee is representing the City on City business, except in cases involving a current prescription prescribed in the United States, or over-the-counter drug, taken as prescribed or directed.

4. **Miscellaneous**

1. A copy of the City's Drug and Alcohol Testing Policy shall be distributed to and posted for all employees, and all employees shall be required to acknowledge receiving, reading and acknowledging the policy. Copies shall be made available to prospective employees.

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2. This policy applies to management, City Council, volunteers as well as other employees.

3. Employees wishing assistance with overcoming drug or alcohol abuse may contact their supervisor or the Drug Policy Coordinator for information about counseling and rehabilitation programs including, but not limited to the North Ogden City Employee Assistance Program.

5. **Acknowledgment of Policy** The City shall require each employee to read this policy and sign a form, acknowledging that they have received and read a copy of this policy and agree to abide by its terms as a condition of continued employment. The signed acknowledgment shall be kept in each employee's personnel file.

6. **Drug and Alcohol Policy Not a Contract** This Drug and Alcohol Testing Policy is the unilateral action of the City and does not constitute an expressed or implied contract with any person affected by or subject to the policy. Neither this policy nor any action taken pursuant to this policy assures or guarantees employment or any terms of employment to any person for any period of time. The City may alter, terminate or make exceptions to this policy at any time, at the City's sole discretion.

This provision shall not be interpreted to create any expectation of continued employment or in any way limit or restrict the employee's at-will employment status described above.

1202 Policy 2.4 SMOKING POLICY

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1204 POLICY

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1206 Employees that smoke shall comply with the provisions of the "Utah Indoor Clean Air Act." This act
1207 prohibits the possession of lighted tobacco products in enclosed indoor places of public access and
1208 publicly owned buildings and offices, in any City vehicle or within 25 feet of any public building
1209 entrances, exits, air intakes or windows.

1210

1211 Employees that smoke shall comply with the provisions of the Weber-Morgan Health Department
1212 comprehensive secondhand smoke (SHS) regulation. This regulation prohibits smoking in any outdoor
1213 gathering place owned by the City that is open to the general public.

1214

1215 Policy 2.5 SEXUAL HARASSMENT

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1217 POLICY

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1219 All employees of the City have the legal right (Title VII of the Civil Rights Act of 1964) to work in an
1220 environment free from sexual harassment. In addition, all individuals making application for
1221 employment with the City have the right to expect an environment free from sexual harassment.

1222

1223 Sexual harassment is an unlawful activity, which violates City policy and is prohibited as a form of sex
1224 discrimination. It is unacceptable behavior that will not be tolerated at any level. Any employee who
1225 engages in any form of sexual harassment shall be subject to disciplinary action.

1226

1227 1. DEFINITIONS

1228

1229 Sexual harassment, according to the federal Equal Employment Opportunity Commission
1230 (EEOC), consists of unwelcome sexual advances, requests for sexual favors, or other verbal or
1231 physical acts of a sexual nature or sex based nature where:

1232

1233 1. Submission to such conduct is made either explicitly or implicitly a term of condition of
1234 an individual’s employment.

1235

1236 2. An employment decision is based on an individual’s acceptance or rejection of such
1237 conduct.

1238

1239 3. Such conduct interferes with an individual’s work performance or creates an objectively
1240 intimidating, hostile or offensive work environment.

1241

1242 It is also unlawful to retaliate or take reprisal in any way against anyone who has filed a
1243 complaint about sexual harassment or sexual discrimination.

1244

1245 The City and its supervisors, employees and agents are under a duty to investigate or eradicate
1246 any form of sexual harassment, sex discrimination or complaints about such conduct. In addition
1247 to prohibiting sexual harassment by its employees, the City will not tolerate sexual harassment
1248 towards its employees by its citizens, contractors and/or vendors.

1249

1250 The City’s management is committed to vigorously enforcing this prohibition of Sexual
1251 Harassment at all levels of the organization. This prohibition against Sexual Harassment is in
1252 effect at all time and in all places.

1253

1254 2. STATEMENT OF PENALTIES FOR MISCONDUCT

1255

1256 An employee’s commission of acts of sexual harassment and/or retaliation will result in
1257 disciplinary procedures. Discipline shall depend on the nature or severity of the misconduct. All
1258 records concerning sexual harassment complaints or the results of sexual harassment discipline
1259 actions shall be maintained and stored as protected files. This provision shall not be interpreted
1260 to create any expectation of continued employment or in any way limit or restrict the
1261 employee’s at-will employment status described above.

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3. REPORTING VIOLATIONS OF SEXUAL HARASSMENT

Employees are encouraged to report violations of the City’s Sexual Harassment Policy when they first feel they have been sexually harassed. The following procedure will guide the investigation of sexual harassment claims:

1. Employees shall file a sexual harassment complaint in writing with one of the following individuals:
 1. Immediate Supervisor
 2. Department Heads
 3. Human Resources Director
 4. City Attorney
 5. City Manager
 6. Mayor
 7. Members of the City Council
2. Complaints will be handled in a confidential manner.

4. INVESTIGATION

1. The City will promptly conduct a thorough investigation of the alleged sexual 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 grievance will be informed of the need to preserve the confidentiality of the information they receive.
2. Any employee of the City who is accused of sexual harassment shall not question, coerce, intimidate or retaliate in any way against the employee who has filed a complaint of sexual harassment or against employees that have provided information concerning the complaint while the investigation is being conducted.
3. All employees shall fully cooperate in any investigation of sexual harassment or retaliation. Disciplinary action up to and including termination will be taken against any employee that obstructs or does not fully cooperate with any investigation of sexual harassment or retaliation. This provision shall not be interpreted to create any expectation of continued employment of in any way limit or restrict the employee’s at-will employment status described above.

5. EDUCATION AND TRAINING

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1. As part of the City’s employment orientation, new employees will be given a copy of the City’s Personnel Policies, including the Sexual Harassment Policy and sign a statement that they have received both of these documents. The City will strive at least annually to provide employees with training about the City’s Sexual Harassment Policy and report procedures. The City shall post notices and inform employees about the law and reporting procedures.
 2. Annual meetings with all City-elected officials, department heads, supervisors, and related personnel of the City will be held to familiarize management with the contents of this policy and to further inform them of their specific and individual responsibilities.
 3. All levels of management within the City organization are responsible for proper implementation of this program as outlined herein. Work performance of all levels of management shall be evaluated on the basis of the activity in promoting and insuring compliance with rules and regulations related to the implementation of such programs.

1327 Policy 2.6 INTERNET AND COMPUTER USAGE POLICY

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1329 1. COMPUTER/NETWORK/INTERNET/EMAIL ACCEPTABLE USE POLICY AND AGREEMENT

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1331 Electronic Information Resources

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1333 1. INTERNET

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1335 Electronic information resources are available to elected and appointed officials
1336 and employees of North Ogden City. These resources include access to the City’s
1337 computers, Local Area Networks, Wide Area Network, Internet services and e-
1338 mail. Our goal in providing electronic service is to promote efficiency and
1339 excellence in the workplace by facilitating resource sharing, innovation,
1340 communication and collaboration.

1341
1342 2. SCOPE

1343
1344 Internet access and e-mail have become critical components of efficient
1345 operations. With access to computers and people all over the world comes the
1346 availability of materials that may be considered to be inappropriate, illegal or
1347 obscene or of no professional or business value. On a global network it is
1348 extremely difficult to control all materials. However, North Ogden City has taken
1349 precautions to restrict access to inappropriate materials. North Ogden City’s
1350 access to/from the Internet is being filtered and monitored. Users who access or
1351 attempt to access inappropriate or illegal Internet sites or who send
1352 inappropriate or illegal e-mail will be subject to discipline, including the
1353 possibility of termination. This provision shall not be interpreted to create any
1354 expectation of continued employment or in any way limit or restrict the
1355 employee’s at-will employment status described above.

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1. The smooth operation of the network relies upon the proper conduct of the end-users that must adhere to strict guidelines, rules and regulations. Such are provided so that you are aware of the responsibilities you are about to accept. In general, your responsibilities necessitate efficient, ethical and legal utilization of the networks resources.

3. TERMS AND CONDITIONS OF THIS AGREEMENT

The signature at the end of this Acceptable Use Agreement is legally binding. The signature also indicates the party has carefully read and understood the terms and conditions of appropriate use, and agrees to abide "Exhibit L".

1. Privileges: The use of electronic information resources is a privilege, not a right. Inappropriate use of these resources may result in disciplinary action (including the possibility of termination), and/or referral to legal authorities. Your supervisor or system administrator may limit, suspend or revoke Local and Wide Area Service and/or Internet access and/or e-mail.
2. Acceptable Use: The use of an assigned account (user login) must be in support of city business, research and/or within the personal employment goals, roles, responsibilities and objectives of the City. Each user is responsible for this provision when using the electronic information service. Reasonable personal use of electronic resources is authorized. Personal use includes non-commercial research, education and communication.
 1. Transmission, receipt, creation or storing of any inappropriate material in violation of law or City policy is prohibited. This includes, but is not limited to: copyrighted materials, threatening or obscene materials, materials protected by trade secrets, the design or detailed information pertaining to explosive devices, criminal activities or terrorist acts, sexism or sexual harassment, pornography, gambling, illegal solicitation, racism, inappropriate language, or political lobbying. Illegal or inappropriate activities, or activities of any kind that do not conform to the rules, regulations and policies of North Ogden City, are forbidden.
 2. It is advised not to reveal personal information, such as: home address, phone numbers, password, credit card numbers or social security number; this also applies to others personal information or that of organizations.

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- 3. No software from any source may be loaded onto the City's computers without first being virus checked and approved by the system administrators.

- 4. Network Etiquette: Each account holder is expected to abide by the generally accepted rules of user etiquette. These rules include, but are not limited to the following:
 - 1. Be polite. Never send or encourage others to send abusive messages. Use appropriate language. Always act properly as a City representative.

 - 2. Use electronic mail appropriately. No sales, advertisements or solicitations, etc...

- 5. Rights and ownership: North Ogden City owns all computer equipment and data lines in its facilities. As owners of these electronic media, North Ogden City owns all data stored, created, transmitted and received on these systems and media and reserves the right to monitor and inspect electronic activity on these systems and media.
 - 1. Vandalism: Vandalism is defined as any malicious attempt to harm or destroy property of the user, another user of any agencies or networks that are connected to the network, or the Internet system. Vandalism also includes, but is not limited to deletion of necessary data, abusive overloading of data on the server, or the uploading, downloading or creation of computer viruses.

 - 2. Security: Security on any computer system is a high priority because there are multiple users. Do not use another individual's account or log on to the system as the system administrator. If you identify a security problem, notify a system administrator at once.

4. USER SIGNATURE OF AGREEMENT

I agree to abide by this policy and I understand any violations of the above provisions may result in the loss of privileges including employment. I agree to report any misuse of the electronic information resources to a system administrator.

I have read this agreement and understand that Internet sites are filtered and that my computer Internet and e-mail use is being monitored. I hereby agree to comply with the above-described conditions of acceptable use.

User name (print)_____

1448 User signature _____

1449

1450

1451 Date _____

1452

1453 2. ELECTRONIC MAIL AND ELECTRONIC DOCUMENTS RETENTION

1454

1455 1. Purpose

1456

1457 Ensure that e-mail and electronic documents are maintained in accordance with
1458 the Utah Government Records Access and Management Act (GRAMA).

1459 Electronic documents and e-mail created or received on City owned computers
1460 or sent over City-run networks are the property of the City. As a conditions of
1461 employment and in the interests of furthering good order and discipline among
1462 City employees, employees may not have any expectation of e-mail privacy and
1463 must accordingly limit any personal or inappropriate use of e-mail. A claim of an
1464 express or implied expectation of privacy shall not be considered a defense
1465 against a claim of invasion of privacy or illegal or unauthorized search of e-mail
1466 data in any form.

1467

1468 2. E-mail Retention and Deletion Policy

1469

1470 To ensure that important information is not lost because of improper deletion
1471 or management of e-mail correspondence, North Ogden City employees are
1472 directed to adhere to the following e-mail use guidelines. Broadly speaking, e-
1473 mails fall into three main categories: 1) those that may be deleted; 2) those that
1474 must be saved for future reference or public/media access; and 3) confidential
1475 information.

1476

1477 1. E-mail that must be saved: Program, policy or decision making
1478 correspondence. Business related messages that provide substantive
1479 information about City functions, policies, procedures, or programs
1480 must be saved. These e-mails document the discussions and decision
1481 made regarding City interests. *Note: the sender and direct recipient of
1482 program, policy or decision-making e-mail are responsible for retaining
1483 the document.

1484

1485 2. Confidential Information: Generally speaking, confidential information
1486 should not be transmitted electronically.

1487

1488 3. E-mail that may be deleted: All e-mail not falling into the above
1489 categories may be deleted when the user's need for the e-mail has
1490 expired. Examples of e-mail messages that may be deleted at the
1491 discretion of the custodian, generator or recipient of a particular e-mail
1492 are:

- 1493 - Personal e-mail.
- 1494 - Routine correspondence.

1495 - Meeting agendas, broad e-mail pronouncements, and e-
1496 mails on which you are cc'd, if you have no further use
1497 for them.

1498
1499 4. Attachment Policy: You are required to keep a copy of any attachments
1500 you send (e.g. Word, Excel or PowerPoint files) if they fall under the
1501 category of 'E-mail that must be saved'.

1502
1503 5. Responsibility of the Sender: Primary responsibility of retention of
1504 important e-mail rests with the sender.

1505
1506 6. Responsibility of the recipient: If you are the direct recipient (not cc'd)
1507 of e-mail containing policy, program or decision-making information,
1508 you must save the e-mail.

1509
1510 3. Electronic Documents Policy

1511
1512 All electronic documents produced by City employees are the property of the City and
1513 must not be deleted. All documents created in the course of City business that fall under
1514 the category of program, policy or decision-making should be retained according to
1515 GRAMA and appropriate City guidelines.

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CHAPTER 3
GRIEVANCES AND APPEALS

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1565 Policy 3.1 EMPLOYEE GRIEVANCES AND APPEALS

1566
1567 POLICY

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1569 Any employee, who is aggrieved by any action which is related to working conditions, relationships, City
1570 rules or regulations and which cannot be resolved through informal discussions with the employee's
1571 immediate supervisor, may file a written grievance under the provisions of this policy.

1572
1573 1. TIME FOR FILING A GRIEVANCE

1574
1575 1. An employee must file a written grievance within ten (10) business days after the
1576 occurrence of the action in question. This ten (10) business days limitation may be
1577 waived if, through no fault of the employee, he/she was unaware of the action before
1578 the time limit expired, provided that the employee must file a written grievance within
1579 ten (10) business days of learning of the action.

1580
1581 2. GRIEVANCE AND APPEAL – GENERAL PROVISIONS

1582
1583 1. Among other matters, employees may bring grievances arising out of the following
1584 matters: employee-supervisor relationships, duty assignments not affecting job
1585 classification, shift and job location assignments, hours worked, working facilities and
1586 conditions, policies for granting leave, disciplinary actions and similar matters. These
1587 grievance and appeal provisions shall not be interpreted to create any expectation of
1588 continued employment or in any way limit or restrict the employee's at-will
1589 employment status described above.

1590
1591 2. The employee, filing the grievance, may spend a reasonable amount of his/her working
1592 hours to investigate and process a grievance.

1593
1594 3. If an employee's grievance is denied, the employee must appeal the denial within the
1595 time stated in this policy or any other applicable policy. Failure by the employee to
1596 appeal a denial at any point in the grievance process shall be deemed to be an
1597 acceptance of the decision and the grievance shall be considered completed.

1598
1599 4. Only the grievance originally presented shall be considered on appeal as the process
1600 progresses. If an employee wishes to change the allegations of the grievance, the
1601 employee should present a new grievance. To insure this limitation, a copy of the
1602 original grievance shall be filed with the City Manager and the Human Resource
1603 Director.

1604
1605 5. Similar grievances brought by separate employees may, at the discretion of the City
1606 Manager, be consolidated and processed together.

1607
1608 6. Every effort shall be made by the involved parties to resolve grievances at the lowest
1609 possible level.

1610

1611 7. Failure by management to render a decision within the allotted time at any step
1612 constitutes denial, and the employee may proceed to the next step.
1613

1614 3. GRIEVANCE PROCEDURE
1615

1616 If a formal grievance is filed, it shall be filed and processed in the following manner, except that time
1617 limits may be waived or extended by written mutual consent of both parties.
1618

1619 1. Within ten (10) business days after the occurrence of the incident in question, the
1620 employee shall present a written grievance to the department head or immediate
1621 supervisor, with a copy to the City Manager and the Human Resources Director. The
1622 employee shall use the City's Grievance Form attached as Exhibit "M". If the cause of
1623 the grievance occurs at a higher level (i.e. the City Manager), the grievance shall be filed
1624 at that level.
1625

1626 2. The grievance must be in writing and shall state the circumstances giving rise to the
1627 grievance, including a) the name of the employee filing the grievance, b) what happened
1628 to cause the grievance, c) when the events occurred, d) where the events occurred, and
1629 e) what adjustment is requested. The grievance must be signed by the employee filing
1630 the grievance. An employee grievance form is attached as Exhibit "M".
1631

1632 3. A written decision shall be given to the employee from the department head (or other
1633 official with whom the grievance was filed) with a copy sent to the City Manager within
1634 ten (10) business days of the date of filing. If the grievance remains unresolved or the
1635 employee considers the decision unacceptable, the employee may appeal as provided
1636 in the next paragraph.
1637

1638 4. Within ten (10) business days after the receipt of the decision described in the
1639 preceding paragraph, or within ten (10) business days of the time the decision is due,
1640 the employee may appeal the decision to the City Manager. If the City Manager made
1641 the decision, which the employee is appealing, the employee shall appeal the decision
1642 directly to the Mayor as described in Section 56 paragraphs 6 and 7. The appeal shall be
1643 in writing and shall include a copy of the original grievance and either a copy of the
1644 decision by the department head or a statement that the department head has not
1645 responded to the grievance within the required time.
1646

1647 5. The City Manager shall schedule a conference with the employee and department head
1648 within five (5) business days after the receipt of the appeal. Within five (5) business
1649 days after the conference, the City Manager shall deliver a copy of his written decision
1650 to the employee and the department head. If the grievance remains unresolved or the
1651 employee considers the decision unacceptable, the employee may appeal to the Mayor
1652 as described in Section 56 paragraphs 6 and 7.
1653

1654 6. Within five (5) business day after the receipt of the decision described in Section 56
1655 paragraph 5 or within five (5) business days after the decision is due, the employee may
1656 appeal the decision by presenting a written appeal to the City Recorder who shall
1657 deliver the grievance to the Mayor. The appeal shall be in writing and shall contain a

1658 copy of the original grievance and either a copy of each decision appealed from or a
1659 statement that the authorities charged with responding to the grievance or
1660 intermediate appeal have failed to respond within the time limits set in this policy.
1661

- 1662 7. The Mayor shall, within fifteen (15) business days of receipt of the grievance, schedule a
1663 conference with the employee and the City Manager to consider the grievance. Within
1664 five (5) business days after the conference, the Mayor shall deliver a copy of this written
1665 decision to the employee, City Manager and the department head. The decision of the
1666 Mayor shall be final and binding unless the employee is entitled to appeal the decision
1667 to the Appeals Board created in Utah Code Ann. § 10-3-1106 or the employee is entitled
1668 to legal redress under applicable law.
1669

1670 4. PROCEDURE UPON TRANSFER OR DISCHARGE
1671

- 1672 1. If a formal grievance is filed because an employee is transferred or discharged, the
1673 procedures outlined in this policy shall be followed. If the grievance remains unresolved
1674 or the employee considers the decision unacceptable, and the employee is not excluded
1675 from appealing to the Appeals Board pursuant to Utah Code Ann. § 10-3-1105, the
1676 employee may use the following additional procedures.
1677

- 1678 2. Within ten (10) business days after the receipt of the decision described in this policy is
1679 made or after the decision is due, the employee shall present the grievance in writing to
1680 the City Recorder with a request that the Appeals Board be convened to hear the
1681 grievance. The Appeals Board shall, within thirty (30) business days of receipt of the
1682 grievance, conduct a hearing and render its decision by secret ballot as provides in Utah
1683 Code Ann. § 10-3-1106.
1684

- 1685 3. The Appeals Board shall render its decision in writing and certify its decision to the City
1686 Recorder. The decision of the Appeals Board shall be considered binding unless the
1687 employee appeals the decision to the City Council.
1688

- 1689 4. An employee may appeal a decision of the Appeals Board to the City Council as provided
1690 in Utah Code Ann. § 10-3-1106 and Ordinance 2009-16. The decision of a majority of the
1691 members of the City Council shall be binding but shall not prevent the employee from
1692 seeking legal redress if appropriate. If an employee makes the decision to seek legal
1693 redress, he/she forfeits his access to the City's grievance process.
1694

1695 5. APPEALS BOARD
1696

- 1697 1. The City shall create and maintain an Appeals Board in compliance with the terms of
1698 Utah Code Ann. § 10-3-1106 and Ordinance 2009-16.
1699

1700 6. IMMUNITY
1701

- 1702 1. If an employee is denied the opportunity to present a grievance as prescribed by this
1703 articles, or if the employee is threatened or subjected to duress when presenting the
1704 grievance, the employee may so notify the Mayor in writing.

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2. The Mayor shall authorize an investigation of such complaints and, based upon findings, may present charges and recommend disciplinary action against any person who was derelict or discriminatory in considering the grievance.

7. REPRESENTATION

1. An employee seeking redress through the grievance procedure may use another individual as spokesperson at any point in the process; but the employee shall be present and available for questions and discussion throughout the process.

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CHAPTER 4
TERMINATION AND EMPLOYEE STATUS

1721 Policy 4.1 TERMINATION

1722

1723 POLICY

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1725 From time to time it may be necessary to separate employees from service with the City for reasons
1726 other than disciplinary reasons. This policy describes the procedures to be followed in that event.

1727 Notwithstanding the following, nothing in this section shall be interpreted to create any expectation of
1728 continued employment or in any way limit or restrict the employee’s at-will employment status
1729 described above.

1730

1731 1. APPEAL

1732

1733 1. Some full-time employees have the right to appeal their termination to the Appeals
1734 Board ~~and City Council~~ as more particularly described in Utah Code Ann.§10-3-1106. A
1735 full-time employee wishing to appeal a termination shall file an appeal with the City
1736 Recorder as described in policy 3.1.

1737

1738 2. EMPLOYMENT TERMINATION

1739

1740 1. Resignation (not considered retirement). Any employee wishing to resign in good
1741 standing from City employment shall submit a written notice to the department head,
1742 giving at least two weeks’ notice, except that exempt employees must provide at least
1743 four weeks’ notice. The notice of resignation shall be on the City’s Voluntary Resignation
1744 Form, attached as Exhibit “N”. The department head may, with the concurrence of the
1745 City Manager, agree to permit a shorter period of notice due to extenuating
1746 circumstances or when it is in the best interest of the City. Normally, the last day
1747 worked by an employee shall be considered the date of separation, and the employee
1748 shall be compensated for all unused annual leave and compensatory time accrued to
1749 that date.

1750

1751 2. Reduction in force layoff. The City Manager, with the concurrence of the Mayor, may
1752 recommend termination of employees because of lack of funds or curtailment of work.

1753

1754 1. Employees terminated from employment with the City in a reduction in force
1755 will be given severance pay as follows: two weeks of regular pay, plus one
1756 month of pay for each year of the employee’s service with the City, provided
1757 that employee’s years of service shall be rounded down to the next whole
1758 number for purpose of calculating this severance pay (e.g., an employee
1759 separated from service under this paragraph who has worked for the City for 4
1760 years and 8 months will receive four months of severance pay).

1761

1762 2. No full-time employee shall be terminated from a department under this
1763 paragraph while there are emergency, probationary, or temporary employees
1764 serving in the same class of positions in that department.

1765

1766 3. If there is more than one employee serving in the same capacity in a
1767 department, the selection of the employee to be terminated shall be based

1768 upon the individual's ability to perform the work assignments within the
1769 affected department ~~Seniority (Years of Service in that Department)~~ shall govern
1770 the selection when ability is equal. All terminations under this paragraph shall
1771 be subject to the Mayor's approval.
1772

1773 4. A full-time employee in good standing who is terminated in a reduction in force
1774 lay-off may be made a reasonable offer of reassignment if such offer is possible,
1775 and if the employee had not been told when hired that his or her job would be
1776 phased out. Reassignment may be to an existing vacancy in a lower class for
1777 which the employee is qualified.
1778

1779 3. Termination for medical reasons. When it is determined, on the recommendation from
1780 a doctor for medical reasons, that an employee is incapable of performing the essential
1781 duties of his/her job satisfactorily because of physical, mental or emotional impairment
1782 which is likely to continue indefinitely or to recur frequently and which cannot be
1783 overcome by reasonable accommodation, the employee may be terminated. However,
1784 every effort will be made to reassign the employee to a position within ~~that department~~
1785 ~~the city~~ that is within the employee's physical and mental capabilities.
1786

1787 3. PAYMENT OF WAGES
1788

1789 1. If an employee's termination date does not coincide with the last day of a pay period,
1790 the employee will receive compensation for time worked within 24 hours of the time
1791 the employee separated from employment. If an employee resignation date does not
1792 coincide with the last day of a pay period, the employee will receive compensation for
1793 time worked on the next scheduled payment date. All employees separating from
1794 employment shall be paid for all accrued annual leave and compensatory leave.
1795

1796 4. COBRA
1797

1798 1. An employee that has separated from the City is entitled to be carried on the City health
1799 and dental insurance program as per the mandates of ~~the Consolidated Omnibus Budget~~
1800 ~~Reconciliation Act of 1985 ("COBRA") for a period of at least 18 months.~~ The employee
1801 must pay the entire premium to be entitled to health and dental insurance through the
1802 COBRA program.
1803

1804 5. REFERENCES FOR SEPARATED EMPLOYEES
1805

1806 1. The City shall not provide references for former employees of the City. No information
1807 is to be released as to the employee's compensation, title, position, or circumstances
1808 regarding their separation. When a reference is requested, all such requests should be
1809 forwarded directly to the Human Resource Director. The Human Resource Director will
1810 only confirm the former employee's employment with the City and the dates of that
1811 employment.
1812

1813 Policy 4.2 EMPLOYEE CHANGE OF STATUS

1814

1815 POLICY

1816

1817 In order to conduct the City's operations, the City needs to have current information regarding its
1818 employees. Employees have the responsibility to ensure that the City's information on them is kept
1819 current.

1820

1821 1. EMPLOYEE STATUS

1822

1823 1. Employees shall keep the City updated on their current marital status, name change,
1824 address, phone number, and emergency contact person.

1825

1826 2. Whenever this information changes, an employee shall notify the City by submitting an
1827 Employee Information/Change of Status Form, attached as Exhibit "O".

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CHAPTER 5
SALARY PLANNING AND COMPENSATION

1832 Policy 5.1 PAY PLAN AND ADMINISTRATION

1833

1834 POLICY

1835

1836 The Mayor, in conjunction with the City Council, shall be responsible for the development and
1837 maintenance of a uniform and equitable pay plan, which shall consist of minimum and maximum salary
1838 ranges for each grade and job description. This policy sets forth guidelines for establishment of a pay
1839 plan and provides salary adjustment procedures for all City employees.

1840

1841 POLICIES AND PROCEDURES

1842

1843 1. PAY PLAN DEVELOPMENT AND ALLOCATION

1844

1845 1. The Mayor and the City Manager shall conduct a study of salary levels of comparable
1846 positions in the public sector for adjustments to the City’s salary plan and shall make
1847 adjustment recommendations to the City Council at least every three years, which may
1848 include a method of adjusting the plan to provide for Cost of Living Adjustments
1849 (COLAs).

1850

1851 2. The Mayor and City Manager shall assign each position with the City to a salary ~~pay a~~
1852 range based upon the relationship to market data.

1853

1854 2. PAY PERIODS AND ADVANCES

1855

1856 1. Employees will be paid every two weeks so there will be 26 pay periods in a year. Pay
1857 statements will be distributed during regular working hours as quickly as possible after
1858 the pay period ends but no later than the Thursday following the end of the pay period.
1859 All payrolls will be by Direct Deposit only unless circumstances beyond the control of the
1860 employee dictate otherwise.

1861 .

1862

1863 3. SALARY RANGES

1864

1865 Salary ranges shall be linked directly to the compensation plan and shall be determined with due
1866 regard to the following considerations:

1867

1868 1. Ranges of pay for other grades or positions.

1869

1870 2. Prevailing rates of pay for similar employment in public organizations.

1871

1872 3. Cost of living factors.

1873

1874 4. Other benefits received by employees.

1875

1876 5. The financial policy and economic conditions of the City.

1877

1878 4. ORDER OF SALARY CALCULATION

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Multiple categories of pay increases awarded simultaneously shall be calculated in the following order:

1. Cost of living adjustment;
2. Equity adjustment;
3. Merit.

5. PAY INCREASE CATEGORIES

1. Cost of living adjustments (COLA) shall be considered annually by the Mayor utilizing the Federal Government and Intermountain Region database. Adjustments may be recommended by the Mayor and implemented upon consent of the Council. **The Council will consider any recommended adjustments as part of the City's annual budget.**
2. Equity adjustments will be considered by the Mayor after reviewing current annual salary survey data and conferring with the City Manager and department heads. The Mayor may prepare and present an annual report to the City Council. The Council will consider any recommended adjustments as part of the City's annual budget.
3. Merit increases may be granted for exceptionally good and consistent performance in a single position. They are not used to recognize increased duties and responsibilities and are granted without regard to cost-of-living factors. Merit increases recognize outstanding performance and are thus granted in conjunction with a performance evaluation of the employee, the results of which are one factor used in merit pay decisions.
 1. Only full-time employees are eligible to receive merit increases.
 2. Temporary, **permanent part-time**, part-time, seasonal or probationary employees shall not be eligible to receive merit increases.
 3. Department heads must complete an annual employee performance evaluations for all full-time and permanent part-time employees. ~~annually by the anniversary date that each was hired as a full time employee.~~
 4. A merit increase may not cause the employee's salary to exceed the maximum salary assigned to the employee's position.
 5. ~~Merit increases shall take effect in the first pay period of the budget year to all qualified employees.~~
5. New employees who haven't worked in their position for 6 months may be entitled to a merit increase at the anniversary date of their 6 months if they pass their probation.

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6. NEWLY HIRED EMPLOYEES

1. Pay for newly hired employees shall normally be set at the minimum of the pay range assigned to a job class.
2. Department heads, with the concurrence of the City Manager, may approve initial pay up to the range of midpoint as warranted by job qualifications and experience.
3. A new employee may be paid an initial salary above the mid-point of the position's salary range only with the concurrence of ~~the Mayor~~, the City Manager and the department head.
4. All recommendations for an initial salary shall be subject to the availability of funds to pay the recommended salary.

7. REASSIGNMENT

1. An employee who is reassigned but not demoted shall be paid the same salary received prior to the reassignment. Reassignment to a new position with essentially the same duties shall not be considered a demotion. The employee's salary in the new position shall remain frozen until the salary range for the position increases to incorporate the employee's pay rate.

8. RECLASSIFICATION

1. For purposes of this section, reclassification means a change in the duties of a position, usually with an increase in the responsibilities of the position, although the duties of a position may be reclassified to decrease the responsibilities of a position. Reclassification also entails an adjustment in the pay range for the position.
2. If the ~~Mayor and~~ City Manager reclassify a position to a higher level, the City Manager may adjust the incumbent's salary.
3. A reclassification increase is subject to the availability of funds.
4. If the ~~Mayor and~~ City Manager reclassify a position to a lower level, the incumbent's salary shall remain the same for a 2-year period. At the end of this period, the salary for that position will be renegotiated.

9. DEMOTION

1. A demotion is a change of duty assignment of an employee from a position in one classification to a position in another classification in a lower pay group.

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2. Upon demotion, whether voluntary or administrative, an employee shall experience a salary reduction to the minimum rate of the new grade.
 3. When an employee is demoted to his/her previous position, pay shall be set at the former rate in effect prior to the demotion.
 4. Pursuant to the terms of Utah Code Ann. §10-3-1105 and -1106, employees who are demoted may be eligible to appeal their demotions to the Appeals Board.

10. NOTIFICATION

1. The Mayor shall be informed of all job actions in this policy.

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CHAPTER 6
PERFORMANCE APPRAISALS

2026 Policy 6.1 PERFORMANCE EVALUATION OF FULL AND PART-TIME EMPLOYEES

2027

2028 POLICY

2029

2030 Employee performance and potential shall be evaluated at the end of the six-month probationary period
2031 and at least annually thereafter.

2032

2033 1. PERFORMANCE EVALUTATIONS

2034

2035 1. Each employee shall have a written performance evaluation and a performance
2036 interview on a yearly basis. The performance evaluation will be based on the
2037 employee's fulfillment of duties as outlined in the description of the employee's job.

2038 Employment evaluations will be performed by the employees direct supervisor.

2039

2040 2. The person performing the performance evaluation shall use the authorized form ~~(ask—~~
2041 ~~the Human Resource Director)~~ (Exhibit P1-P9?) and shall give a copy of the performance
2042 evaluation to the employee. A copy of the written performance evaluation will be filed
2043 in the employee's personnel file along with a certification by the person performing the
2044 evaluation stating that the employee has reviewed and received a copy of the
2045 performance evaluation.

2046

2047 3. ~~All~~ Employees may respond in writing to any performance evaluation. This written
2048 response shall also be placed in the employee's personnel file.

2049

2050 ~~4. Performance evaluations will be performed at least once annually by the employee's~~
2051 ~~direct supervisor. Performance evaluations will occur on the anniversary date of the~~
2052 ~~employee's employment in his/her current position. These evaluations shall be~~
2053 ~~considered in determining any merit increase for the year.~~

2054

2055 4. A copy of the evaluation form shall be given to each newly hired employee during
2056 his/her orientation to make the employee aware of the evaluation standards and
2057 criteria.

2058

2059 5. The employee performance evaluations will be used to:

2060

2061 1. Improve employee effectiveness.

2062

2063 2. Assess training needs and plan training activities.

2064

2065 3. Evaluate possible separations, salary advancements, merit increases, and other
2066 personnel actions.

2067

2068 Policy 6.2 PROBATION

2069

2070 POLICY

2071

2072 The probationary period is an integral part of the selection process allowing the City to train an
2073 employee and evaluate his/her progress, adaptability, and effort to determine fitness for permanent
2074 status in the position. This provision shall not be interpreted to create any expectation of continued
2075 employment or in any way limit or restrict the employee's at-will employment status described above.

2076

2077 1. PROBATION

2078

2079 1. All newly hired employees and reclassified employees are subject to a probationary
2080 period of six months or Police Officers twelve months, from the date of hire. At the end
2081 of the six month or Police Officers twelve months, probationary period, a probationary
2082 evaluation interview will be held with the employee using the authorized form (Exhibit
2083 P1-P9). ~~(for the current authorized form see Human Resource~~
2084 ~~Director) will be used for the evaluation for City employees. Police Department~~
2085 ~~(check with Chief).~~ An additional six-month period may be added at the
2086 discretion of the department head and with the approval of the
2087 City Manager.

2088

2089 2. The employee's probationary period will start on the date the employee is hired or
2090 reclassified.

2091

2092 2. STATUS DURING PROBATION

2093

2094 1. During the probationary period, the employee may be terminated by the department
2095 head with the concurrence of the City Manager. ~~and the Mayor.~~

2096

2097 3. REMOVAL FROM PROBATIONARY STATUS

2098

2099 1. At least two weeks before the end of an employee's probationary period, the
2100 department head shall evaluate the employee's performance. Following the review and
2101 before the expiration of the employee's probationary period, the department head shall
2102 submit, in writing, an evaluation and recommendation for appropriate action regarding
2103 the employee's continued employment with the City.

2104

2105 2. In his/her evaluation, the department head may recommend one of the following
2106 actions in relation to the probationary employee's performance during the probationary
2107 period.

2108

2109 ~~3.~~ 1. If the employee has performed the functions of the position satisfactorily during the
2110 probationary period, the department head shall recommend that the employee be
2111 granted regular full-time or part-time status.

2112

2113 the ~~4.~~ 2. If the employee has not performed the functions of the position satisfactorily during
2114 probationary period, but the department head anticipates that the employee's
2115 performance will significantly improve, the department head may recommend that
2116 the employee's probationary period be extended for a period not to exceed an
2117 additional six months.

2118
2119 1. The department head's decision regarding whether the employee's
2120 performance will improve shall be final.

2121
2122 2. Under no circumstances may an employee's probationary period exceed a total
2123 of twelve months.

2124
2125 3. Employees who are unable to satisfactorily perform their jobs after a
2126 probationary period of twelve months shall be dismissed.

2127
2128 4. If an employee's probationary period is extended under this paragraph, the
2129 employee will not receive a pay increase until:

2130
2131 1. The department head has again evaluated the employee's performance
2132 and found it to be satisfactory.

2133
2134 2. The department head and the City Manager have reviewed the
2135 department head's evaluation and agreed that the employee is eligible
2136 for a pay increase; and

2137
2138 3. The City Manager and the Mayor have approved the recommended
2139 increase.

2140
2141 3. If the employee's performance during the probationary period has been
2142 unsatisfactory the employee shall be dismissed.

2143
2144 ~~6. The department head shall submit the evaluation and recommendation to the~~
2145 ~~City Manager.~~

2146
2147 ~~7. After the City Manager and the department head have agreed on a course of~~
2148 ~~action, they shall submit their decision to the Mayor for his approval.~~

2149
2150 ~~8. In the case of Public Safety employees, the department head shall submit the~~
2151 ~~evaluation and recommendation to the Mayor.~~

2152

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CHAPTER 7
DAYS, HOURS OF WORK AND COMPENSATION

2156 Policy 7.1 DAYS, HOURS OF WORK AND COMPENSATION

2157

2158 POLICY

2159

2160 The purpose of this policy is to establish the workweek for non-exempt employees according to the Fair
2161 Labor and Standards Act (FLSA).

2162

2163 1. WORKWEEK AND MAXIMUM HOURS

2164

2165 1. The City’s workweek shall be Sunday, 12:00am through Saturday, 11:59pm.

2166

2167 2. During a workweek, the maximum number of hours any non-exempt city employee may
2168 work shall be:

2169

2170 1. Police Officers: 43 hours per week;

2171

2172 2. All other non-exempt employees; 40 hours per week.

2173

2174 2. DAYS AND HOURS OF WORK

2175

2176 1. All non-exempt employees except for Public Safety employees

2177

2178 1. Workweek

2179

2180 1. Full-time: Monday-Friday

2181

2182 2. Part-time: As designated by the department head.

2183

2184 3. Flex-time: On some other schedule as designated by the
2185 department head and approved by the City Manager.

2186

2187 2. Hours worked

2188

2189 1. Full-time: As designated by the department head with the
2190 approval of the City Manager.

2191

2192 2. Part-time: As designated by the department head with the
2193 approval of the City Manager.

2194

2195 3. Flex schedules will only be approved by the City Manager. ~~for other than~~
2196 ~~Monday through Friday, 8am-5pm will only be allowed at the approval~~

2197 ~~of the City Council.~~

2198

2199 2. Police Department Personnel

2200

2201 1. Workweek

2202

- 2203 1. Full-time: As designated by the Police Department Chief.
2204
2205 2. Part-time: As designated by the Police Department Chief.
2206
2207 2. Hours worked
2208
2209 1. Full-time: As designated by the Police Department Chief.
2210
2211 2. Part-time: As designated by the Police Department Chief.
2212
2213 3. The workday and hours of work for Police Department employees shall
2214 be determined by the needs of providing twenty-four hour a day service
2215 to the community.
2216

2217 3. GENERAL TIME-RELATED RULES.
2218

- 2219 1. An employee unable to report for duty on a work day shall notify his/her ~~the~~
2220 ~~department~~ supervisor of that fact as soon as possible, but not later than one hour after
2221 the beginning of the employee's work shift, unless department rules require a different
2222 reporting time. Failure to notify he department within the specified time without good
2223 cause may result in disciplinary action.
2224
2225 2. Employees shall fill out and sign time slips for all hours worked, sick leave, or vacation,
2226 using the forms attached as "Exhibit "Q". Department heads should review and sign all
2227 time slips and provide them to the Human Resource Director.
2228
2229 3. Rest periods will be scheduled according to department policy as provided by FLSA.
2230
2231 1. Supervisors and department heads will provide break time to employees.
2232 Employees who are on break will be encouraged to leave their workstations.
2233
2234 2. Employees should not go on break until they are permitted to do so by the
2235 supervisor or department head. This policy should assist supervisors and
2236 department heads in knowing where all employees are and ensuring that the
2237 public is properly served at all times during the City's business hours.
2238
2239 3. The amount of break time shall be as follows:
2240
2241 1. Full-time employees working an 8-hour shift:
2242
2243 a. Two breaks and meal break
2244
2245 b. There will be no compensation for the meal break
2246
2247 2. Part-time and exempt employees are not entitled to breaks.
2248
2249 4. Break time may not be used to come to work late or to leave work early.

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5. Breaks may not be saved up and, if not taken during the shift, will be forfeited.
6. Break times ~~should be~~ are to be scheduled with the ~~supervisor or~~ department head.
7. Public Safety Employees
 1. One ½ hour meal break to be staggered so there is adequate coverage.
 2. Two 15-minute rest periods or breaks will be allowed for each 8-hour shift worked.
 3. The workday and hours of work for police department employees shall be determined by the needs of providing 24-hour a day service to the community.

2267 Policy 7.2 OVERTIME PAY AND COMPENSATORY TIME OFF

2268

2269 POLICY

2270

2271 The purpose of this policy is to establish an overtime pay or compensatory time off policy. As a general
2272 rule, the requirement of frequent and considerable overtime within the City shall be considered
2273 evidence of under staffing and will be investigated by the City Manager. When non-exempt employees
2274 are directed ~~by the Mayor,~~ the City Manager, or their department head to work extra time in addition to
2275 normal working hours, they shall be compensated for such overtime as described in this Policy.

2276

2277 1. OVERTIME POLICY

2278

2279 1. As a general rule, employees specifically assigned by their department head to work
2280 overtime will receive one and one-half the regular hourly rate of the employee if they
2281 desire to be paid. However, pursuant to FLSA, employees of public entities have the
2282 option to convert the overtime to compensatory time off at one and one-half hours of
2283 compensatory time off for each hour of overtime worked.

2284

2285 ~~1. In order to opt for compensatory time off, an employee must notify the City in~~
2286 ~~writing that the employee wishes to accrue compensatory time off for overtime~~
2287 ~~worked instead of being paid for overtime.~~

2288

2289 1. All compensory time and/or overtime must be approved by the Department
2290 Head and submitted on the current pay period time sheet to the Human
2291 Resource Director. ~~Notice shall be given on the employee's current time sheet~~
2292 ~~and shall be submitted to the Human Resource Director.~~

2293

2294 ~~3. The election to receive compensatory time off instead of being paid for~~
2295 ~~overtime hours worked shall be effective after the initial notice is submitted to~~
2296 ~~the Human Resource Director. Employees shall be responsible for renewing~~
2297 ~~their notices if they wish to continue receiving compensatory time off instead of~~
2298 ~~being paid for overtime.~~

2299

2300 ~~4. An employee who has elected to receive compensatory time off instead of being~~
2301 ~~paid for overtime may elect to be paid for overtime at any time by notifying the~~
2302 ~~Human Resource Director of that election on their current time sheet.~~

2303

2304 2. Some employees may be required to take time off during the week to avoid
2305 working more than 40 hours in the workweek for non-exempt employees or 43
2306 hours for police officers.

2307

2308 3. The creation of adoption of a flex time schedule shall not of itself provide the
2309 basis for overtime or compensatory time without specific approval of the City
2310 Manager in advance.

2311

2312 2. Department heads will schedule time off for employees with accrued
2313 compensatory time credit.

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3. No overtime pay or compensatory time off is allowed for those employees classified as “exempt” on the compensation schedule. Exempt employees may take time off during the day as approved by the City Manager.

2323 Policy 7.3 PUBLIC WORKS DEPARTMENT AND PARK DIVISION ON-CALL POLICY

2324

2325 POLICY

2326

2327 North Ogden City is of sufficient size to necessitate 24-hour response to emergencies and/or utility or
2328 weather-related problems. In order to meet this need, water, public works and park employees, in
2329 addition to their regular 40-hour work week, will be responsible for covering all emergency calls on a
2330 rotation basis within their departments. All employees as designated by their department head shall
2331 participate in the on-call program.

2332

2333 1. RESPONSE RESPONSIBILITIES OF ON-CALL EMPLOYEES

2334

2335 1. When a public works or park department employee is on call he/she ~~she~~ will be
2336 provided access to a City vehicle.

2337

2338 2. After-hour calls will be initially directed to an answering service selected by the City.
2339 This service will relay calls to the designated employee by pager and/or cellular phone.
2340 The service will provide the on-call employee with the name and number of the person
2341 who reported the problem or emergency and, if possible a description of the problem or
2342 emergency.

2343

2344 3. The on-call person will respond appropriately ~~and~~ within 30 minutes to any situation
2345 he/she is called out on.

2346

2347 2. MISCELLANEOUS POLICIES RELATING TO ON-CALL EMPLOYEES

2348

2349 1. An employee will be on-call from 8:00am, Wednesday to 7:59am the following
2350 Wednesday.

2351

2352 2. Employees wishing to trade on-call responsibilities with other employees will be allowed
2353 to do so upon approval of the department head.

2354

2355 3. The department head or designee shall be responsible for notifying the answering
2356 service of the name and cell phone number of the employee on call for the week.

2357

2358 4. Employees will be compensated for being on call through the weekend (Saturday and
2359 Sunday) at the rate of 1 hour or regular pay for every 12 hours spent in an on-call status
2360 beginning 12:00am Saturday and running through 11:59pm Sunday. Hours that the on-
2361 call employee spends working for the City shall be compensated as described above.

2362

2363 5. Employees who are on-call during a holiday will be compensated in the same way as an
2364 employee who is on-call over a weekend.

2365

2366 6. The on-call employee may use the City's vehicle only for travel when responding to calls
2367 or performing other work functions for the City. Persons other than City employees may
2368 not accompany employees in vehicles except when approved by the department head
2369 or City Manager.

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7. Except for on-call employees, animal control officers and police officers, no City employee will be allowed to take a City vehicle home.

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2376

CHAPTER 8
BENEFITS

2377 Policy 8.1 BENEFITS

2378

2379 POLICY

2380

2381 North Ogden City offers assistance to employees and their eligible dependents in meeting certain
2382 financial burdens that can result from illness, disability or death; and to help employees plan for
2383 retirement.

2384

2385 1. RETIREMENT

2386

2387 1. Full time employees shall participate in the Utah State Retirement Systems. Employee
2388 retirement regulations shall be in accordance with federal and state law.

2389

2390 1. The cost of this program is paid for by the City and the employee in the
2391 percentage set by action of the City Council.

2392

2393 2. When specific employee retirements are deemed to be in the best interest of
2394 the City, the Mayor and City Council may approve retirement incentives. These
2395 incentives may be offered to specific employees without being offered to all
2396 employees.

2397

2398 3. The City may employ retired City employees on a part-time, temporary or
2399 provisional basis where this will promote the interest of the City. (per URS
2400 guidelines).

2401

2402 2. Upon hire, full-time employees shall be eligible to participate in the City's 401(k) or
2403 457(k) retirement program.

2404

2405 1. The City shall contribute an amount equal to three percent (3%) of the
2406 employee's annual salary to the employee's 401(k) ~~or 457(k)~~ account.

2407

2408 2. In addition to the three percent (3%) contribution described above, the City will
2409 match the employee's contributions of up to an additional three percent (3%) of
2410 the employee's annual salary.

2411

2412 3. The employee may also contribute an amount up to the maximum allowed by
2413 law. Under no circumstances, however, will the City's contribution to an
2414 employee's 401(k) ~~or 457(k)~~ account exceed six percent (6%).

2415

2416 4. The contribution amounts described in the preceding paragraphs shall be valid
2417 only as long as they do not conflict with any IRS regulations or state or federal
2418 tax laws.

2419

2420 5. An employee will be vested at the completion of 5 years employment with
2421 North Ogden City. If an employee terminated employment before the 5 years
2422 they will not be entitled to the amount the City has contributed to the
2423 employee's 401(k) ~~or 457(k)~~.

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2469
3. Full time employees shall be eligible to participate in the City's 401(k) loan program.
 1. Applicants may apply online through ICMA-RC's website, or through the City.
 2. Loan requests may be up to 50% of the amount in an account with a balance of \$1,000.
 3. Interest on loans will be one-half of one percent over the PRIME rate in existence as of the date of the origination of the loan. For real estate loans the interest rate is calculated from the mortgage rates listed in the Wall Street Journal as of the date of the loan.
 4. Loans may be amortized over a period of 1 to 5 years. The interest and principal paid is applied back to the participant's account. There is no pre-payment penalty.
 5. Loan fees are \$50 for set up with the possibility of annual fees established from time to time to cover program costs which will also be deducted from the participant's 401(k) account balance.
 6. Real Estate loans may be amortized over a period of 10 to 15 years but only if the mortgage documents are provided. There is no pre-payment penalty.
 7. The City has the fiduciary responsibility to collect loan repayments through payroll deduction. The City may elect to have online loans where the participant pays the loan back through an automatic deduction from his or her personal checking account.
 8. If a participant is 60 days delinquent, they will receive a warning from ICMA-RC that the loan may become a disbursement. If a loan is delinquent by December 31, ICMA-RC will send a 1099 form to the participant in January, showing the loan has been reclassified as a disbursement, subject to mandatory 20% taxes and a 10% early withdrawal penalty tax (if applicable) and state taxes.
 9. Employees may only have one outstanding loan at a time or a limit of five outstanding loans at any one time not to exceed 50% of the amount in the account.
 10. In the event the employee's employment status is terminated for any reason, the employee shall be solely responsible for any and all early withdrawal penalties or interest resulting from any unpaid loan balances as required by Internal Revenue Service and/or State of Utah regulations.
 2. SOCIAL SECURITY/FICA

2470 1. All employees, whether regular, permanent part-time, part-time or temporary, are
2471 covered by the benefits of Old Age, Survivors and Disability Insurance as provided for by
2472 law. Contributions of the employee and the City will be made in accordance with the
2473 provisions of the law.

2474
2475 3. INSURANCE

2476 1. Medical and Hospital Insurance

2477
2478
2479 1. North Ogden City offers health care and dental insurance to full-time
2480 employees and their dependants ~~and retirees and their dependants.~~

2481
2482 ~~2. The City may also provide access to group medical insurance coverage to eligible~~
2483 ~~members of the fire department and specified others as approved by the Mayor~~
2484 ~~and City Manager. Premium rates for those opting for group medical insurance~~
2485 ~~may vary from those of full time employees. The cost of this program is paid by~~
2486 ~~the City and the employee in the percentage set by the City Council.~~

2487
2488 2. Disability and Life Insurance

2489
2490 1. Basic disability and Life Insurance shall be offered to each full-time employees,
2491 their spouse and dependents. The City shall pay the entire premium as long as
2492 the budget allows.

2493
2494 2. The City may also offer voluntary life insurance and disability for employees,
2495 their spouse and dependents. ~~although the City shall not be required to offer~~
2496 ~~such insurance if the City Manager and the Mayor determine that such a~~
2497 ~~program is not in the City's best interest. If the City offers life insurance for~~
2498 ~~dependents, the premiums shall be paid as determined by the Mayor and City~~
2499 ~~Manager. The employee will pay the premium for voluntary benefits.~~

2500
2501 3. Workers Compensation

2502
2503 1. Accidental injuries or occupational disease arising out of or in the course of an
2504 employee's employment with the City are covered by a worker's compensation
2505 program as required by law.

2506
2507 2. Employees are required to promptly report any and all injuries to the Human
2508 Resource Director and their **department head** at or near the time of the
2509 incident.

2510
2511 3. Failure to report or unreasonable delay in reporting will result in disciplinary
2512 action.

2513
2514 4. Unemployment Insurance

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- 2516
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1. The City, through the Utah State Employment Security Administration and based on the employment of the employee and state and federal law, offers unemployment compensation benefits.
- 2520
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5. Flexible Spending Accounts
- 2522
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2529
1. The City offers employees the opportunity to participate in flexible spending accounts. FSAs allow employees to set aside pretax dollars to pay for anticipated health or child-care expenses over the course of a calendar year. Presently employees can contribute up to \$5,000 per year to defer qualifying medical costs and up to \$5,000 per year for qualifying child-care expenses. Contributions will be based on the IRS regulations. Claims for money set aside in a particular calendar year must be used for expenses incurred in that year.
- 2530
2531
4. CLOTHING ALLOWANCE
- 2532
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2534
2535
1. North Ogden City public safety, public works, park divisions and inspection employees may be paid a uniform allowance above their regular salaries, or furnished with uniforms, at the City's option.
- 2536
2537
2538
2. Each employee who receives a uniform allowance shall be responsible for accounting to the Internal Revenue Service for the uniform allowance received.
- 2539
2540
2541
3. As part of the City's safety program, the City pays for safety shoes, helmets, vests, and eye protection for every employee working in a safety sensitive position.

2542 Policy 8.2 LEAVES OF ABSENCE

2543

2544 POLICY

2545

2546 Leave benefits, including sick leave, and annual leave are provided to full-time employees. Employees
2547 should consistently and conscientiously account for their use of leave time. This policy should be
2548 construed and applied to further that objective.

2549

2550 1. CONDITIONS OF LEAVE

2551

2552 1. No full-time employee may take a leave of absence with pay unless that employee has
2553 accrued leave. The City will not allow employees to take leave before it has accrued as
2554 described in this paragraph.

2555

2556 2. **Permanent part-time**, part-time, temporary, seasonal and emergency employees are
2557 not eligible for leaves of absence.

2558

2559 2. ABSENCE WITHOUT LEAVE

2560

2561 1. Any unauthorized absence of an employee from duty shall be grounds for disciplinary
2562 action by the department head. Any employee who is absent for three or more
2563 consecutive workdays, without authorized leave, shall be deemed to have resigned and
2564 the employee's employment with the City shall be terminated. The department head
2565 shall fully document the absence. When extenuating circumstances are found to have
2566 existed, however, such absence may be covered by the department head by subsequent
2567 grant of leave with or without pay as the circumstances dictate.

2568

2569 3. ANNUAL LEAVE

2570

2571 1. Annual leave for full-time employees will be scheduled so as to meet the operating
2572 requirements of the City, and insofar as possible, the preference of the employees. The
2573 period of use of vacation time is subject to the approval of the department head.

2574

2575 1. An employee should not schedule more than ten working days off at one time. If
2576 an employee wishes to take more than ten working days off at one time, the
2577 employee should obtain permission from the department head and the City
2578 Manager prior to taking the leave.

2579

2580 2. Paid holidays occurring during annual leave will not be charged as annual leave.

2581

2582 2. The number of hours of accrued annual, sick and compensatory leave shall be stated on
2583 each pay statement the City issues.

2584

2585 3. An employee may accrue a maximum of 240 hours of annual leave credits and police
2586 officers may accrue a maximum of 258 hours. The cut-off date for calculating excess
2587 hours is the first pay period ending date which occurs on or after December 1st each
2588 year. When computing leave balances for excess hours, the hours accrued during this

2589 pay period will be included. It is the employee’s responsibility to maintain knowledge of
2590 accrued annual leave and schedule leave appropriately.

2591
2592 4. In lieu of taking all of the annual leave to which he/she is entitles, an employee may
2593 convert hours of annual leave to case each year pursuant to the following guidelines.
2594 Only one option may be selected per fiscal year.

2595
2596 1. Hours of annual leave shall be converted to cash by taking the number of hours
2597 the employee wishes to convert to cash and multiplying that number by the
2598 employee’s regular hourly rate.

2599
2600 2. Regular employees may convert up to 40 hours of annual leave to cash once
2601 each fiscal year. Employees working a 43-hour workweek may convert up to 43
2602 hours once each fiscal year.

2603
2604 3. Employees who have accrued more than their maximum number of annual
2605 leave hours will lose those hours at the last day of November if they are not
2606 used.

2607
2608 4. Conversion of annual leave to cash shall be permitted only once in the current
2609 fiscal year. In order to convert annual leave to cash employees must notify the
2610 Human Resource Director ~~City-Recorder~~ in writing of their intention. The
2611 employee must deliver the notice using “Exhibit S” to the Human Resource
2612 Director ~~City-Recorder~~. The notice must contain the name of the employee
2613 making the conversion, the number of hours the employee has accrued, and the
2614 number of hour of annual leave the employee wishes to convert to cash.

2615
2616 5. Payments for annual leave converted to cash shall be subject to withholding
2617 pursuant to state and federal law.

2618
2619 6. New employees are eligible on the next fiscal year after completing one year of
2620 service.

2621
2622 5. Full-time employees shall accrue annual leave at the following rate:

2623
2624 BASED ON 40 HOUR WORK WEEK

2625	2626 YEARS OF SERVICE	2627 HOURS ACCUMULATED MONTHLY
2628	0-3 complete years	6.7
2629	3 complete years and 1 day – 6 years	10.0
2630	6 complete years and 1 day – 9 years	11.5
2631	9 complete years and 1 day – 12 years	13.0
2632	12 complete years and 1 day – 15 years	14.0
2633	15 complete years and 1 day – 18 years	15.0
2634	18 complete years and 1 day – 20 years	16.5
2635	20 complete years and 1 day – over	18.0

2636
2637 BASED ON 43 HOUR WORK WEEK

2638	YEARS OF SERVICE	HOURS ACCUMULATED MONTHLY
2640		
2641	0-3 complete years	7.2
2642	3 complete years and 1 day – 6 years	10.75
2643	6 complete years and 1 day – 9 years	12.37
2644	9 complete years and 1 day – 12 years	13.98
2645	12 complete years and 1 day – 15 years	15.06
2646	15 complete years and 1 day – 18 years	16.13
2647	18 complete years and 1 day – 20 years	17.74
2648	20 complete years and 1 day – over	19.35

- 2649
- 2650 6. Official annual leave records will be maintained and kept current by the Human
- 2651 Resource Director.
- 2652
- 2653 7. Employee’s annual leave usage will be scheduled with the department head.
- 2654 Department heads shall schedule their leave with the City Manager. After the
- 2655 department head or City Manager has authorized annual leave for an employee, the
- 2656 department head or City Manager will submit the form to the Human Resource Director
- 2657 who will then record the annual leave usage on the attendance record.
- 2658
- 2659 8. As a general rule, employees specifically assigned by their department head to work
- 2660 overtime will receive one and one-half the regular hourly rate of the employee if they
- 2661 desire to be paid. However, the employee has the option to convert the overtime to
- 2662 compensatory time off at one and one-half time rate.
- 2663
- 2664 9. All compensatory time off must be used before using annual leave.
- 2665
- 2666 10. Department heads are encouraged to schedule compensatory time off for employees
- 2667 with accrued compensatory time credit. However, it is the employee’s responsibility to
- 2668 make arrangements with the department supervisor and provide adequate notice of
- 2669 time off.
- 2670
- 2671 11. No overtime pay or compensatory time off is allowed for those employees classified as
- 2672 “exempt” on the compensation table.
- 2673
- 2674 12. Compensatory time cannot be converted to cash except upon retirement or termination
- 2675 of employment.

2676

2677 4. HOLIDAYS

2678

- 2679 1. The following days have been designated by North Ogden City as paid holidays for full-
- 2680 time employees:
- 2681

2682 New Year’s Day January 1

2683	Martin Luther King Day	third Monday in January
2684	President's Day	third Monday in February
2685	Memorial Day	last Monday in May
2686	Independence Day	July 4
2687	Pioneer Day	July 24
2688	Labor Day	first Monday in September
2689	Columbus Day	second Monday in October
2690	Veteran's Day	November 11
2691	Thanksgiving Day	fourth Thursday in November
2692	Day after Thanksgiving	Friday following Thanksgiving
2693	Christmas	December 25

2694
2695 2. A holiday falling on Sunday will be observed on the following Monday. A holiday falling
2696 on Saturday will be observed on the preceding Friday.

2697
2698 3. Employees, whose regularly scheduled days off are not Saturday and Sunday and who
2699 are required to work on holidays as part of their regular shift, will be compensated at a
2700 straight time rate or may be credited with compensatory time at a straight time rate.

2701
2702 4. Public Safety employees who are scheduled to work on a holiday will be compensated
2703 up to eight hours at a straight time rate.

2704
2705 5. Holiday time is not paid to permanent part-time, part-time / temporary employees.

2706
2707 6. Employees on leave without pay will not be paid holiday time including the day before
2708 nor the day after a holiday.

2709
2710 5. SICK LEAVE

2711
2712 1. Sick leave shall not be considered as a right that employees may use at their discretion,
2713 but shall be allowed only in case of necessity, actual sickness or disability of the
2714 employee or the immediate family of the employee.

2715
2716 2. Sick leave may be used at any time with approval of the department head for any of the
2717 following reasons:

2718
2719 1. Illness or injury to the employee

2720
2721 2. Injury on the job, when the employee is unable to perform his/her regular
2722 duties or other temporary work to which he/she may be assigned.

2723
2724 3. Visits to hospitals, clinics, doctor's and dentist's offices for diagnosis, or
2725 treatment of illness, injury and emergencies for the employee or immediate
2726 family members.

2727
2728 4. For additional information, refer to Policy 10.1 – Family and Medical Leave Act.

- 2730 3. Vacation or compensatory time may be used in place of sick leave.
2731
2732 4. Hours of sick leave time may be coordinated with workers' compensation if the
2733 employee is absent as the result of an injury, which occurred while the employee was
2734 performing services for the City. An employee, who was injured on the job and who is
2735 entitled to workers' compensation benefits, may use accrued compensatory time first or
2736 annual leave during the time the person is off work due to an injury on the job, provided
2737 that the City cannot require the employee to use accrued leave during this time.
2738
2739 5. Sick leave shall be available to all full-time employees and probationary employees.
2740 Seasonal, permanent part-time, part-time and emergency employees are not eligible
2741 for sick leave.
2742
2743 6. Each eligible full-time employee who works a 40-hour week shall accrue sick leave at the
2744 rate of 8 hours per month, eligible employees who work a 43-hour week shall accrue
2745 sick leave at the rate of 8.6 hours per month. Sick leave shall be credited at the end of
2746 each pay period. Sick leave shall not accrue if an employee is in a leave-without-pay
2747 status.
2748
2749 7. A holiday that falls on a regular working day within a period when sick leave is being
2750 taken shall be credited as a holiday and not as a day of sick leave.
2751
2752 8. Sick leave for an employee working a 40 hour week may be accrued to a maximum of
2753 960 hours and employees working a 43 hour week may accrue a maximum of 1,032
2754 hours. Sick leave accruing in excess of the stated maximums shall be forfeited.
2755
2756 9. In order to use sick leave, an employee (or a member of his/her immediate family if the
2757 employee is incapacitated) must notify the department head before the employee's
2758 scheduled reporting time on each day of absence. However, in no case should the
2759 notification be later than one hour past the starting time. Continued reporting for more
2760 than one day absence will be accomplished as directed by the department head.
2761
2762 10. Sick leave shall be charged against employees in actual time used. The department head
2763 should be kept apprised of the employee's progress and expected date of return to
2764 duty. Sick leave shall not be used unless it has been earned and accrued prior to usage.
2765
2766 11. Any absence for illness or injury (except on-the-job injuries, which shall be governed by
2767 the applicable provision of the workers' compensation statutes) beyond the employee's
2768 accrued sick leave will result in the employee being carried on annual leave status until
2769 all accrued annual leave has expired.
2770
2771 12. If an employee takes sick leave in excess of three consecutive working days, or if the
2772 department head believes that the circumstances indicate an abuse of sick leave, the
2773 department head or the City Manager may require a certification from the attending
2774 physician stating that illness or injury prevented the employee from working.
2775

2776 13. During sick leave periods longer than thirty calendar days, vacation leave, sick leave and
2777 other benefits shall not accrue. In addition, any sick leave period in excess of thirty days
2778 shall not be counted as time worked for purposes of receiving a yearly performance
2779 evaluation.

2780
2781 14. If an employee uses no sick leave ~~December 1st~~ from the first pay period which ends in
2782 December, from one year to the next. *The City will publicize those dates in advance.*
2783 Our intention is to process the sick cash out checks on the first Friday after the end
2784 of the eligibility period, ~~through November 30th~~; An employee working a 40 hour week
2785 may choose to be paid for up to 40 hours at the employee’s regular hourly rate or to
2786 convert 40 hours of sick leave to annual leave. If an employee chooses one of these
2787 options, 40 hours will be deducted from the accrued sick leave time. Employees working
2788 a 43 hour week may convert up to 43 hours under this paragraph. In order to convert
2789 sick leave under this paragraph, employees must follow the procedure described in this
2790 Policy, using “**Exhibit S**” and the notice provided to the **Human Resource**
2791 **Director**.

2792
2793 1. New employees are eligible on their one year anniversary date.

2794
2795 15. Employees that have the maximum number of hours of sick leave allowed and have
2796 used no more than 2 days sick leave during December 1st through November 30th, may
2797 convert up to 24 hours of sick leave to annual leave. These 24 hours shall be in addition
2798 to any conversion of annual leave. Employees wishing to convert sick leave hours under
2799 this paragraph shall follow the procedures described in this Policy. Employees working a
2800 43 hour week may convert up to 25.8 hours of sick leave under this paragraph.

2801
2802 16. Full time employees with at least 30 years of service upon retiring from service with
2803 North Ogden City shall be paid for unused sick leave up to a maximum of 480 hours for
2804 those on a 40 hour workweek. Employees working a 43 hour week shall be paid for up
2805 to 516 hours of unused sick leave. Additionally; **after the age of 60 upon retiring, full**
2806 **time employees who work a 40 hour week with the city shall be paid for unused sick**
2807 **leave (see rate below) with the following years of service:**

- 2808 10-14 years up to 80 hours
- 2809 15-19 years up to 160 hours
- 2810 20-24 years up to 240 hours
- 2811 25-29 years up to 320 hours **THIS IS A PROPOSAL NEW**
- 2812 30 + years up to 480 hours

2813
2814 **and**

2815
2816 after the age of 60 upon retiring, full time employees who work a 43 hour week with the
2817 city shall be paid for unused sick leave (see rate below) with the following years of
2818 service:

- 2819 10-14 years up to 86 hours
- 2820 15-19 years 172 hours
- 2821 20-24 years up to 258 hours **THIS IS A PROPOSAL NEW**
- 2822 25-29 years up to 344 hours

2823 30 + years up to 516 hours

2824

2825

2826 17. Sick leave may not be used during a scheduled vacation period

2827

2828 18. Sick Leave Bank

2829

2830 1. It is the policy of the City to maintain an Employee Sick Leave Bank. The Sick
2831 Leave Bank is established to allow employees to donate their annual leave to
2832 assist fellow employees. All employees may voluntarily donate any amount of
2833 their annual leave to the Bank at any time. Employees may request through
2834 their department head, a grant of sick leave from the Bank after the employee
2835 has exhausted his/her available annual leave and sick leave. A committee
2836 consisting of the City Manager, the requesting employee's department head
2837 and at least two other employees will review all requests for sick leave grants.

2838

2839 6. BEREAVEMENT LEAVE

2840

2841 1. Full time employees, with the approval of their department head, may be granted up to
2842 three days leave with pay in the case of the death of a spouse, child, stepchildren,
2843 parent, stepparent, brother or sister.

2844

2845 2. Full time employees, with the approval of their department head, may be granted up to
2846 two days leave with pay in the case of the death of a grandparent, grandchild, or parent
2847 of spouse.

2848

2849 3. Full time employees, with the approval of their department head, may be granted up to
2850 one full day leave with pay in the case of the death of an aunt, uncle or a spouse's
2851 grandparent.

2852

2853 4. The bereavement leave described in this paragraph shall not be charged against accrued
2854 sick or annual leave.

2855

2856 7. FAMILY AND MEDICAL LEAVE ACT

2857

2858 1. The City's family and medical leave policies are described in Policy 10.1.

2859

2860 8. MILITARY LEAVE

2861

2862 A military leave of absence will be granted to all employees, if called to active duty with the
2863 United States armed services, except those occupying temporary positions.

2864

2865 1. Employees who are members of the organized reserve of the United States armed
2866 forces, including the National Guard, shall be allowed full pay for all time, not to exceed
2867 15 days per year, spent on scheduled military training assignments. Subject to the
2868 terms, conditions and limitations of the applicable plans for which these employees are
2869 otherwise eligible, health insurance benefits, and vacation, sick leave, and holiday

2870 benefits will continue to accrue during a military leave of absence not to exceed 15 days
2871 for year.

2872
2873 2. The City Manager shall grant additional military leave based on official military orders.
2874 An employee may elect to use annual leave or compensatory time to cover additional
2875 absences beyond the standard 15 days per year but the employee may not be
2876 compelled to do so. Any leave not covered by the standard 15 days, additional annual
2877 leave or compensatory time shall be accounted as leave without pay. (See the City's
2878 policies on Leave without Pay.)

2879
2880 3. Employees granted such leaves of absence will be restored to the same position, or to a
2881 position equivalent to the same position, which the person held immediately prior to
2882 the commencement of active military duty. Such employees must apply for
2883 reinstatement in accordance with all applicable state and federal laws. Every reasonable
2884 effort will be made to return eligible employees to their previous position or
2885 comparable one. They will be treated as though they were continuously employed for
2886 purposes of determining benefits based on length of service.

2887
2888 4. The City shall comply with Utah Code Ann. §39-3-1 & 2 and with all applicable federal
2889 laws.

2890
2891 9. JURY LEAVE

2892
2893 1. Full time employees may be granted administrative leave with full pay when performing
2894 jury duty or when required to serve as a witness in litigation or administrative
2895 proceedings based on the employee's official duties performed on behalf of the City.

2896
2897 2. In order to qualify to pay from the City under this section, the employee must surrender
2898 any compensation to the City, excluding travel and expense allowance, which the
2899 employee received as a result of jury duty or appearance as witness.

2900
2901 3. Paid leave will not be granted when the employee is participating as a witness in
2902 litigation or administrative proceedings not related to his official duties with the City.

2903
2904 10. ADMINISTRATIVE LEAVE

2905
2906 1. Full time employees may be granted administrative leave with pay as authorized by the
2907 City Manager ~~Mayer~~.

2908
2909 11. LEAVE WITHOUT PAY

2910
2911 1. Upon recommendation of the department head and approval of the City Manager, an
2912 employee may be granted leave without pay for a specified period of time. The dates of
2913 the leave without pay shall be agreed upon before the employee commences the period
2914 of leave without pay. An employee who simply fails to appear for duty without making
2915 an agreement for leave without pay shall be deemed to be absent without leave and
2916 may be terminated.

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2. At the expiration of a period of leave without pay, the employee shall return to the same position, where feasible, or to a similar position.
 3. Failure of the employee to report at the expiration of such leave period shall be considered a resignation.
 4. A leave without pay period shall not constitute a break in service. However, during a leave without pay period no compensation or benefits shall accrue. Previously accrued benefits will be retained.
 5. The accrual or retention of medical and retirement benefits during a period of leave without pay shall be subject to the provisions of the group medical insurance contract and the state retirement policy.
 6. If employees desire to use annual leave in conjunction with a leave without pay, use of the annual leave must precede the leave without pay and there shall be a written agreement between the City and the employee regarding the amount of annual leave the employee will take and the amount of leave without pay the employee shall be allowed.
 7. Leave without pay may be granted for extended travel or due to personal circumstances or family circumstances.
 8. Leave without pay may be granted to attend funerals not covered by the bereavement leave policy.
 9. Leave without pay may be granted to attend to an ill or injured family member or in response to an emergency involving the employee's family, (spouse, child, parent, brother, sister) when such absence is not covered by sick leave or another category of leave.
 10. Unless there are exigent circumstances, which prevent advance notice, employees must apply for absences without pay in advance and in writing, giving as much detail about the absence as is necessary so that the department head may decide whether the leave is warranted. The application shall include the anticipated dates of the leave without pay. If exigent circumstances prevent the employee from applying for leave without pay in advance, the employee shall contact the City Manager as soon as possible to explain the exigent circumstances and the need for leave without pay.

2957 12. DOCUMENTATION OF LEAVE

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2964
1. Absences permitted in the Policy must be supported by copies of written documentation explaining the cause of the absence. This documentation must be submitted to the department head as soon as possible. In some cases where documentation is not available, the department head may request the employee supply additional information in writing to support the absence.

2965 Policy 8.3 TRAVEL

2966

2967 POLICY

2968

2969 North Ogden City recognizes the need for its employees to travel outside the City limits at various times
2970 to receive training, information, briefing, etc... for efficiency and effectiveness as City employees. All
2971 requests for reimbursement of expenses are subject to documentation and reasonableness.

2972

2973 1. AUTHORIZATION AND VEHICLE USE

2974

2975 1. ~~All travel outside the City limits during City work time shall be authorized by the~~
2976 ~~employee's immediate supervisor and/or department head.~~

2977

2978 ~~2. Employees will be encouraged to use their own private vehicle. Travel expenses will be~~
2979 ~~reimbursed at a rate set by the United States Internal Revenue Service (I.R.S.). A City~~
2980 ~~vehicle may be used as authorized by the City Manager. For Public Safety employees,~~
2981 ~~use of a City vehicle must be authorized by the Mayor.~~

2982

2983 ~~3. Certain employees may be allowed to use their own vehicle for City business as a~~
2984 ~~condition of employment and shall be reimbursed for such use at a rate set by the I.R.S.~~

2985

2986 ~~4. For further information, please refer to Policy, "Use of City Equipment".~~

2987

2988 1. Department Heads now will determine whether their staff will take a City vehicle or a
2989 private vehicle on authorized trips, based on budget and other considerations.

2990

2991 2. If a City vehicle is taken on authorized trips, family members may accompany the staff
2992 member in the City vehicle but they may not drive the City Vehicle.

2993

2994 3. Staff members taking their own private vehicle will be reimbursed at (see 6.2)

2995

2996 4. Staff members taking a City vehicle may use City gasoline and will be reimbursed for
2997 gasoline purchased privately. Staff members will attach receipts for privately
2998 purchased gasoline to a check request and submit as all check requests.

2999

3000 2. PAYMENT FOR TRAVEL EXPENSES AND SALARY

3001

3002 1. Per Diem payments will be authorized for personnel who are required to be away from
3003 home overnight or during meal time on official business. The City **Manager** will establish
3004 the expenses to be paid as part of the per diem, and the per diem rate, **based on OPM**
3005 **(operating per mile) rates**. Employees requesting reimbursement above the per diem
3006 rates must provide receipts for all expenses above the per diem rate set by the City
3007 Council. The City will not pay a per diem for spouses of employees or others non
3008 employees traveling with the employee.

3009

- 3010 2. Costs and expenses incurred by spouses accompanying employees to conventions,
3011 conferences, and other lawful City business shall not be reimbursed or provided for by
3012 the City except where and to the extent that the conference or convention format
3013 provides for spouse participation in the form of separate workshops, meetings or
3014 luncheons and the employee has received approval for an accompanying spouse prior to
3015 attending the event.
3016
- 3017 3. The City will pay double occupancy room rates for employees and elected officials who
3018 are accompanied by a spouse as submitted on the travel and training request form and
3019 approved by the City Manager.
3020
- 3021 4. If payment in advance is not possible, the City shall reimburse the employee the
3022 cash amount of the costs incurred after receiving the appropriate receipts to verify that
3023 the employee has expended his/her own money for City purposes. Employees who fail
3024 to product receipts in these circumstances will not be entitled to reimbursement. The
3025 employee shall turn in receipts for hotel accommodations to the Department Head as a
3026 verification of attendance no matter what the form of payment.
3027
- 3028 5. Time at conferences, training, and travel time is considered part of job duties and the
3029 employee will be paid at his/her regular hourly rate for this time. No overtime will be
3030 paid.
3031
- 3032 6. The City will reimburse employees for travel as follows:
3033
- 3034 1. Cost of airline travel. The City will reimburse only the cost for coach or business
3035 class travel as listed on the travel and training request form and approved by
3036 the City Manager.
3037
- 3038 2. Costs of using a private automobile. As set forth above, the City will reimburse
3039 costs of the authorized use of a private automobile. Reimbursement for the use
3040 of a private automobile shall be paid at ½ the I.R.S. business mileage allowance,
3041 approved mileage allowance.
3042
- 3043 3. Costs of rental cars. The City will pay the costs of rental cars only if the travel
3044 involves airline travel to another city. The City will reimburse employees for the
3045 costs of renting a mid-size automobile unless the employee demonstrates that
3046 only a full-size car was available.
3047
- 3048 4. Tolls, baggage handling, official telephone messages.
3049
- 3050 5. Registration and related fees at official meetings or functions.
3051
- 3052 6. Taxi fares to and from a common carrier, to and from place of lodging, business
3053 meeting and tips not to exceed 15% of the fare.
3054
- 3055 7. Parking fees in connection with City business.
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8. An employee will not receive pay for travel on Saturday, Sunday or other non-working hours.
9. No overtime will be paid in conjunction with training or conferences.
10. If an employee is required to come into work prior to travel or if travel occurs during working hours that time will be paid at his/her hourly rate.

3065 Policy 8.4 USE OF CITY EQUIPMENT

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1. CITY VEHICLES, EQUIPMENT AND TOOLS

1. The use of the City’s equipment or tools for private purposes is strictly prohibited. However, reasonable use of the City’s tools and equipment to protect property and preserve life is authorized.
2. Employees will receive the proper training necessary for the accomplishment of the employees’ duties. This training shall include an explanation of job hazards, safety procedures and training on all equipment, tools, etc...
3. Pursuant to the Motor Vehicle Safety Act, 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 CDL in their possession. The CDL must be renewed at four year intervals.
4. Operators and passengers in City vehicles equipped with seat belts must be belted in when the vehicle is in operation. All employees operating City vehicles shall observe all local traffic laws, including speed limits.
5. Employees who are assigned a City vehicle shall keep the vehicle clean, presentable and serviceable. Employees who receive a car allowance shall also keep their vehicles clean, presentable and serviceable.
6. Employees shall not use City vehicles for unauthorized purposes.
7. Except for on call employees, animal control officer and police officers no City employee will be allowed to take a City vehicle home.
8. Smoking is prohibited in a city vehicle.

3097 Policy 8.5 EDUCATIONAL ASSISTANCE PROGRAM

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3099 POLICY

3100

3101 It is North Ogden City’s policy to recognize the importance of educational growth of employees in
3102 advancing their technical and managerial skills. Through the Educational Assistance Program, North
3103 Ogden City may provide assistance to an employee who attends classes at a college, university, or trade
3104 school where such classes are mutually advantageous to North Ogden City and the employee and are
3105 directly related to the employee’s job function. In some cases irregular work schedules may be
3106 considered as a means of accommodating class schedules.

3107

3108 1. EDUCATIONAL ASSISTANCE

3109

3110 1. Any assistance provided under this policy must meet the following provisions:

3111

3112 1. The City Manager must review (“Exhibit T”) in advance and make
3113 recommendation to the City Council.

3114

3115 2. The educational assistance must be approved by the City Council ~~when it sets its~~
3116 ~~yearly budget.~~

3117

3118 3. The educational assistance request sent to the City Council must contain the
3119 following information:

3120

3121 1. Purpose of the education classes

3122

3123 2. Explanation of how the educational classes benefit the City.

3124

3125 3. Description of what institution will provide the educational classes.

3126

3127 4. The cost of the educational classes.

3128

3129 4. The educational assistance program is a reimbursable program for the
3130 employee. To receive reimbursement from the City, the employee must:

3131

3132 1. Complete the class with a “B” average or higher.

3133

3134 2. Request reimbursement after the class is finished ~~and the employment~~
3135 ~~time frame is completed.~~

3136

3137 5. Those accepted under this program will be required to sign a statement
3138 committing themselves to employment with the City equal to the time frame of
3139 the classes the employee attends. If the employee is terminated (voluntarily or
3140 involuntarily, except through reduction of force), they will be required to refund
3141 to the City any monies received under the program during the preceding one
3142 year period. The closing date of the quarter or semester will be the date used to
3143 determine the parameter of such period.

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6. All approved applicants must be full time employees.

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CHAPTER 9
SAFETY PROCEDURES AND REQUIREMENTS

3150 Policy 9.1 GENERAL SAFETY

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3152 POLICY

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3154 It is the policy of North Ogden City to minimize the loss of life and property to the City, its employees
3155 and the public as a consequence of the City's operations by taking practical steps to safeguard
3156 employees, citizens and property from accident.

3157

3158 It is the City's policy to strive for safety in all activities and operations. The City will carry out its
3159 commitment to comply with all health and safety laws applicable to its operations by enlisting the help
3160 of all employees to ensure that public areas and work areas are free of hazardous conditions. The City
3161 will strive to provide working conditions that are as healthy and safe. ~~as is feasible.~~

3162

3163 1. EMPLOYEE'S SAFETY RESPONSIBILITIES

3164

3165 1. Employees are expected to be conscientious about workplace safety, including proper
3166 work methods, reporting potential hazards and abating known hazards.

3167

3168 2. Employees should report unsafe work conditions that might result in an accident in
3169 any work area to a supervisor or department head ~~that might result in an accident.~~

3170

3171 3. The City's safety policy or practices will be strictly enforced. Employees found to have
3172 intentionally violated the City's safety policies or determined to be consistently
3173 negligent or unsafe in performing their duties may be terminated.

3174

3175 2. GENERAL SAFETY RULES

3176

3177 The following general safety rules will apply in all of the City's work places. Each department may
3178 prepare additional safety rules applicable to the specific nature of work in that department. Any
3179 additional rules may not be in conflict with the general safety rules.

3180

3181 1. Employees operating any type of power equipment shall use caution and follow all of
3182 the manufacturer's safety precautions and warnings. For any power equipment for
3183 which a license is required, no unlicensed employees will operate the equipment.

3184

3185 2. Employees will use safety equipment, such as safety glasses, gloves, toe guards, vests
3186 and hard hats, as required and appropriate to the work performed. (Please refer to the
3187 City's **Public Work's** Safety Manual and the Police Department's SOP for safety
3188 guidelines.)

3189

3190 3. Employees will not wear loose clothing and jewelry while working on or near heavy
3191 equipment and machinery.

3192

3193 4. All accidents, regardless of severity, personal or vehicular, are to be reported
3194 immediately to the supervisor or department head.

3195

- 3196 5. If an employee believes that any piece of equipment is defective, the employee should
3197 report that fact immediately to the supervisor or department head.
3198
- 3199 6. Employees will not operate equipment or use tools for which they have not received the
3200 necessary training or instruction or do not have the required license.
3201
- 3202 7. In all work situations, safeguards as required by state and federal Safety Orders will be
3203 provided.
3204

3205 3. PROTECTION OF CHILDREN AND VULNERABLE ADULTS 3206

3207 It is the policy of North Ogden City to provide a safe environment for children and adults to recreate.
3208 The city has no tolerance for mistreatment of children or vulnerable adults within the programs it
3209 administers. City staff and volunteers who work with children and vulnerable adults will be properly
3210 screened. Common sense measures to limit opportunities for abuse will be implemented. Reports of
3211 abuse will automatically be referred outside the City for investigation by the proper state agency. Staff
3212 or volunteers suspected of abuse will be removed from involvement with youth or senior programs
3213 pending investigation. A finding on cause to believe that abuse occurred by an investigating agency shall
3214 be sufficient cause for termination from employment or volunteer service.
3215

3216 1. Definitions 3217

- 3218 i. Child. A person less than eighteen (18) years of age.
3219 ii. Emotional abuse. Conduct towards a child or vulnerable adult that attacks the person's
3220 emotional well-being and sense of self-worth such as shaming, humiliating,
3221 denigrating, etc.
3222 iii. Physical abuse. Physical harm or the imminent threat of physical harm to a child or
3223 vulnerable adult.
3224 iv. Sexual abuse. Any form of sexual contact, lewdness, exploitation, exposure to
3225 pornographic material, solicitation to engage in sexual activity, or other similar
3226 actions towards a child or vulnerable adult.
3227 v. Vulnerable Adult. A person eighteen (18) years of age or over whose advanced age or
3228 physical or mental incapacity substantially limits the person's judgment or ability to
3229 resist emotional, physical or sexual abuse.
3230

3231 2. Screening staff and volunteers 3232

- 3233 i. Background check. Prior to working in city programs in which children or vulnerable
3234 adults participate, every City employee or volunteer shall obtain a nationwide
3235 criminal background check and provide it to the City.
3236 ii. Any person who has been convicted of child abuse, abuse of a vulnerable adult,
3237 lewdness, voyeurism, a crime involving pornography, providing harmful material to
3238 a child, prostitution, patronizing a prostitute, child exploitation, endangering a child
3239 or elder adult, sexual abuse of a child, unlawful sexual activity with a minor, rape,
3240 sexual battery, or convictions for other sex related offenses, any form of assault,
3241 etc. shall be ineligible to work as a staff employee or volunteer in a City program in
3242 which vulnerable adults or children participate.

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3. Training

- i. Annual training. Each year the City will provide training regarding this policy to be attended by all staff and volunteers who work with children or vulnerable adults regardless of whether they have participated in the training before

4. Protection measures

- i. Two-adult supervision. At least two adult staff or volunteers shall be present during all City sponsored programs attended by children or vulnerable adults. Isolated one-on-one contact between a staff member or volunteer and a child or vulnerable adult during a City sponsored program is prohibited.

5. Reporting.

- i. Mandatory reporting. City staff shall not take it upon themselves to investigate allegations of abuse. Every allegation involving children shall be reported to the Division of Child and Family Services. Allegations regarding vulnerable adults shall be reported to Adult Protective Services.
- ii. Investigation by Division of Child and Family Services or Adult Protective Services. The City shall not attempt to investigate on its own allegations of abuse involving its staff or volunteers.

6. Violation.

- i. Violation of this policy may result in disciplinary action up to, and including termination.

3271 Policy 9.2 UOSHA REQUIREMENTS

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3273 POLICY

3274

3275 It is the policy of North Ogden City to comply with UOSHA requirements.

3276

3277 1. POSTING OF NOTICES

3278

3279 1. The City will post notices that are provided by UOSHA in a conspicuous place. This may

3280 be on an employee bulletin board or other place where similar notices are usually

3281 posted. Employees should be able to easily obtain information from their supervisor or

3282 department head when the employee has a question about any of the standards

3283 described in UOSHA.

3284

3285 Policy 9.3 DISASTER RESPONSE PLAN
3286
3287 POLICY
3288
3289 North Ogden City has developed and will follow the City's Emergency Response Plan.
3290

3291 Policy 9.4 EMERGENCY PROCEDURES

3292

3293 The City is committed to providing, in so far as it reasonably can do so within available resources, a safe
3294 environment for working and conducting business. Employees and supervisors shall receive periodic
3295 workplace safety training. Supervisors shall assume responsibility of instructing personnel of safe
3296 practices to be observed in their work situations. They will consistently enforce safety standards and
3297 requirements, set the example of good safety practices and act positively to eliminate hazards.

3298

3299 The City will not tolerate or ignore acts of violence committed by City employees, or against City
3300 employees by members of the public while on City property or while the City employees are performing
3301 City business at other locations. The objective of this policy is to reduce the potential for violence in and
3302 around the workplace, to encourage and foster a work environment that is characterized by respect and
3303 conflict resolution, and to mitigate the negative consequences for employees who experience or
3304 encounter violence in their work lives. Any unlawful violent actions or threats committed by or against
3305 employees must be immediately reported to their supervisor. Such actions or threats will be
3306 investigated and prosecuted as appropriate and may result in disciplinary action.

3307

3308 1. TELEPHONE BOMB THREATS

3309

3310 1. Be calm and courteous to the caller. Employees will notify the supervisor, department
3311 head or City Manager, using a prearranged signal while the caller is on the line. An
3312 example of following this procedure would be throwing a pencil or other small item near
3313 the supervisor, department head or City Manager, followed by rapidly waving the arm
3314 to get their attention. The employee will communicate with the supervisor, the
3315 department head or the City Manager by using or passing notes. The employee should
3316 not attempt to talk to the supervisor by putting his/her hand over the phone and talking
3317 or whispering. The supervisor, department head or City Manager should also not
3318 attempt to listen in on the conversation by picking up another telephone. The employee
3319 should not put the caller on a speaker phone if the caller would be able to tell that he or
3320 she is on a speaker phone, such as by hearing ambient noise or other voices.

3321

3322 2. Be attentive. The City has developed a Telephone Bomb Threat Checklist (**see Exhibit**
3323 **“U”**) **for employees to use. Voice characteristics, background noise and bomb threat**
3324 **details that employees can remember about suspicious persons or assailants will greatly**
3325 **help local law enforcement officials in the apprehension of suspects.**

3326

3327 2. MAIL LETTER AND PACKAGE BOMB THREATS

3328

3329 1. Be cautious. Employees should visually assess the letter or package and inform their
3330 department head or the City Manager of anything unusual. It is always better to be safe
3331 than sorry.

3332

3333 2. Be careful. The City has developed a Mail Letters and Packages Bomb Recognition
3334 Checklist (see Exhibit “V”) for employees to use. Unusual weight, shape or other details
3335 that employees can remember about suspicious letters or packages will greatly help
3336 local law enforcement officials in the apprehension of suspects.

3337

3338 3. SUSPICIOUS ARTICLE THREATS

3339

3340 1. Be alert. Employees should report all suspicious articles to their department head or the
3341 City Manager. Do not touch, pick up, shake or attempt to move any articles of a
3342 suspicious nature.

3343

CHAPTER 10
FAMILY AND MEDICAL LEAVE ACT

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Policy 10.1 FAMILY AND MEDICAL LEAVE ACT

POLICY

North Ogden City offers family and medical leave in compliance with the Family and Medical Leave Act of 1993, 29 U.S.C. §2601 et.seq.

1. DEFINITIONS. When used in this Policy, the following terms shall have the following meanings.

1. "Serious medical condition" means an illness, injury, impairment or physical or mental condition that involves 1) inpatient care in a hospital, hospice or residential medical care facility, or 2) continuing treatment by a medical health care provider.
2. "Child" means a biological, adopted or foster child, a stepchild, a legal ward or a child of a person standing in loco parentis, who is 1) under 18 years of age, or 2) 18 years of age or older and incapable of caring for him or herself because of a mental or physical disability.
3. "Benefits" means all benefits provided or made available to employees by the City, including group life insurance, disability insurance, sick leave, annual leave, educational benefits and pensions.
4. "Health care provider" means 1) a doctor of medicine or osteopathy licensed by the State where he or she practices, or 2) any other person determined by the United States Secretary of Labor to be capable of providing health care services.

2. ELIGIBILITY. In order to be eligible to apply for family and medical leave, an employee must have:

1. Worked for the City for at least 12 months, and
2. Worked at least 1,250 hours in the immediately preceding 12 months.

3. REASONS FOR LEAVE. Eligible employees may apply for family and medical leave for the following reasons:

1. The birth of a child to the employee and in order to care for the new child.
2. The placement of a child with the employee for adoption or foster care.
3. To care for the employee's spouse, child or parent, if the spouse, child or parent has a serious medical condition.
4. Because of a serious medical condition which makes the employee unable to perform the functions of the employees' position with the City.

- 3434 4. LEAVE ENTITLEMENT. Eligible employees shall be entitled to a maximum of 12 weeks of Family
3435 and Medical Leave during any 12-month period.
- 3436 5. VACATION TIME AND UNPAID LEAVE. Any employee taking Family and Medical Leave under
3437 this policy shall be required to use his/her accrued vacation time or other accrued leave as part
3438 of the Family and Medical Leave. Family and Medical Leave taken in excess of the employee's
3439 accrued leave shall be unpaid leave.
- 3440
- 3441 6. RESTORATION OF EMPLOYMENT. At the end of any period of Family and Medical Leave,
3442 the employee shall be restored to the position held by the employee prior to the leave or an
3443 equivalent position with equivalent benefits, pay and other terms of employment. The City may
3444 deny restoration of employment under the following circumstances:
- 3445
- 3446 1. The employee on Family and Medical Leave is a salaried employee among the highest
3447 paid ten percent (10%) of the City's employees,
- 3448
- 3449 2. The City determines that restoration would cause substantial and grievous economic
3450 injury to the City,
- 3451
- 3452 3. The City notifies that employee of its intent to deny restoration to the employee at the
3453 time the City determines that restoration would cause substantial and grievous
3454 economic injury to the City, and
- 3455
- 3456 4. The employee elects not to return to employment after receiving the notice.
- 3457
- 3458 7. CONTINUATION OF BENEFITS.
- 3459
- 3460 1. Taking Family and Medical Leave shall not result in the loss of any employment benefits,
3461 which have accrued prior to the leave.
- 3462
- 3463 2. Nothing in this policy shall be construed to indicate that during any period of Family and
3464 Medical Leave, the employee shall be entitled to:
- 3465
- 3466 1. The accrual of seniority or additional benefits, or
- 3467
- 3468 2. Any other right, benefit or position of employment other than those to which
3469 the employee would have been entitled if he or she had not taken the leave.
- 3470
- 3471 3. During any period of Family and Medical Leave, the City shall maintain coverage for the
3472 employee under the City's group health plan at the level and under the same conditions
3473 coverage would have been provided if the employee had not taken the leave. In most
3474 instances, this means that the employee will have to continue making contributions
3475 towards the payment of health insurance during the leave period.
- 3476
- 3477 4. In the event an employee fails to return from Family and Medical Leave, the City may
3478 recover the share of premiums paid for group health coverage by the City on behalf of
3479 the employee. This means that if the employee fails to return at the expiration of the
3480 leave the City may demand reimbursement for the portion of the premiums the City

3481 paid during the leave period. The City make not seek reimbursement if the failure to
3482 return is caused by the continuation, recurrence or onset of a serious medical condition
3483 affecting the employee, or the employee's spouse, child or parent, or other
3484 circumstances beyond the control of the employee.

3485
3486 5. If the employee fails to return at the end of the Family and Medical Leave and alleges
3487 that the failure is due to a serious medical condition affecting the employee, or the
3488 employee's spouse, child or parent, the City may require certification of the serious
3489 medical condition from the health care provider of the affected person. The employee
3490 shall provide the requested certification in a timely manner. To be accepted by the City,
3491 the certification must state:

3492
3493 1. that the serious medical condition prevented the employee from returning to
3494 work at the end of the leave, or

3495
3496 2. that the employee was needed to care for the child, spouse or parent on the
3497 date the leave ended.

3498
3499 8. LEAVE FOR THE BIRTH OR PLACEMENT OF A CHILD. In addition to the foregoing, Family and
3500 Medical Leave for the birth of a child to the employee or the placement of a child with the
3501 employee for adoption or foster care ("Birth Leave") is governed by the following provisions.

3502
3503 1. Birth Leave must be taken within 12 months of the birth or placement.

3504
3505 2. Birth Leave may not be taken intermittently or on a reduced work schedule without
3506 written approval of the City.

3507
3508 3. An employee considering Birth Leave must provide the City with 30 days' notice prior to
3509 taking the leave, unless circumstances make the giving of such notice impossible, in
3510 which case the employee shall give as much notice as possible.

3511
3512 4. In the event both spouses in a family are employed by the City, the two spouses
3513 between them shall be entitled to an aggregate of 12 weeks of Birth Leave.

3514
3515 9. LEAVE FOR SERIOUS MEDICAL CONDITIONS. In addition to the foregoing, Family and Medical
3516 Leave caused by a serious medical condition suffered by the employee of the employee's child,
3517 spouse or parent ("Medical Leave") shall be governed by the following provisions.

3518
3519 1. Medical Leave may be taken intermittently or on a reduced work schedule when
3520 medically necessary. Taking Medical Leave intermittently or on a reduced work schedule
3521 shall not reduce the total amount of Medical Leave to which the employee is entitled.

3522
3523 2. In the event an employee requests Medical Leave on an intermittent or reduced work
3524 schedule, the City may require that the employee transfer temporarily to an alternative
3525 position with the City. The City may require transfer only if.

3526
3527 1. the employee is qualified for the alternative position,

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2. the alternative position has equivalent pay and benefits, and
 3. the alternative position better accommodates recurring periods of leave than the employee's regular position.
 3. In addition to using accrued vacation time or other accrued leave, an employee taking Medical Leave may be required to use his/her accrued sick leave as part of the Medical Leave.
 4. In the event the serious medical condition which occasions the Medical Leave is foreseeable based on planned medical treatment, the employee shall make reasonable efforts to plan the treatment so as not to duly disrupt the City's operations, subject to the approval of the health care provider of the person affected by the serious medical condition.
 5. The employee shall make reasonable efforts to provide the City with 30 days' notice prior to taking Medical Leave, or as much notice as is possible in the circumstances.
 6. In the event that both spouses in the family are employed by the City and the Medical Leave is requested to care for a parent, the two spouses between them shall be entitled to an aggregate of 12 weeks of Medical Leave.
 7. The City may require that any request for Medical Leave be supported by a certification from the health care provider to the affected employee or the employee's child, spouse or parent. To be sufficient, the certification must include:
 1. the date on which the serious medical condition commenced;
 2. the probable duration of the condition;
 3. the medical facts known to the health care provider regarding the condition; and
 4. a statement that the employee is unable to perform his duties with the City or is needed to care for his/her child, spouse or parent.
 8. If the employee is requesting intermittent leave or a reduced work schedule as part of the Medical Leave, the certification must also include:
 1. the dates. If known, the treatment will be given and the duration of the treatment;
 2. if the serious medical condition affects the employee's child, spouse or parent, a statement that the intermittent leave or reduced work schedule and the expected duration of the intermittent leave or reduced work schedule;

- 3575 3. if the serious medical condition affect the employee’s child, spouse or parent, a
3576 statement that the intermittent leave or reduced work schedule is necessary for
3577 the treatment of the child, spouse or parent or will assist in the recovery of the
3578 child, spouse or parent.
3579 4. the expected duration of the intermittent leave or reduced work schedule.
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3581 9. The City shall have the right, after receiving a certification from the health care provider,
3582 to a second opinion from a health care provider chosen by the City. The City shall pay
3583 the costs of obtaining the second opinion. The health care provider chosen by the City
3584 shall not be a City employee.
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3586 10. If the second opinion obtained by the City conflicts with the opinion of the employee’s
3587 health care provider, the City may require a third opinion from a health care provider
3588 agreed upon by the City and the employee. The City shall pay the costs of obtaining the
3589 third opinion and the opinion of the third health care provider shall be final and binding
3590 on the City and the employee.
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3592 10. POSTING OF NOTICES

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3594 1. The City will post notices that are provided by the federal government in a conspicuous
3595 place. This may be on an employee bulletin board or other place where similar notices
3596 are usually posted. Employees should be able to easily obtain information from their
3597 supervisor or department head when the employee has a question about any of the
3598 standards described in the Family and Medical Leave Act of 1993, 29 U.S.C. §2601
3599 et.seq.
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