



NORTH OGDEN CITY CORPORATION

EMPLOYEE POLICIES AND PROCEDURES

INTRODUCTION

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

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

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

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

Department policies are intended to be in harmony with this policy manual and shall be subordinate to such laws whenever any conflict is shown to exist.

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

Notwithstanding anything to the contrary that may appear herein, the policies and procedures of this policy manual do not constitute an employment contract (explicit or implied) and shall not modify the City employee's status as an at-will employee, except as otherwise provided by Utah State code Annotated §10-3-1106 and/or federal law. This lack of an employment contract or guarantee also applies to other benefits, privileges, and working conditions at North Ogden City.

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

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DEFINITIONS

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

1. "Fair Labor Standards Act" or "FLSA" shall mean the Federal Fair Labor Standards Act (29 U.S.C. §201-219, 251-262), together with any regulations promulgated under authority granted by the FLSA to any executive officer or department.
2. "Full-time Employee" or "full-time employment" shall have the meaning described in Policy 1.5.
3. "Exempt Employee" shall mean a salaried employee.
4. "Non-exempt Employee" shall mean an hourly employee.
5. "Part-time Employee" or "part-time employment" shall have the meaning described in Policy 1.5.4 and 1.5.5 Permanent part-time employees will only be eligible to receive benefits in the form of COLA's and bonuses.
6. "Temporary Employee" or "temporary employment" shall have the meaning described in Policy 1.5.3
7. "Seasonal Employee" or "seasonal employment" shall have the meaning described in Policy 1.5.6
8. "Public Safety Employees" shall mean employees of the North Ogden Police Department who work various shifts according to a schedule produced by their departments.
9. "Immediate Family Members" shall mean as defined in The Family Medical Leave Act – spouse, child or parent of the employee.
10. "Retirement" shall mean 30 complete years or 35 complete years for those hired after June 30, 2010 of employment with North Ogden City for full-time employees and 20 complete years or 25 complete years for those hired after June 30, 2010 for North Ogden City police officers.
11. "Mayor" shall mean the elected Mayor or in the absence of the elected Mayor for any reason the term "Mayor" shall include the "Mayor Pro Tem".
12. "Permanent Part-time Employee" or "Permanent Part-time Employment" shall have the meaning described in Policy 1.5.5
13. "Selection Committee" shall mean the committee determined by the Department Head and Human Resource Director under the direction of the City Manager.
14. "Independent Contractor" shall have the meaning described in Policy 1.6.
15. "Weapons" means any item that in the manner of its use or intended use is capable of causing

death or serious bodily injury.

(a) The following factors shall be used in determining whether a knife, or any other item, object, things not commonly known as a weapon is a weapon:

(i) the character of the instrument, object, or thing; and

(ii) the other lawful purposes for which the instrument, object, or thing may be used.

16. "Probationary Employee" shall have the meaning described in Policy 1.5.2

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 Cities and Towns website, and other sites that are deemed appropriate. 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. The transfer of a Full-time employee 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.
 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 the decision by following the procedure in Chapter 3.

Policy 1.2 RECRUITMENT AND HIRING

POLICY

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

1. APPLICATION

1. Department heads shall consult with the City Manager regarding staffing needs and shall not advertise any job opening until the City Manager has approved recruitment. All personnel selection decisions shall be made by a selection committee, which shall evaluate applicant responses using a sound decision making method which weighs the importance of advantages in each of the valuation factors, as decided on and developed by department heads and the Human Resource Director.
2. The Human Resource Director will draft an advertisement for the position. The advertisement shall contain all of the relevant information regarding the job that is reasonably necessary and appropriate to generate a qualified applicant pool. The advertisement shall be published on the City website for at least five (5) days prior to the closing of the time to make applications.
3. The qualifications required of applicants will be related to the duties of the specific job and reviewed for compliance with all City policies.
4. As a condition of employment, any Law Enforcement applicant shall be required to live within a radius of 15 miles of North Ogden or to relocate to a permanent residence within the 15 mile radius within 90 calendar days without approval of the department head, of accepting an employment offer. This residency requirement shall be ongoing and continuous through the employment term.
5. In order to be considered for employment with the City, an applicant must sign a written application and file the application with the Human Resource Director during regular business hours. The application form will be in essentially the same format contained in Exhibit "A or A1". The City will immediately reject all unsigned applications.

2. REVIEW OF APPLICATIONS

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

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

3. INTERVIEWS AND REFERENCES

1. The Selection Committee shall rank the applications (using a sound decision making process) and invite selected applicants for interviews. The Selection Committee will conduct the interviews under the supervision of the City Manager.
2. The Human Resource Director will contact references provided by an applicant. The Human Resource Director will keep records of all contacts with references and keep the records as part of the applicant's file. Only the Human Resource Director or his/her designee will be permitted to perform reference checks.
3. The Police Department will provide their own reference checks and background checks for sworn Police Officers. The Human Resource Director will keep records of all contacts with references and keep the records as part of the applicant's file.

4. RECOMMENDATION AND HIRING

1. At the conclusion of the interviewing process, the department head shall recommend one candidate to the City Manager to fill the position. The recommendation shall include a recommendation for the salary to be paid to the applicant upon hiring.
2. After receiving the recommendation of the department head, the City Manager, together with the department head, may interview the recommended applicant. The City Manager shall have discretion regarding whether an additional interview is necessary.
3. The City Manager shall then concur with the recommendation of the department head or reject the recommendation. If the City Manager rejects the recommendation, the department head shall recommend a different applicant for the position and the City Manager shall review the new recommendation and may, at his or her discretion, interview the person who has been recommended to fill the position. Department Head positions shall be filled with advice and consent of the City Council.
4. All offers of employment shall be conditioned upon a background check and drug testing prior to commencing employment with the City. For Public Safety positions the offer of employment may also be conditioned upon the results of a medical examination, polygraph testing, job related physical ability testing and psychological testing. All applicants must consent to this testing by executing "consent" in essentially the same form as Exhibit "B".

Testing under this paragraph will occur only after a conditional offer of employment has been made and accepted.

1. All medical, psychological, physical, or polygraph examinations that are

specifically required prior to commencing employment shall be conducted by duly licensed or otherwise qualified individuals approved by the City.

2. If the individual performing the testing deems any candidate medically, emotionally or otherwise unable to perform the duties of the position applied for without reasonable accommodation, the individual(s) administering the testing shall state in writing the reasons for the inability and the accommodations necessary to allow the applicant to fill the position.
 3. The City shall bear all costs of any required pre-employment testing.
 5. The job offer shall be made in writing by the City Manager or the Mayor. The offer shall instruct the applicant to sign the letter and return it to the City office to indicate acceptance of the offer. Offers which are not returned within two weeks shall be deemed to be rejected.
 6. For those positions requiring certifications including CDL and for which the City will be required to incur expense to facilitate the employee obtaining the needed certification, the applicant shall be required to sign an agreement which stipulates their commitment to work for the City for a minimum of one calendar year after such certifications are acquired. Failure to complete the one-year minimum shall result in a charge against the employee to cover cost of certification unless waived at the consent of the City Manager. Re-certifications are not subject to this requirement.
 7. If the initial job offer is not acceptable to the applicant or if the applicant makes a counter-offer of employment by modifying any of the substantive terms of the City's offer, the City Manager must approve any decision to change the offer. In the case of a department head position or City Manager position, Council must approve any decision to change the offer.
 8. Upon accepting an offer for employment, the selected applicant must receive a copy of the Personnel Policies and Procedures Manual and must sign a Receipt of Manual Disclaimer Exhibit "C" upon receipt of the manual.
5. DISPOSITION OF NON-SELECTED APPLICATIONS AND REJECTION LETTERS TO APPLICANTS
1. When an applicant is not selected, all forms and information relating to the applicant must be returned immediately to the Human Resource Director who will file them according to the State's Retention Schedule.
 2. After the job offer has been accepted, the Human Resource Director shall notify the non-selected applicants within a reasonable length of time.

Policy 1.3 CLASSIFICATION AND JOB DESCRIPTION

POLICY

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

1. CLASSIFICATION PLAN

1. The purpose of the classification plan shall be to:
 1. Provide fair and equitable compensation for services.
 2. Establish minimum qualification standards for recruiting purposes. (This includes minimum requirements of training and experience as well as minimum requirements of skills, knowledge, abilities and other qualifications necessary for entry into the position.)
 3. Provide department heads and supervisors with a means of analyzing work distribution, areas of responsibility, lines of authority and other important relationships between positions.
 4. Provide a basis for establishing standards of work performance.
 5. Indicate training needs.
 6. Provide uniform titles for positions.

2. JOB DESCRIPTION

1. When a new position is created the department head shall send the City Manager a request for classification of the position with a description of the applicable duties and responsibilities to be assigned to the position.
2. The Human Resource Director shall then create a formal job description for the position, after analysis and evaluation of the duties and responsibilities without regard to the personal characteristics, abilities or qualifications of the prospective incumbent.
3. The job description shall describe the department in which the position is located, the position's direct supervisor, and the salary range for the position, the duties of the position and the qualifications for the position.

Policy 1.4 EMPLOYMENT OF RELATIVES

POLICY

The City shall comply with Title 52, Chapter 3, Utah Code Annotated regarding employment of relatives. A copy of this statute is provided as Exhibit "D".

Policy 1.5 TYPES OF EMPLOYMENT

POLICY

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

EMPLOYMENT TYPES

1. **Full-time employment** is the employment type of most City employees. For employees who have not been classified as exempt under FLSA, full-time employment shall begin on the date of hire. Full-time employment is: a) 30 hours per week and b) 30 hours per week for police officers. Full-time employees qualify for all regular benefits.
2. **Probationary employment** means the employment status of all new employees during the first six months of employment with the City with the possibility of an extension of the probation period if necessary. An employee who is transferred shall commence a new probationary period, which shall last six months from the transfer. Issues surrounding probationary employment are more fully described in Policy 6.2.
3. **Temporary employment** means employment by the City, which cannot exceed 6 months in any calendar year. Applicants for temporary employment must meet the minimum qualifications of the position for which they are employed. Temporary employees do not qualify for regular benefits.
4. **Part-time employment** means employment for less than the number of hours described under full-time employment above and cannot work more than 29 hours per week. Applicants for part-time employment must meet the qualifications of the position for which they are employed. Part-time employees do not qualify for regular benefits. (Adopted 12 November 2013 by Res. 12-2013)
5. **Permanent part-time employment** means employment for less than the number of hours described under full-time employment above and cannot work more than 29 hours per week for a position that is currently permanent. Applicants for permanent part-time employment must

meet the qualifications of the position for which they are employed. Permanent part-time employees may qualify for COLA. (Adopted 12 November 2013 by Res. 12-2013)

6. **Seasonal employment** may mean full-time employment by the City for a period between three (3) to twelve (12) if the average hours worked during the employment period do not exceed twenty-nine (29) hours per week. Seasonal employees may be hired by department heads without following all of the procedures described in Policy 1.2, provided that the creation of the seasonal position has been approved by the City Manager. Applicants for seasonal employment must meet the minimum qualifications of the position for which they are employed. Seasonal employees do not qualify for regular benefits. (Adopted 12 November 2013 by Res. 12-2013)
7. **Emergency employment** (other than Declaration of Emergency) means employment during an emergency, which will not typically continue past the duration of the emergency. The purpose of emergency employment shall be to prevent undue delay or serious interference with the provision of vital City services during the emergency. In an emergency, department heads may hire emergency employees for a period not to exceed thirty (30) calendar days. Such employees may be hired using the most expedient methods that are practicable and reasonable under the circumstances and without following the procedures of Policies 1.1 and 1.2, although the City Manager's approval shall be necessary to hire an emergency employee. The City Manager must also approve the hourly rate of pay for all emergency employees prior to the hiring of the emergency employee. No emergency employee will remain employed with the City past the duration of the emergency, unless the emergency employee completes the hiring process as described in Policy 1.2, and the retention of the emergency employee is approved by the City Manager.

Policy 1.6 INDEPENDENT CONTRACTORS

POLICY

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

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

In general terms, an employee is one who is hired and paid a salary, a wage, or at a fixed rate, to perform the employer's work as directed by the employer and who is subject to a comparatively high degree of control in performing those duties. In contrast, an independent contractor is one who is engaged to do some particular project or piece of work, usually for a set total sum, who may do the job

in his/her own way, subject to only minimal restrictions or controls and is responsible only for the project or piece of works satisfactory completion.

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

1. A department head who believes that he has a project, which requires the hiring of an independent contractor, shall inform the City Manager in writing of the need for an independent contractor. The department head shall describe the project for which the independent contractor is needed and the skills which the independent contractor should have. The department head shall also describe the steps he/she has taken to locate a person with the necessary skills among the City's existing employees.
2. The City Manager shall review the request from the department head to hire an independent contractor. If the City Manager believes that the request is unjustified, he shall notify the department head of his decision and no independent contractor shall be hired. If the City Manager believes that the request to retain an independent contractor is justified, he shall consult with the Mayor regarding the hiring of an independent contractor.
3. No independent contractor shall be hired without the consent of both the Mayor and City Manager.
4. If the Mayor and the City Manager decide to hire an independent contractor, they shall place an advertisement in a newspaper, interview applicants and choose an independent contractor to fill the position. The department head who requested the independent contractor may participate in the selection process, but the decision regarding which applicant to retain shall be made by the Mayor and the City Manager.
5. All independent contractors must be hired by contract in order to ensure compliance with specific protection provisions of the Fair Labor Standards Act and to protect the City from potential financial liabilities. The City Manager, working with the City Attorney and with the participation of the Mayor, will negotiate the terms of the contract and draft the specific terms of the contract. The Mayor shall execute these contracts as required by law.
6. Each contract with an independent contractor MUST contain the following provisions:
 1. All contracts must contain indemnity and liability defense provisions in which the contractor assumes all liability arising out of his/her work and agrees to assume all of the costs of defending any claims brought against the City as a result of the independent contractor's work for the City.
 2. All contractors must provide evidence of comprehensive general liability insurance, including contractual liability insurance covering the contract concerned including listing

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

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

7. CONTROL

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

8. OPPORTUNITY FOR PROFIT OR LOSS

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

9. PERMANENCY

Independent contractors usually have the ability to terminate the relationship according to guidelines of the contract and perform their operations elsewhere. If it is not possible for the independent contractor to terminate the relationship pursuant to the contract, it is likely that the individual is dependent on the organization and is therefore not an independent contractor. In addition, independent contractors usually are hired to perform a specific task or project. When that task or project is completed, the independent contractor’s relationship with the City is usually terminated.

10. SKILL

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

11. METHOD OF PAYMENT

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

CHAPTER 2 EMPLOYEE CONDUCT

Policy 2.1 EMPLOYEE CONDUCT

POLICY

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

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

1. RECEIPT OF GIFTS

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

2. OUTSIDE EMPLOYMENT

1. Employees wishing to enter into outside employment shall notify the City of this fact and give all relevant information to the City using the Employee's Notice of outside Employment form attached as Exhibit "F".
2. Upon written authorization or approval of the City Manager and the department head, a full-time employee may engage in outside employment. Employees whose requests for approval of outside employment are denied by the City Manager may appeal that decision to the Mayor.
3. No employee may engage in additional employment which in any manner interferes with the proper and effective performance of the employee's official duties, takes place during the employee's assigned hours of employment with the City, or results in a conflict of interest, or a perceived conflict of interest.
4. If the City Manager and/or the Mayor, in consultation with the department head, determines that an employee's outside employment is disadvantageous to the City's interests, the employee shall terminate the outside employment upon receiving reasonable notification in writing by the department head, the City Manager, or the Mayor.
5. Public Safety employees are covered under the "Off-duty employment" Standard Operating Procedures #15.
6. Under no circumstances shall any of the City's equipment be utilized for outside employment, for personal financial gain or for the personal financial gain of any family member.

3. PRIVILEGED INFORMATION

1. City employees who are involved with information of significant public interest may not use this privileged information for personal gain and not to benefit friends, family members or acquaintances. Violation of this provision regarding use of City information for private gain shall be cause for disciplinary action which may include termination. 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.
2. If an employee has any interests, which could be affected by any proposed City plan or activity, the employee shall disclose all of the relevant facts to his/her supervisor immediately upon learning of the possibility of a conflict of interest. The report shall include a description of the employee's interest that may be affected, the proposed City plan or activity that may affect the employee's interest, and the anticipated effect on the employee's interest. Failure to make this report in a timely manner shall be cause for disciplinary action which may include termination.

3. If any member of the public (including candidates for public office and the press) requests information held by the City from an employee, the employee shall refer the person to the City Manager or other person designated by the City Manager. Much of the information collected and retained by the City is private, controlled or protected and the City may be liable for improperly releasing that information. Under no circumstances should employees, who have not been designated by the City Manager, attempt to determine which information the public is entitled to and which information is private, controlled or protected. Violation of this provision may be the basis of disciplinary action that may include termination. 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.

4. POLITICAL ACTIVITY

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

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

5. MEDIA RELATIONS POLICY

1. GOAL

North Ogden City seeks to establish "transparency in government" by working cooperatively with the media to disseminate information of public interest and concern in an accurate, complete and timely manner.

2. POLICY

1. To achieve the City's goal, the City Manager is designated as the City Public Information Officer or "CITY PIO" for North Ogden City and shall be responsible for the implementation of this policy. When the CITY PIO is unavailable, he or she shall designate one of the authorized City spokespersons as the "Acting CITY PIO."

2. The press should be treated like a customer of the City and all City employees or officials who engage with the press shall do so in a courteous, polite and professional manner. Any media inquiries received by City staff will be referred immediately to their Department Head who, in turn, will immediately forward the contact to the CITY PIO for response.
3. Inquiries from the news media are given a high priority by North Ogden City and should be responded to as quickly and efficiently as possible. Every effort should be made to meet media deadlines and to ensure that all information released is accurate and complete.
4. When contacted by the CITY PIO for information to respond to a media inquiry, all department heads shall immediately provide the CITY PIO the most accurate and complete information available for the response.
5. If the CITY PIO determines that the City's goal can best be achieved by having someone with more background or expertise speak for the City on a particular topic, he or she may designate one of the authorized spokespersons to assist with or give the City's response.
6. To assure that the City's elected officials have accurate, complete and timely information to fulfill their responsibilities to represent the public in City affairs, they shall be immediately informed by telephone or email of the substance of every media inquiry and of the City's official response. They shall be notified of all official City press releases and other proactive media contacts prior to release of information to the media.
7. The CITY PIO shall keep a log of all media contacts indicating the date and time of the contact, the substance of the inquiry, the substance of the City's response, the identity of the person making the response for the City and the date and time of the response.
8. Verbal requests from the media to any City elected official or employee that are not public safety, crisis or emergency inquiries shall be sent in writing to the CITY PIO and elected officials. Responses to the media shall be sent in writing and copied to the CITY PIO and elected officials. Copies may also be sent to other City spokespersons as needed.

3. CITY SPOKESPERSONS

Authorized City spokespersons that the CITY PIO, in his or her judgment, may designate for a particular response are:

- The Mayor and City Council members
- The City Attorney
- All Department Heads
- The Police Chief

4. RECORDS REQUESTS

1. Media requests for records will be handled in accordance with this policy, to the extent it is consistent with the Government Records Access and Management Act or "GRAMA" as contained in Utah Code Ann. § 63G-2-101 et. Seq.
2. The CITY PIO will be notified of all media records requests.
3. He or she will then forward the request to the City Recorder who is the official custodian of all City records.
4. The Recorder will be responsible to see that media records requests are handled in an accurate, complete and timely manner.
5. The Recorder will immediately notify all elected officials by telephone or email of each media records request received by the City.
6. The Police Department shall continue to respond to media requests for records concerning investigations according to police department policy.
7. Media records requests shall be made in writing on a form prepared by the City for that purpose; the form shall include:
 1. An accurate and complete description of the record(s) requested;
 2. The name of the person and organization making the request;
 3. The date and time of the request;
 4. The telephone number and mailing address of the requestor;
 5. The name of the City employee assigned by the Recorder to respond to the request; and,
 6. The date and time of the response.
8. A copy of all records disclosed to the media in response to the request shall be attached to the completed form and archived by the Recorder in chronological order.
9. The records produced in response to media requests shall be readily available for viewing at City Hall upon request by any elected official.

5. PRIVILEGED AND PRIVATE INFORMATION

1. The vast majority of the records and affairs of North Ogden City are public information which citizens, including the press, have the right to know. All

public information should be provided to the press upon request without unnecessary delay.

2. Some matters, however, like ongoing investigations, information regarding litigation or the threat of litigation, personnel issues, real estate transactions, medical and mental health matters, private data regarding citizens, documents in draft form, to name a few, are governed by privileges and laws intended to advance important public policy goals.
3. When a media request for an interview or for records appears to involve a subject matter that may be privileged or private, the CITY PIO, Police PIO or Recorder should consult with the City Attorney. The City Attorney will review the request without delay and promptly provide counsel to the CITY PIO or Recorder.

6. PERSONAL POINTS OF VIEW

1. It is recognized that all employees have the right to express their personal points of view regarding matters of general public concern.
2. However, personal points of view may conflict with the City's official policy.
3. Therefore, City employees who write letters to the editor may not use official City stationary. If an employee chooses to identify himself or herself as a City employee in a letter or email to the editor, he or she must state that the views set forth in the letter do not represent the views of the City but are the employee's personal opinions.
4. A similar disclaimer must be given if an employee addresses a public meeting, participates in a radio talk show, or is interviewed for radio or television, unless the employee has been designated by the CITY PIO as a spokesperson for the City.

7. CITY-INITIATED INFORMATION

1. Proactive media contact on behalf of the City is processed through the CITY PIO -- this includes press releases, media advisories and personal contacts with reporters and editors for coverage.
2. Departments seeking publicity for events or activities, or needing to collaborate with the media to communicate important information to the public, will coordinate with the CITY PIO.
3. Departments (except law enforcement on matters pertaining to investigations) may not unilaterally initiate media contacts.

4. When the CITY PIO approves a proactive media contact, he or she shall notify elected officials of the substance of the contact by telephone or email prior to the information being released.

8. PUBLIC SAFETY ISSUES

1. Because the Police Department operates 24/7 and its work generates a high volume of media calls, it shall designate an officer or officers as Police Public Information Officers or "Police PIO's" and follow specific guidelines when releasing information.
2. When the CITY PIO is notified by a City staff member of a media call regarding a police investigation or general criminal activity, the CITY PIO will immediately forward the contact to the Police PIO for the appropriate response.
3. All information released to the media by the Police PIO should be provided immediately to the CITY PIO who will forward the information without delay by telephone or email to elected officials.
4. Media inquiries concerning matters of police personnel, general police policies and procedures or in any way reflecting upon the competency or integrity of police personnel or police administration will be routed to and handled directly by the CITY PIO as provided in this policy.

9. CRISIS OR EMERGENCY ISSUES

During a crisis or major emergency (i.e. flooding, earthquake, etc.), the procedure for communicating with the media is highlighted in the City's Emergency Plan. The plan designates the CITY PIO as the main point of contact for the media. The CITY PIO is assisted by alternates, including the Police PIO, who prepare and disseminate emergency public information.

6. DRESS CODE AND APPEARANCE

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

7. GROUNDS FOR DISCIPLINE

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

1. Falsification of City records.
2. Knowingly marking the time slip of another employee, authorizing one's time slip to be marked by another employee, unauthorized alteration of a time slip or deliberately turning in a false time slip.
3. With the exception of police officers, having weapons or explosives in City-owned vehicles is not permitted.
4. Carelessness that affects the safety of others.
5. Threatening, intimidating, coercing or interfering with others while in the course of employment.
6. Theft, removal or the unofficial use of City property or property of any employee.
7. Gambling or engaging in a lottery at any City work area while on duty or during work hours.
8. Misusing, destroying or damaging any City property or the property of another.
9. Deliberately restricting or slowing work or output.
10. Drinking any alcoholic beverage or taking or using any illegal drug during work hours or while on duty.
11. Taking any drug or medication while on duty which impairs the employee's judgment, regardless of whether the employee has a prescription for the drug or medication.
12. Refusing to submit to drug testing.
13. Immoral conduct or indecency while on the job.
14. Unauthorized sleeping on the job during working hours.
15. Incompetence.
16. Inability or unwillingness to work with or get along with other employees.
17. Inability or unwillingness to interact acceptably with the public.
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 maintaining 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, or 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.
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 or 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.

Policy 2.2 EMPLOYEE DISCIPLINE

POLICY

Employees of North Ogden City are expected to adhere to high standards of personal and professional conduct at all times. Employees who cannot or will not adhere to those standards may be subject to discipline up to and including termination of employment. 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.

1. GENERAL POLICY

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

2. VERBAL WARNING

1. Whenever grounds for disciplinary action exist, and the supervisor determines that more severe action is not immediately necessary, the supervisor shall verbally communicate to the employee the supervisor's observation of the deficiency demonstrated at the time of the action.
2. In addition to communicating with the employee at the time of the action, the supervisor shall document the verbal warning in the employee's records and shall notify the City Manager of the warning as soon as possible after the warning is given.
3. The City Manager may request that the supervisor provide him/her with documentation regarding the verbal warning for inclusion in the employee's personnel file.
4. Whenever possible, sufficient time as determined by the Department Head, but no longer than six (6) months, for improvement after a verbal warning should precede disciplinary action by reprimand, suspension, demotion or dismissal.

3. REPRIMAND

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

2. The employee shall be asked to sign the reprimand to verify that he/she has received it. The employee's signature on the reprimand does not signify that the employee agrees with the reprimand.
3. A signed copy of the reprimand shall be delivered to the City Manager for inclusion in the employee's personnel file.

4. SUSPENSION

1. A department head, with the concurrence of the City Manager, may suspend without pay an employee for up to, but not exceeding: 1) 40 consecutive work hours or 2) 43 hours for police officers.
2. On or before the effective date of the suspension, the City Manager and the employee shall be furnished with a written copy of the department head's statement setting forth the reasons for the suspension. The statement shall be in the format attached as Exhibit "H".
3. Upon receipt of a written statement of suspension, the employee may appeal as provided in Policy 3.1.
4. An employee suspended for disciplinary reasons shall continue to receive City contributions to retirement, health, dental and disability and life insurance programs. However, the employee shall pay his/her portion of benefits to continue coverage through the period of suspension.

5. DEMOTION

1. A department head may, with the approval of the City Manager, demote or transfer any employee in the department for either the good of the City or as a disciplinary measure. The department head shall notify the employee of the demotion using the form attached as Exhibit "I".
2. An employee (with the exception of an employee on probationary status) who is demoted, transferred or reduced in grade shall have the right to appeal as provided in Policy Section 3.1.

6. DISMISSAL

1. A department head may, with the concurrence of the City Manager and the approval of the Mayor, dismiss any full-time employee in the department by delivering a written statement of reasons to the employee concerned. The employee shall receive written notice of the termination as provided in Exhibit "J".
2. Upon receipt of such written statement of dismissal, the employee may appeal as provided in Policy 3.1. In any such case, a hearing shall be held that allows the employee to respond to the stated reasons for his/her dismissal and provide related information before the dismissal takes place.

3. An employee (with the exception of an employee on probationary status) who is demoted, transferred or reduced in grade shall have the right to appeal as provided in Policy 3.1.
4. If the employee elects not to appeal, the employee shall have a separation interview with the City Manager.

7. ORDER OF DISCIPLINE

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

Policy 2.3 SUBSTANCE ABUSE AND DRUG FREE WORKPLACE

POLICY

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

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

1. DRUG AND ALCOHOL TESTING POLICY DEFINITIONS

For the purposes of this policy:

1. "Alcohol" means alcoholic beverages and any other intoxicating substance.
2. "Drugs" used in this policy refer to and include all drugs, paraphernalia, controlled substances, and mood or mind altering inhalants, any of which were not prescribed by a licensed physician/dentist in the United States for the person taking or in possession of the drug or substance, or which have not been used as prescribed or directed.
3. "Drug paraphernalia" means objects used to manufacture, compound, convert, produce, process, prepare, test, analyze, pack, store, contain, and/or inject, ingest, inhale or otherwise introduce a drug into the human body.

4. "Employee" means any person in the service of the City whether for compensation or as a volunteer.
5. "Prospective employee" means any person who has made application for employment with the City and to whom the City has offered employment, conditional upon the results of a drug and alcohol test.
6. "Conviction" means a finding of guilt (including a plea of nolo contendere) or imposition of sentence, or both, by any judicial body charged with the responsibility to determine violations of the federal or state criminal statutes.
7. "Criminal Drug Statute" means a federal or state criminal statute involving the manufacture, distribution, dispensing, possession or use of any controlled substance.
8. "MRO" means Medical Review Officer, charged with reviewing and interpreting test results and determining any alternate medical explanation.
9. "Drug Policy Coordinator" is the City employee specifically designed to administer the Drug and Alcohol Testing Policy and through whom any procedures or disciplinary or rehabilitative action regarding this policy, must be reviewed and approved. The Drug Policy Coordinator is the City Manager or other person designated by the City Manager.
10. "CDL – Commercial Driver's License" is the license required to operate a commercial vehicle.

2. TESTING POLICY

It is the policy of the City to test employees and prospective employees for the presence of drugs or alcohol, according to the provisions set forth below, as a condition of hire or continued employment. Any employee or prospective employee failing or refusing to take the test will not be eligible for employment, or if employed, shall be subject to termination. The City shall consider as negative all confirmed positive drug and alcohol test results with a medically sufficient explanation. 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.

1. The City shall require the testing of employees and prospective employees, including management, on a periodic basis, under the following circumstances and purposes:
 1. Pre-Employment test or Offers of employment shall be made conditional upon submission to a drug or alcohol test. All prospective employees shall be tested for drug or alcohol usage prior to being placed for employment. All job applicants shall be informed of this policy at the pre-employment interviews. A copy of this policy shall be available for review by all job applicants. All prospective employees shall be required, prior to being hired by the City, to sign the acknowledgement form, agreeing to abide by the terms of this policy. The City will exclude from employment any job applicant or prospective employee who refuses to abide by the terms of this policy. Any prospective employee whose pre-employment drug and alcohol test results in a confirmed

positive and who does not have a medically sufficient explanation (as determined in the sole, but reasonable, discretion of the MRO), may reapply for employment with the City after six months from the date of such test. If the City hires a prospective employee, he or she must have first successfully passed the above-referenced pre-employment drug and alcohol test, and thereafter he or she will be subject to all the procedures and requirements for drug and alcohol testing as set forth in this policy.

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

2. Reasonable suspicion (for Cause) testing. Certain supervisors shall be trained to look for behaviors, which may indicate drug or alcohol usage. These behaviors include, but are not limited to: direct observation of drug or alcohol used, drug paraphernalia, abnormal or erratic behaviors such as accidents, stealing, or repeated errors on the job, or unsatisfactory time and attendance patterns, any of which are coupled with specific contemporaneous events that indicate probable drug or alcohol use. An employee will be required to provide a urine sample, as defined below, when such reasonable suspicion arises and at least one supervisor or manager, and the designated Drug Policy Coordinator, concur that a reasonable suspicion of drug or alcohol use exists. The decision to test for drug or alcohol use by an employee is based on specific contemporaneous, physical, behavioral, and/or performance indicators. Once the authorized supervisor has determined that a reasonable suspicion exists, and after consent of the City Manager testing is to be done immediately.
3. Return to duty testing. If the City returns to duty an employee after he/she has voluntarily sought rehabilitation for drug or alcohol abuse and has successfully completed rehabilitation, such employee shall be entered into a program of unannounced drug and alcohol testing for a predetermined period of time at the sole discretion of the City.
4. Post-Accident testing. Post-accident testing will be conducted on employees whose performance either contributed to an accident, or cannot be completely discounted as contributing to the accident. Such testing will occur as soon as possible, but not later than twelve hours after an accident has occurred. The immediate supervisor and the department head of such employee, in association with the Drug Policy Coordinator, shall determine if the performance of that employee either contributed to the accident or cannot be completely discounted as a contributing factor.
5. Random Testing. The City reserves the right to implement a random drug and alcohol testing program consistent with applicable federal, state and local law, for the purpose of maintaining safety and as a deterrent to drug and alcohol abuse.

2. Employees who are required to hold a Commercial Driver's License (CDL) and drive commercial vehicles as a condition of employment may be tested as required by federal and/or state law.
3. Any drug or alcohol testing shall occur during or immediately after the regular work period of current employees and shall be deemed work time for purposes of compensation and benefits for current employees.
4. Individuals will be tested on City premises or sent to an outside clinic or testing facility licensed to perform such tests. If an employee is sent to an outside clinic for a "Reasonable Suspicion" test, the employee must be driven to the facility by the supervisor or his/her designee. The employee must then be put on administrative leave until the results of the test are available. The supervisor must make arrangements or help the employee make arrangements to get home without driving him/herself.
5. The City shall pay all costs of testing and transportation associated with a test required by the City.
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 reasonably 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 reasonably 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 reasonably precludes the probability of a sample 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 option that the 15 ml urine sample be tested for the indicated drugs, the expense of which shall be divided equally between the donor and the City. 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 Annotated § 34-41-104 et seq.
 1. **City action.** Upon receipt of a verified or confirmed positive drug or alcohol test result, which indicates 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 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 or 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.
 2. This policy applies to management, City Council, volunteers as well as all 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.

Policy 2.4 SMOKING POLICY

POLICY

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

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

Policy 2.5 SEXUAL HARASSMENT

POLICY

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

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

1. DEFINITIONS

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

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

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

The City and its supervisors, employees and agents are under a duty to investigate or eradicate any form of sexual harassment, sex discrimination or complaints about such conduct. In addition

to prohibiting sexual harassment by its employees, the City will not tolerate sexual harassment towards its employees by its citizens, contractors and/or vendors.

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

2. STATEMENT OF PENALTIES FOR MISCONDUCT

An employee's commission of acts of sexual harassment and/or retaliation will result in disciplinary procedures. Discipline shall depend on the nature or severity of the misconduct. All records concerning sexual harassment complaints or the results of sexual harassment discipline actions shall be maintained and stored as protected files. 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.

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 Head
 3. Human Resource 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 or in any way limit or restrict the employee's at-will employment status described above.

5. EDUCATION AND TRAINING

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.

Policy 2.6 INTERNET AND COMPUTER USAGE POLICY

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

Electronic Information Resources

INTERNET

Electronic information resources are available to elected and appointed officials and employees of North Ogden City. These resources include access to the City's computers, Local Area Networks, Wide Area Network, Internet services and e-mail. Our goal in providing electronic service is to promote efficiency and

excellence in the workplace by facilitating resource sharing, innovation, communication and collaboration.

SCOPE

Internet access and e-mail have become critical components of efficient operations. With access to computers and people all over the world comes the availability of materials that may be considered to be inappropriate, illegal or obscene or of no professional or business value. On a global network it is extremely difficult to control all materials. However, North Ogden City has taken precautions to restrict access to inappropriate materials. North Ogden City's access to/from the Internet is being filtered and monitored. Users who access or attempt to access inappropriate or illegal Internet sites or who send inappropriate or illegal e-mail will be subject to discipline, including the possibility of termination. 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.

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 network's resources.

2. TERMS AND CONDITIONS OF THIS AGREEMENT

All employees will sign the Acceptable Use Agreement form ("Exhibit L") which 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.

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

6. USER SIGNATURE OF AGREEMENT

Each employee will sign an agreement that they have read this agreement and understand that Internet sites are filtered and that their computer Internet and e-mail use is being monitored and hereby agrees to comply with the above-described conditions of acceptable use. Exhibit "L".

2. ELECTRONIC MAIL AND ELECTRONIC DOCUMENTS RETENTION

1. Purpose

Ensure that e-mail and electronic documents are maintained in accordance with the Utah Government Records Access and Management Act (GRAMA). Electronic documents and e-mail created or received on City owned computers or sent over City-run networks are the property of the City. As a condition of employment and in the interests of furthering good order and discipline among City employees, employees may not have any expectation of e-mail privacy and must accordingly limit any personal or inappropriate use of e-mail. A claim of an express or implied expectation of privacy shall not be considered a defense against a claim of invasion of privacy or illegal or unauthorized search of e-mail data in any form.

2. E-mail Retention and Deletion Policy

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

1. E-mail that must be saved: Program, policy or decision making correspondence. Business related messages that provide substantive information about City functions, policies, procedures, or programs must be saved. These e-mails document the discussions and decisions made regarding City interests. *Note: the sender and direct recipient of program, policy or decision-making e-mail are responsible for retaining the document.
2. Confidential Information: Generally speaking, confidential information should not be transmitted electronically.
3. E-mail that may be deleted: All e-mail not falling into the above categories may be deleted when the user's need for the e-mail has

expired. Examples of e-mail messages that may be deleted at the discretion of the custodian, generator or recipient of a particular e-mail are:

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

4. Attachment Policy: You are required to keep a copy of any attachments you send (e.g. Word, Excel or PowerPoint files) if they fall under the category of 'E-mail that must be saved'.
5. Responsibility of the Sender: Primary responsibility of retention of important e-mail rests with the sender.
6. Responsibility of the Recipient: If you are the direct recipient (not cc'd) of e-mail containing policy, program or decision-making information, you must save the e-mail.

3. Electronic Documents Policy

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

CHAPTER 3 GRIEVANCES AND APPEALS

Policy 3.1 EMPLOYEE GRIEVANCES AND APPEALS

POLICY

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

1. TIME FOR FILING A GRIEVANCE

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

2. GRIEVANCE AND APPEAL – GENERAL PROVISIONS

1. Among other matters, employees may bring grievances arising out of the following matters: employee-supervisor relationships, duty assignments not affecting job classification, shift and job location assignments, hours worked, working facilities and conditions, policies for granting leave, disciplinary actions and similar matters. These grievance and appeal provisions 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.
2. The employee, filing the grievance, may spend a reasonable amount of his/her working hours to investigate and process a grievance.
3. If an employee's grievance is denied, the employee must appeal the denial within the time stated in this policy or any other applicable policy. Failure by the employee to appeal a denial at any point in the grievance process shall be deemed to be an acceptance of the decision and the grievance shall be considered completed.
4. Only the grievance originally presented shall be considered on appeal as the process progresses. If an employee wishes to change the allegations of the grievance, the employee should present a new grievance. To insure this limitation, a copy of the original grievance shall be filed with the City Manager and the Human Resource Director.
5. Similar grievances brought by separate employees may, at the discretion of the City Manager, be consolidated and processed together.

6. Every effort shall be made by the involved parties to resolve grievances at the lowest possible level.
7. Failure by management to render a decision within the allotted time at any step constitutes denial, and the employee may proceed to the next step.

3. GRIEVANCE PROCEDURE

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

1. Within ten (10) business days after the occurrence of the incident in question, the employee shall present a written grievance to the department head or immediate supervisor, with a copy to the City Manager and the Human Resource Director. The employee shall use the City's grievance form attached as Exhibit "M". If the cause of the grievance occurs at a higher level (i.e. the City Manager), the grievance shall be filed at that level.
2. The grievance must be in writing and shall state the circumstances giving rise to the grievance, including a) the name of the employee filing the grievance, b) what happened to cause the grievance, c) when the events occurred, d) where the events occurred, and e) what adjustment is requested. The grievance must be signed by the employee filing the grievance. An employee grievance form is attached as Exhibit "M".
3. A written decision shall be given to the employee from the department head (or other official with whom the grievance was filed) with a copy sent to the City Manager within ten (10) business days of the date of filing. If the grievance remains unresolved or the employee considers the decision unacceptable, the employee may appeal as provided in the next paragraph.
4. Within ten (10) business days after the receipt of the decision described in the preceding paragraph, or within ten (10) business days of the time the decision is due, the employee may appeal the decision to the City Manager. If the City Manager made the decision, which the employee is appealing, the employee shall appeal the decision directly to the Mayor as described in Policy 3.3. The appeal shall be in writing and shall include a copy of the original grievance and either a copy of the decision by the department head or a statement that the department head has not responded to the grievance within the required time.
5. The City Manager shall schedule a conference with the employee and department head within five (5) business days after the receipt of the appeal. Within five (5) business days after the conference, the City Manager shall deliver a copy of his written decision to the employee and the department head. If the grievance remains unresolved or the employee considers the decision unacceptable, the employee may appeal to the Mayor as described in the next paragraph's #6 and #7.
6. Within five (5) business days after the receipt of the decision described above in paragraph #5 above or within five (5) business days after the decision is due, the

employee may appeal the decision by presenting a written appeal to the City Recorder who shall deliver the grievance to the Mayor. The appeal shall be in writing and shall contain a copy of the original grievance and either a copy of each decision appealed from or a statement that the authorities charged with responding to the grievance or intermediate appeal have failed to respond within the time limits set in this policy.

7. The Mayor shall, within fifteen (15) business days of receipt of the grievance, schedule a conference with the employee and the City Manager to consider the grievance. Within five (5) business days after the conference, the Mayor shall deliver a copy of this written decision to the employee, City Manager and the department head. The decision of the Mayor shall be final and binding unless the employee is entitled to appeal the decision to the "appeal board" in Utah Code Annotated § 10-3-1106 or the employee is entitled to legal redress under applicable law.

4. PROCEDURE UPON TRANSFER OR DISCHARGE

1. If a formal grievance is filed because an employee is transferred or discharged, the procedures outlined in this policy shall be followed. If the grievance remains unresolved or the employee considers the decision unacceptable, and the employee is not excluded from appealing to the appeal board pursuant to Utah Code Annotated. § 10-3-1106, the employee may use the following additional procedures.
2. Within ten (10) business days after the receipt of the decision described in this policy is made or after the decision is due, the employee shall present the grievance in writing to the City Recorder with a request that the appeal board be convened to hear the grievance. The appeal board shall, within thirty (30) business days of receipt of the grievance, conduct a hearing and render its decision by secret ballot as provided in Utah Code Ann § 10-3-1106.
3. The appeal board shall render its decision in writing and certify its decision to the City Recorder. The decision of the appeal board shall be considered binding unless the employee appeals the decision to the City Council.
4. An employee may appeal a decision of the Appeals Board to the City Council as provided in Utah Code Ann. § 10-3-1106 and Ordinance 2009-16. The decision of a majority of the members of the City Council shall be binding but shall not prevent the employee from seeking legal redress if appropriate. If an employee makes the decision to seek legal redress, he/she forfeits his access to the City's grievance process.

5. APPEAL BOARD

1. The City shall create and maintain an appeal board in compliance with the terms of Utah Code Annotated. § 10-3-1106 and Ordinance 2009-16.

6. IMMUNITY

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

CHAPTER 4

TERMINATION AND EMPLOYEE STATUS

Policy 4.1 TERMINATION

POLICY

From time to time it may be necessary to separate employees from service with the City for reasons other than disciplinary reasons. This policy describes the procedures to be followed in that event. Notwithstanding the following, nothing in this section shall 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.

1. APPEAL

1. Some full-time employees have the right to appeal their termination to the appeal board as more particularly described in Utah Code Annotated §10-3-1106. A full-time employee wishing to appeal a termination shall file an appeal with the City Recorder as described in policy 3.1.

2. EMPLOYMENT TERMINATION

1. Resignation (not considered retirement). Any employee wishing to resign in good standing from City employment shall submit a written notice to the department head, giving at least two weeks' notice, except that exempt employees must provide at least four weeks' notice. The notice of resignation shall be on the City's Voluntary Resignation form attached as Exhibit "N". The departments head may, with the concurrence of the City Manager, agree to permit a shorter period of notice due to extenuating circumstances or when it is in the best interest of the City. Normally, the last day worked by an employee shall be considered the date of separation, and the employee shall be compensated for all unused annual leave and compensatory time accrued to that date.
2. Reduction in force layoff. The City Manager, with the concurrence of the Mayor, may recommend termination of employees because of lack of funds or curtailment of work. (Adopted 27 August 2013 by Resolution 7-2013)
 1. Employees terminated from employment with the City in a reduction in force will be given severance pay as follows: the employee's final paycheck for hours worked but not yet paid, his/her accrued vacation, compensatory time and two (2) weeks of regular pay. Employees with more than five (5) years of employment with North Ogden shall receive two (2) additional days of regular pay for each one (1) year of service, up to two (2) additional weeks for a maximum of four (4) weeks of severance pay.

2. If there is more than one employee serving in the same capacity in a department, the selection of the employee to be terminated shall be based upon the individual's ability to perform the work assignments within the affected department. All terminations under this paragraph shall be subject to the Mayor's approval.

3. PAYMENT OF WAGES

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

4. COBRA

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

5. REFERENCES FOR SEPARATED EMPLOYEES

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

Policy 4.2 EMPLOYEE CHANGE OF STATUS

POLICY

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

1. EMPLOYEE STATUS

1. Employees shall keep the City updated on their current marital status, name change, address, phone number, and emergency contact person.
2. Whenever this information changes, an employee shall notify the City by submitting an Employee Information/Change of Status Form, attached as Exhibit "O".

CHAPTER 5

SALARY PLANNING AND COMPENSATION

Policy 5.1 PAY PLAN AND ADMINISTRATION

POLICY

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

POLICIES AND PROCEDURES

1. PAY PLAN DEVELOPMENT AND ALLOCATION

1. The Mayor and the City Manager shall conduct a study of salary levels of comparable positions in the public sector for adjustments to the City's salary plan and shall make adjustment recommendations to the City Council at least every three years, which may include a method of adjusting the plan to provide for Cost of Living Adjustments (COLA).
2. The Mayor and City Manager shall assign each position with the City to a salary range based upon the relationship to market data.

2. PAY PERIODS AND ADVANCES

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

3. SALARY RANGES

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

1. Ranges of pay for other grades or positions.
2. Prevailing rates of pay for similar employment in public organizations.
3. Cost of living factors.
4. Other benefits received by employees.

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

4. ORDER OF SALARY CALCULATION

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 City Council. The City 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 evaluation for all full-time and permanent part-time employees.
 4. A merit increase may not cause the employee's salary to exceed the maximum salary assigned to the employee's position.
 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.

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 midpoint of the position's salary range only with the concurrence of 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 City Manager reclassifies 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 City Manager reclassifies 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.
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 Annotated §10-3-1105 and -1106, employees who are demoted may be eligible to appeal their demotions to the appeal board.

10. NOTIFICATION

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

CHAPTER 6

PERFORMANCE APPRAISALS

Policy 6.1 PERFORMANCE EVALUATION OF FULL AND PART-TIME EMPLOYEES

POLICY

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

1. PERFORMANCE EVALUATIONS

1. Each employee shall have a written performance evaluation and a performance interview on a yearly basis. The performance evaluation will be based on the employee's fulfillment of duties as outlined in the job description for that position. Employment evaluations will be performed by the employee's direct supervisor.
2. The person conducting the performance evaluation shall use the authorized evaluation form (Exhibit P1-P10) and shall give a copy of the performance evaluation to the employee. A copy of the written performance evaluation will be filed in the employee's personnel file along with a certification by the person performing the evaluation stating that the employee has reviewed and received a copy of the performance evaluation.
3. Employees may respond in writing to any performance evaluation. This written response shall also be placed in the employee's personnel file.
4. A copy of the evaluation form shall be given to each newly hired employee during his/her orientation to make the employee aware of the evaluation standards and criteria.
5. The employee performance evaluations will be used to:
 1. Improve employee effectiveness.
 2. Assess training needs and plan training activities.
 3. Evaluate possible separations, salary advancements, merit increases, and other personnel actions.

Policy 6.2 PROBATION

POLICY

The probationary period is an integral part of the selection process allowing the City to train an employee and evaluate his/her progress, adaptability, and effort to determine fitness for permanent

status in the position. 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.

1. PROBATION

1. All newly hired employees and reclassified employees are subject to a probationary period of six months and Police Officers twelve months, from the date of hire. At the end of the six month or Police Officer's twelve months probationary period, a probationary evaluation interview will be held with the employee using the authorized evaluation form (Exhibit P1-P9). An additional six-month period may be added at the discretion of the department head and with the approval of the City Manager.
2. The employee's probationary period will start on the date the employee is hired or reclassified.

2. STATUS DURING PROBATION

1. During the probationary period, the employee may be terminated by the department head with the concurrence of the City Manager.

3. REMOVAL FROM PROBATIONARY STATUS

1. At least two weeks before the end of an employee's probationary period, the department head shall evaluate the employee's performance. Following the review and before the expiration of the employee's probationary period, the department head shall submit, in writing, an evaluation and recommendation for appropriate action regarding the employee's continued employment with the City.
2. In his/her evaluation, the department head may recommend one of the following actions in relation to the probationary employee's performance during the probationary period.
 1. If the employee has performed the functions of the position satisfactorily during the probationary period, the department head shall recommend that the employee be granted regular full-time or part-time status.
 2. If the employee has not performed the functions of the position satisfactorily during probationary period, but the department head anticipates that the employee's performance will significantly improve, the department head may recommend that the employee's probationary period be extended for a period not to exceed an additional six months.
 - a. The department head's decision regarding whether the employee's performance will improve shall be final.
 - b. Under no circumstances may an employee's probationary period exceed a total of twelve months except for a police officer who may extend for 6 months.

- c. Employees who are unable to satisfactorily perform their jobs after a probationary period of twelve months or a police officer 18 months shall be dismissed.
 - d. If an employee's probationary period is extended under this paragraph, the employee will not receive a pay increase until:
 - 1. The department head has again evaluated the employee's performance and found it to be satisfactory.
 - 2. The department head and the City Manager have reviewed the department head's evaluation and agreed that the employee is eligible for a pay increase; and
 - 3. The City Manager and the Mayor have approved the recommended increase.
3. If the employee's performance during the probationary period has been unsatisfactory, the employee shall be dismissed.

CHAPTER 7

DAYS, HOURS OF WORK AND COMPENSATION

Policy 7.1 DAYS, HOURS OF WORK AND COMPENSATION

POLICY

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

1. WORKWEEK AND MAXIMUM HOURS

1. The City's workweek shall be Sunday, 12:00am through Saturday, 11:59pm.
2. During a workweek, the maximum number of hours any non-exempt city employee may work shall be:
 1. Police Officers: 43 hours per week;
 2. All other non-exempt employees; 40 hours per week.

2. DAYS AND HOURS OF WORK

1. All non-exempt employees except for Public Safety employees
 1. Workweek
 1. Full-time: Monday-Friday
 2. Part-time: As designated by the department head.
 3. Flex-time: On some other schedule as designated by the department head and approved by the City Manager.
 2. Hours worked
 1. Full-time: As designated by the department head with the approval of the City Manager.
 2. Part-time: As designated by the department head with the approval of the City Manager.
 3. Flex schedules will only be approved by the City Manager.

2. Police Department Personnel

1. Workweek

1. Full-time: As designated by the Police Department Chief.
2. Part-time: As designated by the Police Department Chief.

2. Hours worked

1. Full-time: As designated by the Police Department Chief.
2. Part-time: As designated by the Police Department Chief.
3. The workday and hours of work for Police Department employees shall be determined by the needs of providing twenty-four hour a day service to the community.

3. GENERAL TIME-RELATED RULES

1. An employee unable to report for duty on a work day shall notify his/her supervisor of that fact as soon as possible, but not later than one hour after the beginning of the employee's work shift, unless department rules require a different reporting time. Failure to notify the department within the specified time without good cause may result in disciplinary action.
2. Employees shall fill out and sign time slips for all hours worked, sick leave, vacation, or compensatory time using the forms attached as "Exhibit "Q". Department heads should review and sign all time sheets and provide them to the Human Resource Director.
3. Rest periods will be scheduled according to department policy as provided by FLSA.
 1. Supervisors and department heads will provide break time to employees. Employees who are on break will be encouraged to leave their workstations.
 2. Employees should not go on break until they are permitted to do so by the supervisor or department head. This policy should assist supervisors and department heads in knowing where all employees are and ensuring that the public is properly served at all times during the City's business hours.
 3. The amount of break time shall be as follows:
 1. Full-time employees working an 8-hour shift:
 - a. Two breaks and meal break
 - b. There will be no compensation for the meal break

2. Part-time and exempt employees are not entitled to breaks.
4. Break times may not be used to come to work late or to leave work early.
5. Break times may not be saved up and, if not taken during the shift, will be forfeited.
6. Break times are to be scheduled with the 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.

Policy 7.2 OVERTIME PAY AND COMPENSATORY TIME OFF

POLICY

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

1. OVERTIME POLICY

1. As a general rule, employees specifically assigned by their department head to work overtime will receive one and one-half the regular hourly rate of the employee if they desire to be paid. However, pursuant to FLSA, employees of public entities have the option to convert the overtime to compensatory time off at one and one-half hours of compensatory time off for each hour of overtime worked.
 1. All compensatory time and/or overtime must be approved by the department head and submitted on the current pay period time sheet to the Human Resource Director.

2. Some employees may be required to take time off during the week to avoid working more than 40 hours in the workweek for non-exempt employees or 43 hours for police officers.
 3. The creation and adoption of a flex time schedule shall not of itself provide the basis for overtime or compensatory time without specific approval of the City Manager in advance.
2. Department heads will schedule time off for employees with accrued compensatory time credit.
 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.

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

POLICY

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

1. RESPONSE RESPONSIBILITIES OF ON-CALL EMPLOYEES

1. When a public works or park department employee is on call he/she will be provided access to a City vehicle.
2. After-hours calls will be initially directed to an answering service selected by the City. This service will relay calls to the designated employee by pager and/or cellular phone. This service will provide the on-call employee with the name and number of the person who reported the problem or emergency and, if possible, a description of the problem or emergency.
3. The on-call employee will respond appropriately, within 30 minutes to any situation he/she is called out on.

2. MISCELLANEOUS POLICIES RELATING TO ON-CALL EMPLOYEES

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

2. Employees wishing to trade on-call responsibilities with other employees will be allowed to do so upon approval of the department head.
3. The department head or designee shall be responsible for notifying the answering service of the name and cell phone number of the employee on call for the week.
4. Employees will be compensated for being on call through the weekend (Saturday and Sunday) at the rate of 1 hour of regular pay for every 12 hours spent in an on-call status beginning 12:00am Saturday and running through 11:59pm Sunday. Hours that the on-call employee spends working for the City shall be compensated as described above.
5. Employees who are on-call during a holiday will be compensated in the same way as an employee who is on-call over a weekend.
6. The on-call employee may use the City's vehicle only for travel when responding to calls or performing other work functions for the City. Persons other than City employees may not accompany employees in vehicles except when approved by the department head or City Manager.
7. Except for on-call employees, animal control officers and police officers, no City employee will be allowed to take a City vehicle home.

CHAPTER 8 BENEFITS

Policy 8.1 BENEFITS

POLICY

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

1. RETIREMENT

1. Full time employees shall participate in the Utah State Retirement System. Employee retirement regulations shall be in accordance with federal and state law.
 1. The cost of this program is paid for by the City and the employee, in the percentage set by action of the City Council.
 2. When specific employee retirements are deemed to be in the best interest of the City, the Mayor and City Council may approve retirement incentives. These incentives may be offered to specific employees without being offered to all employees.
 3. The City may employ retired City employees on a part-time, temporary or provisional basis where this will promote the interest of the City (per URS guidelines).
2. Upon hire, full-time employees shall be eligible to participate in the City's 401(k) or 457(k) retirement program. *(Adopted 12 June 2012 by Ordinance 2012-12)*
 1. The City will match the employee's contributions of up to three percent (3%) of the employee's annual salary.
 3. The employee may also contribute an amount up to the maximum allowed by law. Under no circumstances, however, will the City's contribution to an employee's 401(k) account exceed three percent (3%).
 4. The contribution amounts described in the preceding paragraphs shall be valid only as long as they do not conflict with any IRS regulations or state or federal tax laws.
 5. An employee will be vested at the completion of 5 years employment with North Ogden City. If an employee terminates employment before the 5 years they will not be entitled to the amount the City has contributed to the employee's 401(k).

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 minimum 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 to 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

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

3. INSURANCE

1. Medical and Hospital Insurance

1. North Ogden City offers health care and dental insurance to full-time employees and their dependents.

2. Disability and Life Insurance

1. Basic disability and life insurance shall be offered to each full-time employee, their spouse and dependents. The City shall pay the entire premium as long as the budget allows.
2. The City may also offer voluntary life insurance and disability for employee's, their spouse and dependents. The employee will pay the premium for voluntary benefits.

3. Workers Compensation

1. Accidental injuries or occupational disease arising out of, or in the course of, an employee's employment with the City are covered by a workers' compensation program as required by law.
2. Employees are required to promptly report any and all injuries to the Human Resource Director and their department head at or near the time of the incident.
3. Failure to report or unreasonably delay in reporting will result in disciplinary action.

4. Unemployment Insurance

1. The City, through the Utah State Employment Security Administration, state and federal law, offers unemployment compensation benefits.

5. Flexible Spending Accounts

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 childcare 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 childcare 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.

4. CLOTHING ALLOWANCE

1. North Ogden City public safety, public works, parks divisions and inspection employees may be paid a uniform allowance above their regular salaries, or furnished with uniforms, at the City's option.
2. Each employee who receives a uniform allowance shall be responsible for accounting to the Internal Revenue Service for the uniform allowance received.
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.

Policy 8.2 LEAVES OF ABSENCE

POLICY

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

1. CONDITIONS OF LEAVE

1. No full-time employee may take a leave of absence with pay unless that employee has accrued leave. The City will not allow employees to take leave before it has accrued as described in this policy.
2. Permanent part-time, part-time, temporary, seasonal and emergency employees are not eligible for leaves of absence.

2. ABSENCE WITHOUT LEAVE

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

3. ANNUAL LEAVE

1. Annual leave for full-time employees will be scheduled so as to meet the operating requirements of the City, and insofar as possible, the preference of the employees. The period of use of vacation time is subject to the approval of the department head.
 1. An employee should not schedule more than ten working days off at one time. If an employee wishes to take more than ten working days off at one time, the employee should obtain permission from the department head and the City Manager prior to taking the leave.
 2. Paid holidays occurring during annual leave will not be charged as annual leave.
2. The number of hours of accrued annual, sick and compensatory leave shall be stated on each pay statement the City issues.
3. An employee may accrue a maximum of 240 hours of annual leave credits and police officers may accrue a maximum of 258 hours. The cut-off date for calculating excess hours is the first pay period ending date which occurs on or after December 1st each year. When computing leave balances for excess hours, the hours accrued during this pay period will be included. It is the employee's responsibility to maintain knowledge of accrued annual leave and schedule leave appropriately.
4. In lieu of taking all of the annual leave to which he/she is entitled, an employee may convert hours of annual leave to cash each year pursuant to the following guidelines. Only one option may be selected per fiscal year.
 1. Hours of annual leave shall be converted to cash by taking the number of hours the employee wishes to convert to cash and multiplying that number by the employee's regular hourly rate.
 2. Full-time employees may convert up to 40 hours of annual leave to cash once each fiscal year. Employees working a 43-hour workweek may convert up to 43 hours once each fiscal year.
 3. Employees who have accrued more than their maximum number of annual leave hours will lose those hours at the last day of November if they are not used.
 4. Conversion of annual leave to cash shall be permitted only once in the current fiscal year. In order to convert annual leave to cash employees must notify the Human Resource Director in writing of their intention. The employee must deliver the leave to cash form "Exhibit R" to the Human Resource Director. The notice must contain the name of the employee making the conversion and the number of hours of annual leave the employee wishes to convert to cash.
 5. Payments for annual leave converted to cash shall be subject to withholding pursuant to state and federal law.

6. New full-time employees are eligible for leave to cash on the next fiscal year after completing one year of service.

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

BASED ON 40 HOUR WORK WEEK

YEARS OF SERVICE	HOURS ACCUMULATED MONTHLY
0-3 complete years	6.7
3 complete years and 1 day – 6 years	10.0
6 complete years and 1 day – 9 years	11.5
9 complete years and 1 day – 12 years	13.0
12 complete years and 1 day – 15 years	14.0
15 complete years and 1 day – 18 years	15.0
18 complete years and 1 day – 20 years	16.5
20 complete years and 1 day – over	18.0

BASED ON 43 HOUR WORK WEEK

YEARS OF SERVICE	HOURS ACCUMULATED MONTHLY
0-3 complete years	7.2
3 complete years and 1 day – 6 years	10.75
6 complete years and 1 day – 9 years	12.37
9 complete years and 1 day – 12 years	13.98
12 complete years and 1 day – 15 years	15.06
15 complete years and 1 day – 18 years	16.13
18 complete years and 1 day – 20 years	17.74
20 complete years and 1 day – over	19.35

6. Official annual leave records will be maintained and kept current by the Human Resource Director.

7. Employee's annual leave usage will be scheduled with the department head. Department heads shall schedule their leave with the City Manager. After the department head or City Manager has authorized annual leave for an employee, the department head or City Manager will submit the form to the Human Resource Director who will then record the annual leave usage on the attendance record.

8. As a general rule, employees specifically assigned by their department head to work overtime will receive one and one-half the regular hourly rate of the employee if they desire to be paid. However, the employee has the option to convert the overtime to compensatory time off at one and one-half time rate.

9. All compensatory time off must be used before using annual leave.

10. Department heads are encouraged to schedule compensatory time off for employees with accrued compensatory time credit. However, it is the employee's responsibility to make arrangements with the department head and provide adequate notice of time off.
11. No overtime pay or compensatory time off is allowed for those employees classified as "exempt" on the compensation table.
12. Compensatory time cannot be converted to cash except upon retirement or termination of employment.

4. HOLIDAYS

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

New Year's Day	January 1
Martin Luther King Jr. Day	third Monday in January
President's Day	third Monday in February
Memorial Day	last Monday in May
Independence Day	July 4
Pioneer Day	July 24
Labor Day	first Monday in September
Columbus Day	second Monday in October
Veteran's Day	November 11
Thanksgiving Day	fourth Thursday in November
Day after Thanksgiving	Friday following Thanksgiving
Christmas	December 25

2. A holiday falling on Sunday will be observed on the following Monday. A holiday falling on Saturday will be observed on the preceding Friday.
3. Employees, whose regularly scheduled days off are not Saturday and Sunday and who are required to work on holidays as part of their regular shift, will be compensated at a straight time rate or may be credited with compensatory time at a straight time rate.
4. Public Safety employees who are scheduled to work on a holiday will be compensated up to eight hours at a straight time rate.
5. Holiday time is not paid to permanent part-time, part-time seasonal or temporary employees.
6. Employees on leave without pay will not be paid holiday time including the day before nor the day after a holiday.

5. SICK LEAVE

1. Sick leave shall not be considered as a right that employees may use at their discretion, but shall be allowed only in case of necessity, actual sickness or disability of the employee or the immediate family of the employee.
2. Sick leave may be used at any time with approval of the department head for any of the following reasons:
 1. Illness or injury to the employee.
 2. Injury on the job, when the employee is unable to perform his/her regular duties or other temporary work to which he/she may be assigned.
 3. Visits to hospitals, clinics, doctor's and dentist's offices for diagnosis, or treatment of illness, injury and emergencies for the employee or immediate family members.
 4. For additional information, refer to Policy 10.1 – Family and Medical Leave Act.
3. Vacation or compensatory time may be used in place of sick leave.
4. Hours of sick leave time may be coordinated with workers' compensation if the employee is absent as the result of an injury, which occurred while the employee was performing services for the City. An employee who was injured on the job and who is entitled to workers' compensation benefits may use accrued compensatory time first or annual leave during the time the person is off work due to an injury on the job, provided that the City cannot require the employee to use accrued leave during this time.
5. Sick leave shall be available to all full-time employees and full-time probationary employees. Seasonal, permanent part-time, part-time, temporary and emergency employees are not eligible for sick leave.
6. Each eligible full-time employee who works a 40-hour week shall accrue sick leave at the rate of 8 hours per month, eligible employees who work a 43-hour week shall accrue sick leave at the rate of 8.6 hours per month. Sick leave shall be credited at the end of each pay period. Sick leave shall not accrue if an employee is in a leave-without-pay status.
7. A holiday that falls on a regular working day within a period when sick leave is being taken shall be credited as a holiday and not as a day of sick leave.
8. Sick leave for an employee working a 40 hour week may be accrued to a maximum of 960 hours and employees working a 43 hour week may accrue a maximum of 1,032 hours. Sick leave accruing in excess of the stated maximums shall be forfeited.
9. In order to use sick leave, an employee (or a member of his/her immediate family if the employee is incapacitated) must notify the department head before the employee's scheduled reporting time on each day of absence. However, in no case should the

notification be later than one hour past the starting time. Continued reporting for more than one day of absence will be accomplished as directed by the department head.

10. Sick leave shall be charged against employees in actual time used. The department head should be kept apprised of the employee's progress and expected date of return to duty. Sick leave shall not be used unless it has been earned and accrued prior to usage.
11. Any absence for illness or injury (except on-the-job injuries, which shall be governed by the applicable provision of the workers' compensation statutes) beyond the employee's accrued sick leave will result in the employee being carried on annual leave status until all accrued annual leave has expired.
12. If a full-time employee takes sick leave in excess of three consecutive working days, or if the department head believes that the circumstances indicate an abuse of sick leave, the department head or the City Manager may require a certification from the attending physician stating that illness or injury prevented the employee from working.
13. During sick leave periods longer than thirty calendar days, annual leave, sick leave and other benefits shall not accrue. In addition, any sick leave period in excess of thirty days shall not be counted as time worked for purposes of receiving a yearly performance evaluation.
14. If a full-time employee uses no sick leave from the first pay period which ends in December, from one year to the next he/she is eligible to convert sick leave to cash. The City will publicize those dates in advance. Our intention is to process the sick cash out checks on the first Friday after the end of the eligibility period). An employee working a 40 hour week may choose to be paid for up to 40 hours at the employee's regular hourly rate or to convert 40 hours of sick leave to annual leave. If an employee chooses one of the options, 40 hours will be deducted from the accrued sick leave time. Employees working a 43 hour week may convert up to 43 hours under this paragraph. In order to convert sick leave under this policy, employees must follow the procedure described in this Policy, using the leave to cash form "Exhibit R" and providing such to the Human Resource Director.
 1. New full-time employees are eligible after their one year anniversary date, if they qualify for leave to cash for unused sick leave.
15. Employees that have the maximum number of hours of sick leave allowed and have used no more than 2 days sick leave during December 1st through November 30th, may convert up to 24 hours of sick leave to annual leave. These 24 hours shall be in addition to any conversion of annual leave. Employees wishing to convert sick leave hours under this paragraph shall follow the procedures described in this Policy. Employees working a 43 hour week may convert up to 25.8 hours of sick leave under this paragraph.
16. Full time employees with at least 30 years of service upon retiring from service with North Ogden City shall be paid for unused sick leave up to a maximum of 480 hours for those on a 40 hour workweek. Employees working a 43 hour week shall be paid for up to 516 hours of unused sick leave. Additionally; after the age of 60 upon retiring, full

time employees who work a 40 hour week with the City shall be paid for unused sick leave (see rate below) with the following years of service:

- 10-14 years up to 80 hours
- 15-19 years up to 160 hours
- 20-24 years up to 240 hours
- 25-29 years up to 320 hours
- 30 + years up to 480 hours

and

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

- 10-14 years up to 86 hours
- 15-19 years up to 172 hours
- 20-24 years up to 258 hours
- 25-29 years up to 344 hours
- 30 + years up to 516 hours

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

18. Sick Leave Bank

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

6. BEREAVEMENT LEAVE

1. Full time employees, with the approval of their department head, may be granted up to three days leave with pay in the case of the death of a spouse, child, stepchild, parent, stepparent, brother or sister.
2. Full time employees, with the approval of their department head, may be granted up to two days leave with pay in the case of the death of a grandparent, grandchild, or parent of spouse.
3. Full time employees, with the approval of their department head, may be granted up to one full day leave with pay in the case of the death of an aunt, uncle or a spouse's grandparent.

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

7. FAMILY AND MEDICAL LEAVE ACT

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

8. MILITARY LEAVE

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

1. Employees who are members of the organized reserve of the United States armed forces, including the National Guard, shall be allowed full pay for all time, not to exceed 15 days per year, spent on scheduled military training assignments. Subject to the terms, conditions and limitations of the applicable plans for which these employees are otherwise eligible, health insurance benefits, and annual, sick leave, and holiday benefits will continue to accrue during a military leave of absence not to exceed 15 days per year.
2. The City Manager shall grant additional military leave based on official military orders. An employee may elect to use annual leave or compensatory time to cover additional absences beyond the standard 15 days per year, but the employee may not be compelled to do so and may choose leave without pay. (See the City's policies on Leave without Pay.)
3. Employees granted such leaves of absence will be restored to the same position, or to a position equivalent to the same position, which the person held immediately prior to the commencement of active military duty. Such employees must apply for reinstatement in accordance with all applicable state and federal laws. Every reasonable effort will be made to return eligible employees to their previous position or a comparable one. They will be treated as though they were continuously employed for purposes of determining benefits based on length of service.
4. The City shall comply with Utah Code Annotated §39-3-1 & 2 and with all applicable federal laws.

9. JURY LEAVE

1. Full time employees may be granted administrative leave with full pay when performing jury duty or when required to serve as a witness in litigation or administrative proceedings based on the employee's official duties performed on behalf of the City.
2. In order to qualify for pay from the City under this section, the employee must surrender any compensation to the City, excluding travel and expense allowance, which the employee received as a result of jury duty or appearance as witness.

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

10. ADMINISTRATIVE LEAVE

1. Full time employees may be granted administrative leave with pay as authorized by the Mayor.
2. Exempt employees may be granted administrative leave as authorized by the City Manager.

11. LEAVE WITHOUT PAY

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

12. DOCUMENTATION OF LEAVE

1. Absences permitted in the Policy must be supported by copies of written documentation on form ("Exhibit S") 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.

Policy 8.3 TRAVEL

POLICY

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

1. AUTHORIZATION AND VEHICLE USE

1. Department heads now will determine whether their staff will take a City vehicle or a private vehicle on authorized trips, based on budget and other considerations.
2. If a City vehicle is taken on authorized trips, family members may accompany the staff member in the City vehicle but they may not drive the City vehicle.
3. Staff members taking their own private vehicle will be reimbursed at (see Policy 6.2).
4. Staff members taking a City vehicle may use City gasoline and will be reimbursed for gasoline purchased privately. Staff members will attach receipts for privately purchased gasoline to a check request and submit as all check requests to their department head.

2. PAYMENT FOR TRAVEL EXPENSES AND SALARY

1. Per diem payments will be authorized for personnel who are required to be away from home overnight or during meal time on official business. The City Manager will establish the expenses to be paid as part of the per diem, and the per diem rate, based on OPM (operating per mile) rates. Employees requesting reimbursement above the per diem rates must provide receipts for all expenses above the per diem rate set by the City Council. The City will not pay a per diem for spouses of employees or other non-employees traveling with the employee.
2. Costs and expenses incurred by spouses accompanying employees to conventions, conferences, and other lawful City business shall not be reimbursed or provided for by the City except where and to the extent that the conference or convention format provides for spouse participation in the form of separate workshops, meetings or luncheons and the employee has received approval for an accompanying spouse prior to attending the event.
3. The City will pay double occupancy room rates for employees and elected officials who are accompanied by a spouse as submitted on the travel and training request form ("Exhibit T") and approved by the City Manager.
4. If payment in advance is not possible, the City shall reimburse the employee the cash amount of the costs incurred after receiving the appropriate receipts to verify that the employee has expended his/her own money for City purposes. Employees who fail to product receipts in these circumstances will not be entitled to reimbursement. The employee shall turn in receipts for hotel accommodations to the Department Head as a verification of attendance no matter what the form of payment.
5. Time at conferences, training, and travel time is considered part of job duties and the employee will be paid at his/her regular hourly rate for this time. No overtime will be paid.
6. The City will reimburse employees for travel as follows:
 1. Cost of airline travel. The City will reimburse only the cost for coach or business class travel as listed on the travel and training request form ("Exhibit T") and approved by the City Manager.
 2. Costs of using a private automobile. As set forth above, the City will reimburse costs of the authorized use of a private automobile. Reimbursement for the use of a private automobile shall be paid at ½ the I.R.S. approved business mileage allowance.
 3. Costs of rental cars. The City will pay the costs of rental cars only if the travel involves airline travel to another city. The City will reimburse employees for the costs of renting a mid-size automobile unless the employee demonstrates that only a full-size car was available.

4. Tolls, baggage handling, official telephone messages.
5. Registration and related fees at official meetings or functions.
6. Taxi fares to and from a common carrier, to and from place of lodging, business meeting and tips not to exceed 15% of the fare.
7. Parking fees in connection with City business.
8.
 - a. Non-overnight travel. When a non-exempt employee is required to travel to and from an out-of-area destination for a work assignment, either as a driver or passenger, and no overnight stay is involved, the time spent driving to and from the destination is counted as *work time*.
 - b. Overnight travel. When a non-exempt employee is required to travel to an out-of-area destination for a work assignment and an overnight stay is involved, travel that occurs during normal working hours is counted as *work time* regardless of the day of the week upon which the travel occurs; however, travel as a passenger on a bus, plane, train or automobile that occurs outside of what would be the employee's normal working hours, regardless of the day of the week upon which the travel occurs, is not counted as *work time*.

(Adopted 10 May 2011 by Resolution 05-2011)
9. No overtime will be paid in conjunction with trainings 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.

Policy 8.4 USE OF CITY EQUIPMENT

1. CITY VEHICLES, EQUIPMENT AND TOOLS
 1. The use of the City's vehicles, 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 officer, no City employee will be allowed to take a City vehicle home.
8. Smoking is prohibited in a City vehicle.

Policy 8.5 EDUCATIONAL ASSISTANCE PROGRAM

POLICY

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

1. EDUCATIONAL ASSISTANCE

1. Any assistance provided under this policy must meet the following provisions:
 1. The City Manager must review the completed educational assistance form ("Exhibit U") in advance and make a recommendation to the City Council.
 2. The educational assistance must be approved by the City Council.
 3. The educational assistance request sent to the City Council must contain the following information:
 1. Purpose of the educational classes
 2. Explanation of how the educational classes benefit the City.

3. Description of what institution will provide the educational classes.
4. The cost of the educational classes.
4. The educational assistance program is a reimbursable program for the employee. To receive reimbursement from the City, the employee must:
 1. Complete the class with a "B" average or higher.
 2. Request reimbursement after the class is finished
5. Those accepted under this program will be required to sign a statement committing themselves to employment with the City equal to the time frame of the classes the employee attends. If the employee is terminated (voluntarily or involuntarily, except through reduction of force), they will be required to refund to the City any monies received under the program during the preceding one year period. The closing date of the quarter or semester will be the date used to determine the parameter of such period.
6. All approved applicants must be full time employees.

CHAPTER 9 SAFETY PROCEDURES AND REQUIREMENTS

Policy 9.1 GENERAL SAFETY

POLICY

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

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

1. EMPLOYEE'S SAFETY RESPONSIBILITIES

1. Employees are expected to be conscientious about workplace safety, including proper work methods, reporting potential hazards and abating known hazards.
2. Employees should report unsafe work conditions that might result in an accident in any work area to a supervisor or department head.
3. The City's safety policy and practices will be strictly enforced. Employees found to have intentionally violated the City's safety policies or determined to be consistently negligent or unsafe in performing their duties may be terminated.

2. GENERAL SAFETY RULES

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

1. Employees operating any type of power equipment shall use caution and follow all of the manufacturer's safety precautions and warnings. For any power equipment for which a license is required, no unlicensed employees will operate the equipment.
2. Employees will use safety equipment, such as safety glasses, gloves, toe guards, vests and hard hats, as required and appropriate to the work performed. (Please refer to the City's Public Work's Safety Manual and the Police Department's SOP for safety guidelines.)
3. Employees will not wear loose clothing and jewelry while working on or near heavy equipment and machinery.

4. All accidents, regardless of severity, personal or vehicular, are to be reported immediately to the supervisor or department head.
5. If an employee believes that any piece of equipment is defective, the employee should report that fact immediately to the supervisor or department head.
6. Employees will not operate equipment or use tools for which they have not received the necessary training or instruction or do not have the required license.
7. In all work situations, safeguards as required by state and federal safety orders will be provided.

3. PROTECTION OF CHILDREN AND VULNERABLE ADULTS

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

1. Definitions

1. Child. A person less than eighteen (18) years of age.
2. Emotional abuse. Conduct towards a child or vulnerable adult that attacks the person's emotional well-being and sense of self-worth such as shaming, humiliating, denigrating, etc.
3. Physical abuse. Physical harm or the imminent threat of physical harm to a child or vulnerable adult.
4. Sexual abuse. Any form of sexual contact, lewdness, exploitation, exposure to pornographic material, solicitation to engage in sexual activity, or other similar actions towards a child or vulnerable adult.
5. Vulnerable Adult. A person eighteen (18) years of age or over whose advanced age or physical or mental incapacity substantially limits the person's judgment or ability to resist emotional, physical or sexual abuse.

2. Screening staff and volunteers

1. Background check. Prior to working in City programs in which children or vulnerable adults participate, every City employee or volunteer shall obtain a nationwide criminal background check and provide it to the City.
2. Any person who has been convicted of child abuse, abuse of a vulnerable adult, lewdness, voyeurism, a crime involving pornography, providing harmful material to a child, prostitution, patronizing a prostitute, child exploitation, endangering a child or elderly adult, sexual abuse of a child, unlawful sexual activity with a minor, rape, sexual battery, or convictions for other sex related offenses, any form of assault, etc. shall be

ineligible to work as a staff employee or volunteer in a City program in which vulnerable adults or children participate.

3. Training

1. 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

1. 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.

1. 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.
2. 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.

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

Policy 9.2 UOSHA REQUIREMENTS

POLICY

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

1. POSTING OF NOTICES

1. The City will post notices that are provided by UOSHA in a conspicuous place. This may be on an employee bulletin board or other place where similar notices are usually posted. Employees should be able to easily obtain information from their supervisor or department head when the employee has a question about any of the standards described in UOSHA.

Policy 9.3 DISASTER RESPONSE PLAN

POLICY

North Ogden City has developed and will follow the City's Emergency Response Plan.

Policy 9.4 EMERGENCY PROCEDURES

POLICY

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

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

1. TELEPHONE BOMB THREATS

1. Be calm and courteous to the caller. Employees will notify the supervisor, department head or City Manager, using a prearranged signal while the caller is on the line. An example of following this procedure would be throwing a pencil or other small item near the supervisor, department head or City Manager, followed by rapidly waving an arm to get their attention. The employee will communicate with the supervisor, the department head or the City Manager by using or passing notes. The employee should not attempt to talk to the supervisor or department head by putting his/her hand over the phone and talking or whispering. The supervisor, department head or City Manager should also not attempt to listen in on the conversation by picking up another telephone. The employee should not put the caller on a speaker phone if the caller would be able to tell that he or she is on a speaker phone, such as by hearing ambient noise or other voices.
2. Be attentive. The City has developed a Telephone Bomb Threat Checklist (Exhibit "V") for employees to use. Voice characteristics, background noise and bomb threat details

that employees can remember about the call will greatly help local law enforcement officials in the apprehension of suspects.

2. MAIL, LETTER, AND PACKAGES BOMB THREATS

1. Be cautious. Employees should visually assess the letter or package and inform their department head or the City Manager of anything unusual. It is always better to be safe than sorry. Do not touch, pick up, shake or attempt to move any article of a suspicious nature.
2. Be careful. The City has developed a Mail Letters and Packages Bomb Threat Checklist form (Exhibit "W") for employees to use. Unusual weight, shape or other details that employees can remember about suspicious letters or packages will greatly help local law enforcement officials in the apprehension of suspects.

3. SUSPICIOUS ARTICLE THREATS

1. Be alert. Employees should report all suspicious articles to their department head or the City Manager. Do not touch, pick up, shake or attempt to move any articles of a suspicious nature.
2. How to identify Suspicious Letters and Packages:
 - Excessive postage
 - Handwritten or poorly typed addresses
 - Incorrect titles
 - Title, but no name
 - Misspellings of common words
 - Oily stains, discolorations, or odors
 - No return address
 - Excessive weight
 - Protruding wires or aluminum foil
 - Lopsided or uneven envelope or package
 - Excessive security material such as tape, string, etc..
 - Visual distractions
 - Ticking sound
 - Marked with words "Personal" or "Confidential"
 - Shows a city or state in the postmark that does not match the return address
 - Powdery substance felt through or appearing on the package or envelope
3. What to do if you suspect a letter or package is tainted:
 1. Treat item as a hazardous material.
 2. Do not open, shake, sniff, touch, taste, or look closely at the contents.
 3. Put item down.

4. Place something over it (e.g. trash can, paper, etc...)
5. LEAVE the room and CLOSE the door.
6. Isolate the area and deny entry.
7. Immediately wash your hands with soap and water.
8. Promptly call Dispatch Services (801)629-8221
9. Make a list of all persons who were in the room when the item was identified as being suspicious.

CHAPTER 10

FAMILY AND MEDICAL LEAVE ACT

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, 28 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 employee's position with the City.
4. LEAVE ENTITLEMENT. Eligible employees shall be entitled to a maximum of 12 weeks of Family and Medical Leave during any 12 month period.
5. VACATION TIME AND UNPAID LEAVE. Any employee taking family and medical leave under this policy shall be required to use his/her accrued annual time or other accrued leave as part of the family and medical leave. Family and medical leave taken in excess of the employee's accrued leave shall be unpaid leave.
6. RESTORATION OF EMPLOYMENT. At the end of any period of family and medical leave, the employee shall be restored to the position held by the employee prior to the leave or an equivalent position with equivalent benefits, pay and other terms of employment. The City may deny restoration of employment under the following circumstances:
 1. The employee on family and medical leave is a salaried or exempt employee among the highest paid ten percent (10%) of the City's employees,
 2. The City determines that restoration would cause substantial and grievous economic injury to the City,
 3. The City notifies that employee of its intent to deny restoration to the employee at the time the City determines that restoration would cause substantial and grievous economic injury to the City, and
 4. The employee elects not to return to employment after receiving the notice of restoration.
7. CONTINUATION OF BENEFITS.
 1. Taking family and medical leave shall not result in the loss of any employment benefits, which have accrued prior to the leave.
 2. Nothing in this policy shall be construed to indicate that during any period of family and medical leave, the employee shall be entitled to:
 1. The accrual of seniority or additional benefits, or
 2. Any other right, benefit or position of employment other than those to which the employee would have been entitled if he or she had not taken the leave.
 3. During any period of family and medical leave, the City shall maintain coverage for the employee under the City's group health plan at the level and under the same conditions coverage would have been provided if the employee had not taken the leave. In most instances, this means that the employee will have to continue making contributions towards the payment of health insurance during the leave period.

4. In the event an employee fails to return from family and medical leave, the City may recover the share of premiums paid for group health coverage by the City on behalf of the employee. This means that if the employee fails to return at the expiration of the leave the City may demand reimbursement for the portion of the premiums the City paid during the leave period. The City may not seek reimbursement if the failure to return is caused by the continuation, recurrence or onset of a serious medical condition affecting the employee, or the employee's spouse, child or parent, or other circumstances beyond the control of the employee.
5. If the employee fails to return at the end of the family and medical leave and alleges that the failure is due to a serious medical condition affecting the employee, or the employee's spouse, child or parent, the City may require certification of the serious medical condition from the health care provider of the affected person. The employee shall provide the requested certification in a timely manner. To be accepted by the City, the certification must state:
 1. That the serious medical condition prevented the employee from returning to work at the end of the leave, or
 2. That the employee was needed to care for the child, spouse or parent on the date the leave ended.
8. **LEAVE FOR THE BIRTH OR PLACEMENT OF A CHILD.** In addition to the foregoing, family and medical leave for the birth of a child to the employee or the placement of a child with the employee for adoption or foster care ("Birth Leave") is governed by the following provisions:
 1. Birth Leave must be taken within 12 months of the birth or placement.
 2. Birth Leave may not be taken intermittently or on a reduced work schedule without written approval of the City Manager.
 3. An employee considering Birth Leave must provide the City Manager with a 30 day notice prior to taking the leave, unless circumstances make the giving of such notice impossible, in which case the employee shall give as much notice as possible.
 4. In the event both spouses in a family are employed by the City, the two spouses between them shall be entitled to an aggregate of 12 weeks of Birth Leave.
9. **LEAVE FOR SERIOUS MEDICAL CONDITIONS.** In addition to the foregoing, family and medical leave caused by a serious medical condition suffered by the employee or the employee's child, spouse or parent ("Medical Leave") shall be governed by the following provisions:
 1. Medical Leave may be taken intermittently or on a reduced work schedule when medically necessary. Taking Medical Leave intermittently or on a reduced work schedule shall not reduce the total amount of Medical Leave to which the employee is entitled.

2. In the event an employee requests Medical Leave on an intermittent or reduced work schedule, the City may require that the employee transfer temporarily to an alternative position with the City. The City may require transfer only if:
 1. The employee is qualified for the alternative position,
 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 a 30 day 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, statement that the intermittent leave or reduced work schedule is necessary and the expected duration of the intermittent leave or reduced work schedule;
3. If the serious medical condition affect the employee's child, spouse or parent, a statement that the intermittent leave or reduced work schedule is necessary for the treatment of the child, spouse or parent or will assist in the recovery of the child, spouse or parent.
4. The expected duration of the intermittent leave or reduced work schedule.
9. The City shall have the right, after receiving a certification from the health care provider, to a second opinion from a health care provider chosen by the City. The City shall pay the costs of obtaining the second opinion. The health care provider chosen by the City shall not be a City employee.
10. If the second opinion obtained by the City conflicts with the opinion of the employee's health care provider, the City may require a third opinion from a health care provider agreed upon by the City and the employee. The City shall pay the costs of obtaining the third opinion and the opinion of the third health care provider shall be final and binding on the City and the employee.

10. POSTING OF NOTICES

1. The City will post notices that are provided by the federal government in a conspicuous place. This may be on an employee bulletin board or other place where similar notices are usually posted. Employees should be able to easily obtain information from their supervisor or department head when the employee has a question about any of the standards described in the Family and Medical Leave Act of 1993, 289 U.S.C. §2601 et.seq.