

Resolution 25-2020

A RESOLUTION AMENDING THE CITY OF MOAB EMPLOYEE HANDBOOK.

WHEREAS, the City of Moab Employee Handbook contains rules of general application concerning hiring, promotion, pay, benefits and discipline; and

WHEREAS, the Handbook should be reviewed and revised on a periodic basis to ensure compliance with employment laws and contemporary personnel management practices; and

WHEREAS, the Moab City Council has determined that the Handbook should be revised; and

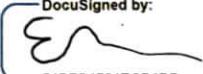
WHEREAS, the amendment to the City of Moab Employee Handbook has been presented to this meeting of the Moab City Council.

NOW, THEREFORE, we, the Governing Body of the City of Moab do hereby resolve to approve the revised Moab City Employee Handbook, Attachment A, in substantially the form presented to this meeting of the City Council.

This resolution shall take effect immediately upon passage.

Passed and adopted by action of the Governing Body of the City of Moab in open session this 28th day of April 2020.

CITY OF MOAB

DocuSigned by:
By: 
64BEB4724EGB40D

Emily Niehaus
Mayor

Attest



Sommar Johnson
City Recorder



Policies and Procedures - Employee Handbook

Updated
4/21/20

HANDBOOK DISCLAIMER

This handbook of policies and procedures (“Employee Handbook” or “Handbook”) is a guide to help City of Moab (“City”) employees find the answers to many questions that they may have regarding their employment with the City. All City employees are expected to be familiar with the provisions of this Employee Handbook and each employee will be required to certify that they have read its contents. The City’s Human Resources (“HR”) Department will keep a copy of each employee’s certification on file.

While this Employee Handbook covers many topics that may arise in the scope of an employee’s employment with the City, it may not answer all questions. Employee’s supervisors and the HR Department also serve as sources of information.

Neither this Employee Handbook, nor any particular provision contained in it, nor any other verbal or written communication by management is, or should be, considered to be an agreement, contract of employment, express or implied, a guarantee of treatment in any particular manner in any given situation, nor does it confer any contractual rights whatsoever. Except as limited by applicable federal or state law, including any due process requirements, the City adheres to a policy of employment at-will, which permits the City or the employee to end the employment relationship at any time, for any reason, with or without cause or notice. No City representative other than the City Manager/Personnel Officer may modify an at-will status and/or provide any special arrangement concerning terms or conditions of employment in an individual case or generally and any such modification must be in writing and signed by the City Manager/Personnel Officer.

Many matters covered by this Employee Handbook, such as benefit plan descriptions, are also described in separate City documents. These City documents are always controlling over any statement made in this Employee Handbook or by any member of management.

This Employee Handbook states only general City guidelines. The City may, at any time, in its sole discretion, modify or vary from anything stated in this Employee Handbook, with or without notice, except for the rights of the parties to end employment at-will, which may only be modified by an express written agreement signed by the employee and the City Manager/Personnel Officer.

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

This Employee Handbook should not be construed to limit the City’s right to terminate an employee’s job or to create any other obligation or liability for the City. The City has the sole and exclusive right to determine whether particular conduct that may be described in this Handbook, or any other employment rule, policy, or procedure is not in the best interest of the City or its operations, and therefore warrants disciplinary action or termination of employment. City management exclusively will determine whether any conduct violates any rules. The City has the exclusive right to determine the type, sequence and severity of discipline, if any, for violation of rules.

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

The City reserves the right to unilaterally change, or make exceptions to the policies and procedures stated in this Employee Handbook at any time for any reason. Also, the City has the exclusive right to add, delete, supplement, change or modify anything in this Employee Handbook or any other work rule, policy or procedure at any time, without notice.

This Employee Handbook supersedes all prior personnel policies and procedures manuals.

IMPORTANT CONTACT INFORMATION

City Manager/Personnel Officer, Joel Linares	Telephone: 435.259.5121 Email: jlinares@moabcity.org
Assistant City Manager, Carly Castle	Telephone: 435.259.5121 Email: ccastle@moabcity.org
Human Resource Director, Dani Guerrero	Telephone: 435.259.9991 Email: dguerrero@moabcity.org
City Attorney, Laurie Simonson	Telephone: 435.210-0030 Email: lsimonson@moabcity.org

Throughout this Handbook, there are references to an Equal Employment Opportunity (“EEO”) Officer. Each of the individuals who hold one of the positions listed above is authorized to act as an EEO Officer on behalf of the City. At all times, the City Manager/Personnel Officer will act as the Chief EEO Officer.

Employees may report any concerns or complaints to any of the above persons either anonymously or by providing their name and contact information. Please understand that, while the City will use its best efforts to investigate all complaints, it will be more difficult for the City to investigate any complaints or concerns made anonymously.

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Section 1 - Governing Principles of Employment

1-1 Welcome

For employees who are commencing employment with the City, on behalf of the City of Moab, let me extend a warm and sincere welcome. I welcome you to our team. An interesting and challenging experience awaits you as an employee of the City.

For employees who have been with the City, I thank you for your past and continued service.

I extend my personal best wishes for your success and happiness here at the City of Moab. I understand that it is our employees who provide the services that our customers rely upon, and who will enable us to create new opportunities in the years to come.

Joel Linares, City Manager/Personnel Officer

1-2 Introduction

This Employee Handbook is designed to acquaint employees with the City and to provide information about working conditions, employee benefits, and policies affecting employment. It is designed to provide a general understanding of the City's personnel policies, as well as to describe some of the City's rules, regulations, expectations, programs, and benefits available to eligible employees. Employees should familiarize themselves with its contents as soon as possible as each employee must certify that they have received and read a copy of this Employee Handbook. Employees should read this Handbook carefully and keep it for future reference. Reviewing it from time to time will help employees refresh their memory about policies and procedures that affect them on a daily basis in their job.

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

1-3 Rights Under the National Labor Relations Act

Section 7 of the National Labor Relations Act of 1935, as amended (the "NLRA"), states, "Employees shall have the right to self-organization, to form, join or assist labor organizations, to bargain collectively through representatives of their own choosing, and to engage in other concerted activities for the purpose of collective bargaining or other mutual aid or protection, and shall also have the right to refrain from any or all of such activities except to the extent that such right may be affected by an agreement requiring membership in a labor organization as a condition of employment as authorized in section 8(a)(3) [of the NLRA]."

Under Section 7, employees have the right to discuss their wages or other compensation plans, employee benefits, leave policies, disciplinary actions, and other terms and conditions of their employment. Employees also have the right to decline to discuss this information with their co-workers or others if they so choose.

Section 7 applies to all employees, whether they are members of a union or not. Nothing in this Handbook is intended to restrict and should not be construed as restricting an employee's ability to exercise their rights under Section 7.

1-4 Employee Relation Goals

The City operates under a philosophy that management and employees are working towards the same goal. That goal is to bring effective and economical municipal services to the citizens of Moab. The City believes that this goal can be effectively achieved with management and employee cooperation. With this goal in mind, it is important for management to realize and consider the talents, abilities, and experience of employees. It is likewise important for employees to respect the experience and judgment of management in the operation of the City. Management will strive to give due consideration to all employee suggestions concerning methods by which the effectiveness and economy of municipal services can be improved.

The City has the following goals regarding its employees:

1. To maintain a competitive and equitable compensation program;
2. To offer each employee the opportunity for growth;
3. To provide an open forum for employee/employer communication.

The City believes that the best and most rewarding employee-management system results from a direct relationship between management and employees.

Except as otherwise directed in this Handbook, employees should bring their concerns to their supervisor or their Department Head. If these individuals are unable to assist the employee, they may bring their concerns to the HR Director or the City Manager/Personnel Officer. The City will listen to employee concerns with respect and will do its best to solve employee problems.

Section 2 - Equal Employment Opportunity

2-1 Equal Employment Opportunity

The City is committed to providing equal employment opportunity for all persons without regard to race, color, national origin, religion, sex (including conditions of pregnancy), sexual orientation, gender identity, age, disability, veteran, genetic information, or other group protected by federal law or applicable state or local law.

Employment with the City of Moab is based on qualification and ability. Consistent with this policy, the City is dedicated to the following practices:

1. To recruit, employ, train, and promote persons for all positions without regard to race, color, national origin, religion, sex (including conditions of pregnancy), sexual orientation, gender identity, age, disability, genetic information, veteran, or other applicable protected-group status and to base decisions regarding applicants and employees on an individual's job-related qualifications.
2. To ensure that all personnel actions, including, without limitation, compensation, benefits, transfers, layoff, return from layoff, discipline, City-sponsored training, education, and social and recreational programs, will be administered without regard to race, color, religion, sex (including conditions of pregnancy), sexual orientation, gender identity, age, national origin, disability, genetic information, veteran, or other applicable protected-group status.

The City expects the full cooperation of each employee in upholding the spirit of equal employment opportunity.

The City's equal employment opportunity policy is governed by applicable federal, state, or local law. Nothing in the City's equal employment opportunity policy creates any contractual rights or benefits beyond those imposed by federal law or any applicable state or local law prohibiting discrimination in employment.

2-2 Sexual and Other Forms of Illegal Harassment or Discrimination

The City is committed to maintaining a work environment that is free of illegal harassment and discrimination. In keeping with this commitment, the City prohibits discrimination against or harassment of its employees by anyone, including any supervisory personnel, co-worker, vendor, client, or customer of the City.

Harassment consists of unwelcome conduct, whether verbal, physical, or visual, that is based on a person's protected status, such as race, color, national origin, religion, sex (including conditions of pregnancy), sexual orientation, gender identity, age, disability, genetic information, veteran, or other applicable protected-group status. The City prohibits harassing conduct that affects tangible job benefits, that interferes unreasonably with an individual's work performance, or that creates an intimidating, hostile, or offensive work environment as defined and prohibited by law.

The City also prohibits sexual harassment, as defined by law. Sexual advances, requests for sexual favors, or other physical, verbal, or visual conduct based on gender or gender stereotypes may constitute sexual harassment when the conduct is unwelcome and (1) submission to the conduct is an explicit or implicit term

or condition of employment, (2) submission to or rejection of the conduct is used as the basis for an employment decision, or (3) the conduct has the purpose or effect of unreasonably interfering with an individual's work performance or creating an intimidating, hostile, or offensive working environment.

Whether or not certain types of conduct rise to the level of illegal harassment or discrimination, as defined by law, depends on the facts and circumstances in each particular instance. When viewed considering all of the surrounding circumstances, courts have found that the following types of conduct may give rise to a claim of harassment or discrimination:

Intimidating, hostile, derogatory, contemptuous, or otherwise offensive remarks, visual conduct, or physical conduct that is directed at an individual or group (i) based on race, national origin, religion, sex/gender (including conditions of pregnancy), sexual orientation, genetic information, disability, age, veteran, or other applicable protected group status; or (ii) related to or suggesting sexual matters

Examples may include, without limitation,

1. Unwelcome sexual advances – whether or not they involve physical touching and whether or not between members of the same or opposite sex;
2. Sexual epithets, jokes, written or oral references to sexual conduct; gossip regarding one's sex life; comment on an individual's body in a sexual manner; comment about an individual's sexual activity, deficiencies, or prowess; use of sexual innuendo;
3. Displaying or sharing with co-workers sexually suggestive objects, pictures, cartoons, etc.;
4. Displaying or sharing with co-workers objects, pictures, cartoons, etc. that display individuals, or a group generally, in a derogatory or disrespectful light based on race, color, national origin, religion, sex (including conditions of pregnancy), sexual orientation, gender identity, age, disability, genetic information, veteran, or other applicable protected-group status, etc.;
5. Unwelcome leering, whistling, brushing against the body, sexual gestures, sexually suggestive or insulting comments;
6. Name-calling, derogatory comments, or disrespectful treatment of another based on that individual's race, national origin, color, disability, religion, age, sex (including conditions of pregnancy), sexual orientation, gender identity, veteran status, genetic information, or other applicable protected group status;
7. Bantering with the use of comments or innuendo based on race, color, national origin, religion, sex (including conditions of pregnancy), sexual orientation, gender identity, age, disability, genetic information, veteran, or other applicable protected-group status;
8. Stereotypes based on race, color, national origin, religion, sex (including conditions of pregnancy), sexual orientation, gender identity, age, disability, genetic information, veteran status, or other applicable protected group status;
9. Derogatory or contemptuous comments based on race, color, national origin, religion, sex (including conditions of pregnancy), sexual orientation, gender identity, age, disability, genetic information, veteran, or other applicable protected-group status;
10. Threats/Promises: Solicitation or coercion of sexual activity, dates, or the like by the implied or express promise of rewards or preferential treatment or the express or implied threat of punishment.

The City intends for all of its employees to work in an environment free of harassment or discrimination. To this end, the City can respond to concerns about harassment or discrimination only if it is aware of the problem. Thus, if an employee believes that they are being subjected to any inappropriate conduct prohibited by this policy, or if an employee becomes aware of such conduct being directed at someone else, in compliance with Section 2.8 below, the employee should notify a supervisor, or if the supervisor is the

offending person, to HR or one of the City’s EEO Officers as identified on page three of this Employee Handbook. Failure to report any conduct that an employee believes may violate this policy may affect the employee’s legal rights. Please note that it may be difficult for the City to investigate anonymous claims of harassment or discrimination.

All reported incidents will be investigated promptly. With regard to any investigation, and in compliance with Section 2-8 below the City expects all employees to:

1. Cooperate in the investigation;
2. Take no action that would interfere with the investigation;
3. Take no action in retaliation against any person who cooperated in the investigation.

Depending on the circumstances, the employee accused of inappropriate conduct may be placed on a paid or unpaid leave of absence during the investigation or may be placed in a different job assignment or location. Additionally, the employee or employees who complained of discrimination or harassment may be offered a paid leave of absence during the investigation. Employees who are on a paid leave of absence during an investigation are expected to be available to meet with investigators or answer questions during their regular work hours and to report to the work site within two hours if requested.

All complaints will be kept confidential to the extent reasonable and practicable and will be disclosed only as reasonably necessary to allow the City to investigate and respond to the complaint. Any special concerns about confidentiality will be addressed at the time they are raised.

Any employee who violates this policy is subject to disciplinary action as provided in Section 10-2 below. Disciplinary action will depend on the gravity of the offense and not on the status of the accuser or the offender and may include immediate discharge in appropriate circumstances. No employee is protected against disciplinary action for violating this policy because of their position at City or because they are friends with or related to any manager or other supervisory personnel. The City will take whatever action it deems appropriate to discipline anyone who violates this policy and to prevent an offense from being repeated.

2-3 Americans with Disabilities Act

As part of its commitment to equal employment opportunity, the City implements all applicable provisions of the Americans with Disabilities Act (the “ADA”), the ADA Amendments Act (“ADAAA”) and related state law. Ability, not disability, is the basis for employment decisions. It is City’s policy to provide reasonable accommodation to qualified persons with a disability when necessary to allow the employee to perform the essential functions of their job. If an employee cannot be reasonably accommodated in their existing position, the City will work with the employee to identify positions to which the employee may be transferred based on availability of vacant funded positions and the employee’s qualifications.

A. Requesting an Accommodation

Employees or job applicants with disabilities may request a reasonable accommodation. The need for an accommodation may be brought to the City’s attention in any of the following situations:

1. A job applicant may request an accommodation with respect to the job application process;
2. A new employee may request an accommodation to perform the essential functions of their job;

3. An employee returning to work after experiencing an illness or injury may request an accommodation for any resulting disability;
4. A current employee with a disability whose medical condition has changed may request an accommodation for the first time or a change in accommodation; or
5. Any employee with a disability may request an accommodation at any time.

Employees who have a physical or mental impairment which interferes with their ability to do their job may request an accommodation by submitting a written request to Human Resources. Human Resources will assist employees in completing the form at their request.

To ensure the confidentiality of medical information and the proper administration of the accommodation process, employees should not request accommodations related to physical or mental impairments from a lead, supervisor, or manager (except an EEO Officer). Any lead, supervisor, or manager who receives a request for an accommodation or information that an employee is having difficulty satisfactorily performing their job because of a physical or mental impairment should immediately contact HR.

Employees are not required to disclose the diagnosis of their physical or mental condition or the details of their medical treatment when requesting an accommodation. However, employees must inform the City that they are in need of an accommodation due to a medical condition. Depending on the circumstances, the City may request medical documentation to support the request for accommodation and to evaluate and process the accommodation request.

B. Response to an Accommodation Request

The reasonable accommodation process is interactive. This means that it requires cooperation and communication between the employee and the City. When the City receives an accommodation request, the City will attempt to engage in an interactive process with the employee to clarify the employee's needs and to determine whether and what reasonable accommodations are appropriate under the circumstances. The City encourages the employee to suggest reasonable accommodations that will allow the employee to perform essential job functions and improve job performance.

The interactive process may include analysis of the following factors, among other relevant considerations, in determining the reasonableness of a requested accommodation:

1. Is the employee otherwise qualified to perform their essential job functions?
2. Will the accommodation accomplish the desired result, i.e., allowing the employee to effectively perform the essential functions of their job?
3. Is there another accommodation that will allow the employee to perform the essential functions of their job that is more cost effective or less disruptive to business operations?
4. Will the accommodation be unduly disruptive to the workplace so that business cannot be reasonably conducted or otherwise create an undue burden?
5. Does the accommodation raise any safety concerns?

Essential job functions are those that the employee must be able to perform, with or without a reasonable accommodation. Essential job functions cannot be removed from the position without changing its nature. Duties that are not essential to the performance of the employee's job may be modified, eliminated, replaced, or restricted as part of the accommodation process.

To assist in the accommodation process, the City may hire outside consultants, such as physical and occupational therapists, to help determine reasonable accommodations. Employees are expected to cooperate with such individuals as part of the interactive process.

If an employee is not satisfied with City's response to an accommodation request, the City encourages the employee to promptly discuss their concerns with an EEO Officer.

2-4 Religious Accommodation and Prohibition on Discrimination

In accordance with federal and state law, the City will make reasonable accommodations for employee observance of religious holidays and for sincerely held religious beliefs in accordance with applicable federal and state law.

Such accommodations may include, without limitation,

1. Scheduling changes or allowing the use of paid or unpaid time off to accommodate religious holidays, the observance of Saturday or Sunday Sabbath, etc.;
2. Allowing the wearing of religious dress.

Employee requests for a religious accommodation should be made in writing to HR. HR will assist employees in completing the form at their request.

Employee requests for a scheduling change should be made as far in advance as possible so that the City can avoid a disruption in operations.

In accordance with Utah law, the City will not discharge, demote, terminate, or refuse to hire any person, or retaliate against, harass, or discriminate in matters of compensation, privileges, and conditions of employment against any person for lawful expression or expressive activity outside of the workplace regarding the person's religious, political, or personal convictions, including convictions about marriage, family, or sexuality, unless the lawful expression or expressive activity is in direct conflict with the City's essential business-related interests or policies.

In addition, the City expects its employees to be respectful of the religious, political, or personal convictions, including convictions about marriage, family, or sexuality, of others and, after considering the relevant circumstances, may take corrective or disciplinary action against employees who discriminate against, harass, ridicule, or engage in other inappropriate behavior against another employee on the basis of their own or another's religious, political, or personal convictions.

2-5 Pregnancy Accommodation

The City will make reasonable accommodations for job modifications because of medical conditions or restrictions due to pregnancy or childbirth in accordance with applicable federal and state law, consistent with accommodations it provides to others with limitations unrelated to pregnancy, childbirth, or related medical conditions. Such accommodations may include, without limitation,

1. Accommodating lifting or other physical restrictions;
2. Temporary transfers to vacant, funded positions for which the employee is qualified;

3. Leaves of absence under the Family and Medical Leave Act or other available leave policy.

Employee's requesting an accommodation based on pregnancy, childbirth, or related medical condition, should make a request in writing to HR. HR will assist employees in completing the form at their request. Depending on the circumstances, the City may request medical documentation to support the request for accommodation and to evaluate and process the accommodation request.

2-6 Accommodations for Nursing Mothers

In support of breastfeeding women, the City will provide a reasonable amount of break time to accommodate an employee desiring to express breast milk or breastfeed for at least one year after birth, in accordance with and to the extent required by applicable law. (Utah Code Annotated Section 34-49-202.) The break time, if possible, must run concurrently with rest and meal periods already provided to the employee. If the break time cannot run concurrently with rest and meal periods already provided to the employee, the break time will be unpaid, subject to applicable law.

The City will make reasonable efforts to provide employees with the use of a private room with a refrigerator for the employee to express milk or for breast feeding purposes for at least one year after birth. This location may be the employee's private office, if applicable, but may not be a bathroom or toilet stall and shall be maintained in a clean and sanitary condition with an electrical outlet. The City may not be able to provide additional break time if doing so would seriously disrupt the City's operations, subject to applicable law.

Employees should advise management and HR if they need break time and an area for this purpose. Employees will not be discriminated against or retaliated against for exercising their rights under this policy. Employees should consult the HR Department with questions regarding this policy.

2-7 I-9 Compliance

In accordance with federal law, the City is committed to employing only United States citizens and aliens who are authorized to work in the United States and does not unlawfully discriminate on the basis of citizenship or national origin. As required by the Department of Homeland Security, U.S. Citizenship and Immigration Services, each employee, as a condition of employment, must complete the Employment Eligibility Verification Form I-9 and present documentation establishing identity and employment eligibility. Former employees who are rehired must also complete the form if they have not completed an I-9 with the City within the past three years, or if their previous I-9 is no longer retained or valid.

The City may use the federal E-Verify or other authorized system to verify the work status of all job applicants who are offered employment, to re-verify an employee with expiring employment authorization, and as otherwise allowed or required by law.

Employees with questions or concerns about immigration law compliance, should contact HR. The City's policy against retaliation applies to any complaints or other communications relating to I-9 compliance and related issues.

2-8 Retaliation Prohibited

The City strictly prohibits retaliation against any employee, job applicant, or witness who makes a complaint about harassment, discrimination, or other violation of City's equal employment opportunity policy or who

provides information during an investigation. Any employee, including any manager or supervisor, who retaliates against another employee or client in violation of this policy is subject to disciplinary action.

2-9 Complaint Procedure

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

1. If an employee feels that they have been subjected to conduct which violates this policy, they should immediately report the matter to their supervisor, or if the supervisor is the offending person, to HR or one of the City's EEO Officers as identified on page three of this Employee Handbook. Failure to report any conduct that an employee believes may violate this policy may affect the employee's legal rights. Please note that it may be difficult for the City to investigate anonymous claims of harassment or discrimination;
2. Every report of perceived harassment will be investigated, and corrective action will be taken where appropriate;
3. All complaints will be kept confidential to the extent possible, but confidentiality cannot be guaranteed. The investigation will be handled in a confidential manner with information disseminated on a strict need-to-know basis. Every employee who is given information regarding the complaint will be informed of the need to preserve the confidentiality of the information they receive;
4. In compliance with Section 2-7 above, any employee of the City who is accused of harassment shall not question, coerce, intimidate, or retaliate in any way against the employee who has filed a complaint or against employees who have provided information concerning the complaint. If an employee feels they have been subjected to any such retaliation, they should report it in the same manner in which the employee would report a claim of perceived harassment under this policy;
5. All employees shall fully cooperate in any investigation of harassment or retaliation. Disciplinary action will be taken against any employee who obstructs or does not fully cooperate with any investigation of harassment or retaliation.

Violation of this policy including any improper retaliatory conduct will result in disciplinary action, up to and including discharge.

2-10 Administration by EEO Officer

Employees with questions or concerns about the City's equal employment opportunity policies, as set out above, should contact HR or an EEO Officer. Please note that the City Manager/Personnel Officer is the City's Chief EEO Officer and may delegate some or all of their duties to another EEO Officer designed by the City.

The above equal employment opportunity policies are governed by applicable federal, state, and local laws that prohibit discrimination in employment. If any conflict exists between this policy and the governing laws, those laws will control. The above equal employment opportunity policies and procedures do not expand protection beyond that required by applicable federal, state or local law and do not create any contractual rights or obligations between employees and the City.

Section 3 – Workplace Violence

3-1 Treating Others with Respect / Anti-Bullying

The City expects its employees to treat each other and the general public with respect and dignity. Bullying and similar offensive conduct may lead to a deterioration in quality of work, increased absenteeism, lack of communication and teamwork, and lack of commitment to an employee's job and to the City. It also can cause stress-related illness, leading to increased medical costs and possible worker's compensation claims. Bullying breaches principles of equality and fairness and may represent an abuse of power and authority. Bullying not only affects the person subjected to the inappropriate conduct but also others in the workplace who witness bullying or other disrespectful behavior.

Context is important in understanding bullying. Bullying behavior generally is persistent and part of a pattern but may, in extreme circumstances, occur as a result of a single incident. Depending on the circumstances, examples of bullying may include:

1. Abusive and offensive language;
2. Insults;
3. Teasing;
4. Spreading rumors, gossiping, and innuendo;
5. Unreasonable criticism or trivializing someone's work and accomplishments;
6. Unfair blame for mistakes;
7. Practical jokes or using someone as a butt of jokes;
8. Public criticism;
9. Ridiculing or maligning a person or their family;
10. Persistent name calling that is hurtful, insulting, or humiliating;
11. Manipulating the ability of someone to do their work (e.g., overloading, underloading, withholding information, banning from meetings, unreasonable deadlines, etc.);
12. Socially or physically excluding or disregarding a person in work-related activities;
13. Pushing, shoving, tripping, nonverbal threatening gestures, glaring, or damage to someone's workspace or property;
14. Mobbing (bullying behavior carried out by a group of individuals).

Employees should report incidents of bullying, whether directed at themselves or at others, to the employee's supervisor, or if the supervisor is the offending person, to HR or one of the City's EEO Officers as identified on page three of this Employee Handbook. Failure to report any conduct that an employee believes may violate this policy may affect the employee's legal rights. The City will investigate and take disciplinary action as it deems appropriate under the circumstances.

Supervisors and managers must be able to provide feedback, appropriate criticism, and disciplinary action to employees where needed to improve job performance or to correct inappropriate behavior. Nothing in this policy is intended to prevent supervisors and managers from taking such actions. However, if an employee believes that a supervisor or manager's conduct violates this policy, they are encouraged to report it to an HR or an EEO Officer.

3-2 Workplace Violence

The City is strongly committed to providing a safe workplace. The purpose of this policy is to minimize the risk of personal injury to employees and damage to the City and personal property.

A. Prohibited Conduct

Threats, threatening language or any other acts of aggression or violence made toward or by any City employee **WILL NOT BE TOLERATED**. For purposes of this policy, a threat includes any verbal or physical harassment or abuse, any attempt at intimidating or instilling fear in others, menacing gestures, flashing of weapons, stalking or any other hostile, aggressive, injurious or destructive action undertaken for the purpose of domination or intimidation. To the extent permitted by law, employees and visitors are prohibited from carrying weapons onto City premises.

B. Procedures for Reporting a Threat

All potentially dangerous situations, including threats by co-workers, should be reported immediately to any member of management with whom the employee feels comfortable or the Police Department. The City will maintain confidential all reports of threats to the extent maintaining confidentiality does not impede the City's ability to investigate and respond to the complaints. All threats will be promptly investigated. All employees must cooperate with all investigations. No employee will be subjected to retaliation, intimidation or disciplinary action as a result of reporting a threat in good faith under this policy.

If the City determines, after an investigation, that an employee has violated this policy, the City will take appropriate disciplinary action.

If an employee is the recipient of a threat made by an outside party, that employee should follow the steps detailed in this section to report that conduct. The City intends to take effective measures to protect everyone from the threat of a violent act by an employee or by anyone else.

Section 4 – General Employment Issues

4-1 Employee Liability

An employee who becomes aware of any occurrence which may give rise to a lawsuit, who receives a notice of claim, or is sued because of an incident related to their employment, or receives a subpoena with regard to their employment or job duties shall immediately notify all of the following individuals: the City Attorney, their supervisor, their Department Head, and the City Manager/Personnel Officer and/or Assistant City Manager/Personnel Officer. In most cases, under provisions of the Governmental Immunity Act (Utah Code Annotated Section 63G, Chapter 7 et. seq.), employees shall receive defense and indemnification unless the case involves fraud, malice, or the use of alcohol or drugs or conduct not within the scope of employment by the employee. If a lawsuit results against an employee, the Governmental Immunity Act stipulates that the employee must request a defense from the City in writing within ten (10) calendar days of receipt of the lawsuit.

4-2 Employee Civil Action Legal Defense, Indemnity

1. Pursuant to the Utah Governmental Immunity Act (Utah Code Annotated Section 63G, Chapter 7 et. seq.) all employees that are named as a defendant in a civil lawsuit arising out of an act or omission occurring during the performance of employee duties; within the scope of employment; or under color of authority are entitled to legal defense by the City at no cost to the employee, provided the employee complies with the provisions of the law.
2. A request for indemnity shall be made by the employee in writing within ten days of the service of the summons, complaint, or other process on the employee, or such longer period of time as will not prejudice the ability of the City or its insurance carrier to defend the lawsuit.
3. Should an employee fail to timely request defense or fail to cooperate in the defense of the lawsuit the City may elect to withdraw from defense of the lawsuit. In that event the employee will be solely responsible for the defense of the lawsuit, any costs of defense, and any judgment or settlement that may result against the employee.
4. The City may decline to defend should it appear that the lawsuit does not allege conduct falling within the course and scope of employment. Alternatively, the City may defend subject to a reservation of its rights, which means that it may defend pending a determination of whether the act or omission subject to the suit occurred during the course and scope of the employee's duties. If it is later determined that the act or omission did not occur as part of the employee's official duties, the City will not be obligated to pay any judgment or settlement that results from the lawsuit. In that case the employee will be responsible for payment.
5. Employees are advised that under state law, lawsuits derived from an employee driving under the influence of alcohol or drugs, or suits in which the employee engages in intentional misconduct, fraud, or malicious acts are not subject to defense or indemnity by the City.
6. The City shall pay any judgment or settlement against an employee where it undertakes defense and that defense is not subject to a reservation of rights.

4-3 Employee Criminal Action Legal Defense Costs

1. Criminal Actions: As permitted by state law, all employees that are named a defendant in a criminal action are not entitled to legal defense by the City, even if the act or omission occurred during the performance of the employee's duties, within the scope of employment, or under color of authority. Employees that are prosecuted for these acts must retain and pay for their own legal counsel. If the charge is based upon acts or omissions occurring during the performance of official duties, within the scope of employment, or under color of authority, and the prosecution is dismissed on motion of the defense, results in a judgment of acquittal, or if an information is quashed, the employee may recover from the City reasonable attorney fees and court costs necessarily incurred in the matter. However, the employee is not entitled to reimbursement of any attorney fees and costs where the case is dismissed by motion of the prosecuting attorney.
2. If an employee is acquitted of some of the charges but convicted on others, the employee shall be entitled to reimbursement for that portion of their reasonable defense costs necessarily incurred which are attributed to the defense of the counts that were dismissed or for which the employee was acquitted, except that if the underlying conduct is substantially the same for both the counts resulting in conviction and the counts that are dismissed there is no right of reimbursement at all.
3. It is the policy of the City to reimburse employees for defense costs only to the extent required by law. Employees are advised that unreasonable, unnecessary, or excessive legal expenses will not be reimbursed. In evaluating a claim for reimbursement the City will carefully scrutinize legal bills based upon the seriousness of the charge, the time necessary to prepare for trial, whether or not the case went to trial, the extent of pre-trial motions and hearings, the reasonableness of the attorney's hourly rate, and related factors. In no instance will the City reimburse for attorney fees in excess of \$250.00 per hour, unless the rate is approved by action of the City Council in advance. If the City declines to reimburse, or should it reimburse only in part, the employee will be solely responsible for payment of any remainder. The City will not reimburse for interest on unpaid attorney fee accounts.

4-4 Confidentiality

In order to maintain City operations, unless authorized, employees are not to disclose non-public City information. Unless authorized, City employees shall not interfere with, offer advice upon, or otherwise make comments regarding any incident surrounding a City legal issue, pending court case regarding City business, or employee disciplinary action to the public or other City employees. Inappropriate release or discussion of confidential City information to unauthorized individuals will result in disciplinary action and possible termination. City employees are to refer press inquiries to the City's Communications and Engagement Manager.

Nothing in this Section is intended to interfere with or limit an employee's rights under Section 7 of the National Labor Relations Act (see Section 1-3 above).

4-5 Separation from Employment

Employees who voluntarily resign may receive an exit interview administered by the Department Head, HR Director, or designee. Employees who resign and desire to remain in good standing with the City should give a minimum of two (2) weeks notice. Otherwise, the employee may not be considered for re-employment at a future date. Such notice should be given in writing to the employee's supervisor and Department Head.

Proper notice generally allows the City enough time to calculate vacation payout, compensatory time and/or other monies to which the employee may be entitled and to include such monies in the final paycheck. At the time of termination, the employee will return all City uniforms, keys, identification tags, badges, and other issued City equipment. Employees should also leave a forwarding address with the HR Department for the mailing of the W-2 at the end of the year.

A. Retirement

A full-time employee with at least ten (10) years of service in the Utah Retirement System or five (5) years of service at age 60 qualifies to be a retired employee. The age that qualifies an employee for full social security benefits shall not be a traditional retirement age for employees. No employee will be required to retire or be removed from City service on the basis of age or years of service except as allowed by law.

B. Retirement Gift

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

Years of Service Gift Certificate Amount

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

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

All outgoing employees are required to contact HR to ensure all necessary forms are completed and to ensure all City property has been turned into their Department Head.

C. Life Insurance Continuation

The City's life insurance plan currently has a conversion option. When an employee leaves City employment, they may be able to convert to an individual policy. Contact Human Resources for more information.

D. Health Insurance Portability and Accountability Act (HIPAA)

The Health Insurance Portability and Accountability Act is designed to help ensure portability of health coverage for individuals and families who move from one employer health benefit plan to another, and to protect an employee's health information. The act places several significant obligations on the City and group health plan providers, including a requirement to issue a Certification of Credible Group Coverage to employees and their eligible dependents when coverage under the City's health plan ends. These certifications provide documentation of prior coverage which terminating employees and their dependents may need to reduce preexisting condition limitations when enrolling in a new health plan benefit.

4-6 Employee Service Credit / Reinstatement

"Length of service" refers to the length of time that City employees spend as active full-time employees with the City. Service begins on the first day of full-time employment.

Length of service may be used in determining certain employee benefits, such as time-off benefits. Employees will not lose credit for service with the City provided their last day of service was within 365 days of again becoming an active employee. HR will discuss this issue with any rehired employee upon hire.

An employee who is reinstated to their former job and department may have their previous service reinstated subject to all the following:

1. A position must be available;
2. The return date must be within one year of the termination date;
3. At the time of termination, the employee must have been in good standing with the City including but not limited to: must have given the City a minimum of two weeks written notice of termination, returned all City equipment, keys, uniforms, etc., and must not have been subject to disciplinary action at the time of resignation;
4. The time between termination and the rehire date is not counted toward service time; and
5. In addition to reinstatement of their prior service for retirement vesting and vacation accrual, rehired employees may have their prior forfeited sick-leave balances reinstated, following the successful completion of the six-month probationary period.

If the employee meets the requirements for reinstatement, the rate of pay will be determined by the Department Head and Human Resource Director with approval of the City Manager/Personnel Officer.

Employees who are reinstated by the City in a department, a field of work, or a position that is different from their former employment with the City will not be entitled to any reinstated benefits.

4-7 Supervisor & Subordinate Relationships

The City does not allow romantic relationships, dating, or cohabitation between supervisors and subordinates because of the potential for misunderstanding, miscommunication, misuse of authority, and negative effect on employee morale in the workplace. For purposes of this policy, a supervisor includes any supervisor within the same line of authority as the subordinate or any person charged with evaluating the subordinate. If such a relationship develops, the supervisor involved is responsible to immediately disclose the existence of the relationship in writing to the HR Director. Failure to adhere to this policy may be grounds for disciplinary action.

4-8 Anti-Nepotism

The City complies with Title 52, Chapter 3, Utah Code Annotated, concerning the prohibition of the employment of relatives. Therefore, the City prohibits any person holding any position, to appoint, vote for the appointment of, directly supervise, be in the line of supervision of, or be directly supervised by their father, mother, husband, wife, son, daughter, brother, sister, uncle, aunt, nephew, niece, first cousin, father-in-law, mother-in-law, brother-in-law, sister-in-law, son-in-law, daughter-in-law, grandparent, or grandchild.

Volunteers providing services to the City are excluded from this provision. Employees shall not be supervised by a family member, whether the supervisory role is formal or informal. Family members will not be given preference or advantage during the recruitment, interview and selection processes.

The City Manager/Personnel Officer's approval is required for any new hire of employees related to current City employees, regardless of whether they would be in a supervisory relationship.

Failure to adhere to this policy may be grounds for disciplinary action.

4-9 Volunteer Positions

An individual who performs hours of service for the City for civic, charitable, or humanitarian reasons, without promise, expectation, or receipt of compensation is considered to be a volunteer. In order to be compliant with Department of Labor regulations, employee volunteers will not perform volunteer work similar to the paid job they perform for the City. Non-employee volunteers may not perform volunteer duties that a City employee is paid to perform. All volunteer agreements will be documented in writing and reviewed by the City Attorney. Any volunteers whose duties will or may include the care, custody, or control of children will also be subject to a background check and drug screening.

Section 5 - Operational Policies

5-1 Recruitment/Job Posting/Selection Policy

A. General Policy

The City desires to fill all positions with the most qualified applicant. Further, it is the intent of the City to consider qualified in-house applicants when appropriate.

B. Job Postings

Before any job opening can be advertised, the request to post the job must be made to the Personnel Officer, be in writing and be approved. Positions generally are then posted by the HR Department. Generally, job openings will be posted in-house for a minimum of five days by the HR Director. If the City elects not to fill the position with a City employee, the position will be posted for a minimum of fourteen days on the City website and any other applicable locations. Job openings may be posted in-house and externally at the same time for a minimum of seven (7) days if desired by the Department Head. Further, positions may be filled with applicants from a position that had met the posting requirements within the prior six months. Not all positions are guaranteed to be posted. Except as set forth above, no external job offers will be extended prior to the posting requirement.

The City reserves the right to seek the most qualified candidate for any given position. Accordingly, the City reserves the right to seek applicants solely from outside sources. Nothing in this policy shall require the City to offer a position to an existing employee applicant if the City believes it is in the City's best interests to post the position externally and seek candidates from outside the City's current employees.

Once the posting period has been satisfied, HR and the applicable Department Head will review the applications. All internal and external candidates shall be required to apply on-line and submit other supporting documents (e.g., transcripts, certifications, licenses,) as may be required.

The City is dedicated to assisting employees in managing their careers and reaching their professional goals through promotion and transfer opportunities. This policy outlines the on-line job posting program which is in place for all employees. To be eligible to apply for an open position, employees must meet the following requirements:

1. Be a current, regular, full-time or part-time employee;
2. Have been in their current position for at least six months;
3. Maintain a performance rating of satisfactory or above;
4. Not be on an employee conduct/performance-related probation or warning;
5. Meet the job qualifications listed on the job posting; and
6. Provide the employee's manager with notice prior to applying for the position

If an employee finds a position of interest on the job posting website and meets the eligibility requirements, the employee must complete and submit an on-line job posting application in order to be considered for the position.

For more specific information about the program, please contact the Human Resources Department.

C. Application Requirements

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

1. All applicants for employment with the City shall complete a City application form and are required to comply with the specific application process for each position. The applicant must submit all applications to the Human Resource Director by the closing date of the posted position.
2. The City accepts applications for open positions from all interested qualified parties and evaluates applicants based upon job criteria. All applicants must apply for a specific, open position.
3. All applications from every job candidate must be reviewed by the Human Resource Director before any interviewing or hiring takes place. The Human Resource Director will accept applications for the open position until the specified closing date of the job. Once the job has closed, the Human Resource Director will screen all applications for minimum qualifications. The Human Resource Department shall keep all applications in accordance with the State Records Retention Schedule.
4. Once the most qualified applicants have been identified, a validated process consistent with departmental needs will be used. The Human Resource Director will schedule interviews with the Department Head and applicable interview committee members and notify candidates. All interviews will be documented using Human Resource selection criteria. The Human Resource Director, Department Head and interview committee shall develop a hiring recommendation based on the results of the interview process. All selection interview forms and applications will be returned and retained by the Human Resource Department.
5. The City is committed to employing only United States citizens and aliens who are authorized to work in the United States, but does not unlawfully discriminate on the basis of citizenship or national origin. In compliance with the Immigration Reform and Control Act of 1986, and Section 2-6 above, each new employee, as a condition of employment, must complete the Employment Eligibility Verification Form I-9 and present documentation establishing identity and employment eligibility. Failure to present proper or adequate documentation required within three (3) working days from the date of hire will result in termination of employment. Former employees who are rehired after 24 months from separation must also complete an I-9 form.
6. Falsification of or provision of any inaccurate information required in the application process is grounds for immediate disqualification or, if employed, termination of employment.

D. Selection Procedures

Job applicants may be required to take tests which the City deems necessary for a specific position. The City will comply with applicable federal and state laws to establish the validity of any required testing procedures.

E. Job Offer Requirements

The Department Head will make the final candidate recommendation and consult with the Human Resource Director to determine the appropriate salary range for the position. The Human Resource Director may recommend a salary that is between the minimum and midpoint of the designated salary

range dependent upon qualifications. With justification, the City Manager/Personnel Officer may approve salary offers above the midpoint of the salary range. The City Manager/Personnel Officer must approve all hiring requests prior to any job offer. Once a candidate is approved for hire, and a conditional offer of employment has been extended by the Human Resource Director and has been signed by the candidate, the candidate will be required to submit to drug testing, a background check, and a driver's license check and any other testing required by the departments and the position for which the candidate has been hired.

Job offers to all candidates (internal or external) will be contingent upon successfully passing the drug screen, background check, and driver's license check (if required by the position). Background checks that have been completed within the last ninety (90) days will be accepted. It is the responsibility of the Department Head to personally notify internal candidates of the hiring decision.

F. Veterans Preference

The City will comply with Title 71, Chapter 10, of the Utah Code Annotated regarding Veteran's Preference.

G. Resident Preference

A five percent scoring preference shall be given to a current City of Moab resident who meets all the qualifications for the position.

H. Internal Hiring

If a current employee is hired for another position in the City, the employee's previous supervisor shall be given a minimum of two (2) weeks notice of the employee's acceptance of the new position. An employee may be retained in a current position for up to thirty (30) calendar days in order to give time to recruit and train a replacement. Any deviation from this policy must be approved by the City Manager/Personnel Officer.

A Personnel Action Form must be submitted to the Human Resource Department with the successful application, drug screen, driver's license check (if applicable), and background check, and any additional information immediately following the acceptance of the job offer by the candidate and prior to the candidate being entered into the payroll system.

5-2 Current Address

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

5-3 Reimbursement for Travel Expenses

The City will pay travel-related expenses incurred by employees for the purpose of conducting City business within the scope of this policy. Travel must be pre-authorized by a supervisor and must have a clear City government purpose. Any travel outside the state of Utah must be approved, in advance, by the City Manager/Personnel Officer. For the purposes of this policy, travel to Grand Junction, Colorado will be

considered in-state travel and will not require pre-authorization of the City Manager/Personnel Officer. Travel expenses must be included in the annual budget for each department anticipating travel, as part of the budget process. Trips that would cause the budgeted amount to be exceeded must have the approval of the City Manager/Personnel Officer and/or City Council.

This policy applies to all City employees, elected and appointed officials as well as City appointed board members. For elected and appointed officials as well as City appointed board members, travel shall be pre-authorized by the City Manager.

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

A. Overnight, Out-of-Town Trips

Non-exempt employees will be compensated for time spent traveling (except for meal periods) during their normal working hours (e.g., 8:00 am to 5:00 pm), on days they are scheduled to work and on unscheduled workdays (such as weekends). Non-exempt employees also will be paid for any time spent performing job duties during otherwise non-compensable travel time; however, such work should be limited absent advance management authorization.

B. Out-of-Town Trips for One Day

Non-exempt employees who travel out of town for a one-day assignment will be paid for all travel time, except for, among other things:

1. Time spent traveling between the employee's home and the local public transportation; and
2. Meal periods.

C. Local Travel

Non-exempt employees will be compensated for time spent traveling from one job site to another job site during a workday. The trip from home to the worksite and from the last worksite of the day to home, however, is non-compensable when an employee goes directly from their home to the job site, unless it is much longer than their regular commute home from the regular worksite. In such case, the portion of the trip to and from home in excess of the regular commute is compensable.

D. Commuting Time

Under the Portal to Portal Act, travel from home to work and from work to home is generally non-compensable. However, if a non-exempt employee regularly reports to a worksite near their home but is required to report to a worksite farther away than the regular worksite, the additional time spent traveling is compensable.

If compensable travel time results in more than 40 hours worked by a non-exempt employee, the employee will be compensated at an overtime rate of one and one-half times the regular rate or compensatory time, as set forth above.

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

Process

1. All travel for City business outside a 50-mile radius of the City of Moab shall be requested on a travel request form and be pre-authorized by the employee's Department Head.
2. Whenever possible, City vehicles will be used for travel associated with City business. Overnight use of any City vehicle must be pre-approved by the employee's Department Head.
3. Travel expenses must be included in the annual budget for each department anticipating travel, as part of the budget process. Trips that would cause the budgeted amount to be exceeded must have the approval of the City Manager/Personnel Officer and/or City Council.
4. Approval process: All travel must be approved by the employee's supervisor in advance through a travel request. Travel requests must include: 1) the purpose of the trip; 2) an estimate of all costs associated with the trip; and 3) a draft agenda or registration form (if applicable).
5. Employees may use their personal vehicle for City business as circumstances warrant and will be reimbursed for mileage in accordance with the following:
 - Calculated mileage will be to and from the destination beginning at 217 East Center Street, Moab UT 84532.
 - Mileage reimbursement requests must be signed by the employee's Department Head.
 - Reimbursement for the use of a personal vehicle shall be at the rate adopted annually by the state of Utah.
6. If a commercial airline is used, tourist or economy fare must be used if available.
7. If railway or bus is used, first class fare, plus necessary lower berth or roomette is allowable. However, coach facilities, when considered reasonable and satisfactory, should be used whenever possible.
8. Personal cars may be used if advantageous to the City. When a personal car is used for trips used in excess of 50 miles (one way) from the City, the City reimbursement for the use of the car plus meals and lodging required in route shall not exceed the cost of economy class air fare. Reimbursement for the use of a personal vehicle shall be at the rate adopted annually by the state of Utah.
9. A rental car will be authorized only if it is determined to be the most cost-effective means of transportation while away on City business.

E. Meal Per Diem:

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

1. The daily meal per diem is as follows:
 - a. Travel requiring less than eight hours - \$13.00
 - b. Travel requiring eight to twelve hours - \$30.00
 - c. Travel requiring more than twelve hours - \$50.00
 - d. No incidentals will be included in the above calculation.

F. Travel Request

All travel must be approved by the employee's supervisor in advance through a travel request. Travel requests must include:

1. The purpose of the trip;
2. An estimate of all costs associated with the trip; and
3. A draft agenda or registration form (if applicable).

The per diem allowance may be paid (in advance of travel) to the employee within five days of receipt of an approved travel request by the Recorder's Office. Expense statements must be approved by the employee's supervisor within five days of the completion of travel and then submitted for approval to the City Manager/Personnel Officer. Reports combining expenses for multiple individuals must include the names and titles of those individuals. Receipts or affidavits for expenditures shall be required for:

1. All commercial air, railway, bus or boat transportation
2. All lodging
3. Repairs or fuel for City vehicles
4. All extraordinary expenses, including but not limited to:
 - a. Purchase of incidental supplies;
 - b. Purchase of publications; and
 - c. Registration fees

G. Transportation Costs

If a commercial airline is used, tourist or economy fare must be requested and used if available. First class fare will be allowed only on the basis that tourist or economy space was not available between specified points. If railway or bus is used, first class fare, plus necessary lower berth or roomette is allowable. However, coach facilities, when considered reasonable and satisfactory accommodations, should be used. Personal vehicles may be used if deemed economical or advantageous to the City. When a personal vehicle is used for long trips, reimbursement for the vehicles used, meals and lodging required in route shall not exceed the cost of tourist or economy airfare. Reimbursement for the use of a personal vehicle shall be at the rate adopted annually by the state of Utah.

City employees who must use a vehicle to travel shall use a city vehicle whenever practicable. Use of private vehicles for city travel purposes shall be permitted when it is advantageous to the City, and upon approval by the Department Head and City Manager/Personnel Officer.

H. Motorcycles

Motorcycles are not approved modes of transportation for City business and travel. Employees will not be compensated for hours or mileage for motorcycle travel and may be subjected to disciplinary action for violating this policy.

I. Other Costs

Toll road charges, storage charges, rental fees, taxi charges and other charges deemed appropriate may be reimbursed when incurred while on authorized City business.

5-4 Employee Employment Records

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

An employee's personnel file is a permanent record. However, written warnings and other disciplinary actions may be removed from the employee's file if warranted or follow-up progress reports may be attached by a supervisor if appropriate. In addition, an employee has the right to attach their own comments to anything in their personnel file.

Employees should keep their personnel files up to date by informing the Human Resource Director of any changes. The employee also should inform the Human Resource Director of any specialized training or skills they may acquire in the future, as well as any changes to any required visas. Unreported changes of address, marital status, dependent changes, etc. can affect withholding tax and benefit coverage. Further, an "out of date" emergency contact or an inability to reach the employee in a crisis could cause a severe health or safety risk or other significant problem.

5-5 Working Hours and Schedule

The City is normally open for business from 8:00 am to 5:00 pm, Monday through Friday. Employees will be assigned a work schedule by their supervisor or Department Head and will be expected to begin and end work according to that schedule. To accommodate the needs of the City's business, the City may need to change individual work schedules on either a short-term or long-term basis.

Employees will be provided meal and rest periods as required by law.

5-6 Performance Review

Evaluations of employee job performance should be performed by a supervisor or Department Head at the end of the employee's Probationary Period and annually on the employment date of the employee. Other periodic evaluations of employee performance may be performed by a supervisor or Department Head.

5-7 Position Title Changes

Any change to a position title must be reviewed by Human Resources and approved by the City Manager/Personnel Officer prior to the change.

5-8 Advanced Education And/or Certification Documentation

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

5-9 Internships and Cooperative Education Positions

Internships and cooperative education positions within the City are positions that allow high school or college students or recent graduates to receive on-the-job training. Individuals holding internships or cooperative education positions within the City may be treated as part-time, temporary, or seasonal employees at the discretion of the Department Head as approved by the Human Resource Director and City Manager/Personnel Officer.

Section 6 – General Payroll Practices

6-1 Employee Classification Definitions

For purposes of this Handbook, all employees fall within one of the classifications below.

A. Full-Time Employees

Employees who regularly work at least 40 hours per week who were not hired on a short-term basis with full participation in employee benefits based on full-time status.

B. 3/4-Time Employees

Employees who regularly work at least 32 hours per week who are not hired on a short-term basis with full participation in employee benefits based on full-time status.

C. Part-Time Employees

Employees regularly scheduled to work less than 30 hours per week, and who are not categorized as seasonal or temporary. Employees working less than 30 hours per week shall not be eligible for any benefits except as required by law.

D. Seasonal Employee

A temporary employee, not in the classified service, who works during a defined period of a calendar year, not to exceed six months. Seasonal employees generally are not eligible for City benefits except as required by law.

E. Temporary Employees

Employees who were hired for a specific short-term project, or on a short-term temporary basis. Temporary Employees generally are not eligible for City benefits except as required by law.

F. Introductory Employees

Employees whose performance is being evaluated and determined whether further employment or retention in a specific position with the City is appropriate. See Probationary Period in Section 7.2(F) below.

G. Temporary Employment Agency

Employees hired through outside employment agencies to work at the City to supplement the work force or to assist in the completion of a specific project and whose employment is limited in duration.

Temporary employment assignments will not exceed beyond six (6) months in a fiscal year. Temporary employees are not eligible for City benefits except as otherwise required by law. Temporary employees may be terminated at-will, without cause or prior notice.

H. Non-Exempt Employees

Employees who are entitled to receive overtime pay or compensatory time for hours worked over 40 in a workweek as defined by the Fair Labor Standards Act. The City follows the provisions set-forth in Section 553.25 of the Department of Labor “Conditions for use of compensatory time.” The employee will be informed of these classifications upon hire and informed of any subsequent changes to the classifications.

I. Exempt Employees

Exempt employees perform work that is executive, administrative, or professional in nature and requires regular exercise of discretion and independent judgment. The employee will be informed of these classifications upon hire and informed of any subsequent changes to the classifications.

6-2 Non-Exempt Employees

Employees who are classified as a non-exempt employee, will be paid one and one-half times their regular hourly rate of pay for all hours worked in excess of the forty (40) hours within a seven (7) day workweek, excluding leave and holiday time. Any Public Safety employee who works overtime will be compensated at the rate of one and one-half times (1.5) their normal hourly wage for all time worked in excess of eighty-six (86) hours in each two-week period, unless otherwise required by law. All non-exempt employees are required to report a minimum combination of forty (40) hours per week including time worked, holiday hours and leave time.

Each workweek stands alone in computing hours worked (except for Public Safety). Averaging hours worked over two or more periods will not be allowed. Employee’s supervisors will attempt to provide employees with reasonable notice when the need for overtime work arises. Please note that advance notice may not always be possible.

Employees must obtain prior approval from their Department Head for overtime. Failure to work scheduled overtime or overtime worked without prior authorization from the Department Head may result in disciplinary action up to and including possible termination of employment. It is each employee’s responsibility to ensure that all hours worked are recorded in the correct work period. Working without accurately recording work hours (including, without limitation, working off the clock) is prohibited and may lead to disciplinary action up to and including termination of employment.

Eligible employees must make an election to receive overtime pay or compensatory time for hours worked in excess of forty (40) hours in a workweek or 86 hours in a pay period for Public Safety, on an “Overtime Compensation Election/Agreement Form” distributed annually by the Human Resource Department. This election/agreement is made in July of each year and will remain in effect through the fiscal year unless management makes a change. Any change made by management becomes effective in the next pay period after notification of the change. Employees are responsible to record overtime or compensatory time accurately on their timecards. The time recorded on the employee’s timecard will be the determining factor as to whether the employee will be paid overtime, compensatory time, or leave time. Every timecard must be signed by the employee and Department Head and initialed by the supervisor. If the type of pay on the

employee's timecard differs from the employee's Overtime Compensation Election/Agreement Form, the information recorded on the timecard controls the type of pay the employee will receive, unless it violates the City's leave policies and limitation on accrued compensatory time. Failure by the employee to accurately record hours worked may result in loss of pay for that period and possible discipline.

6-3 Exempt Employees

Exempt employees are paid on a salary basis, as defined by law. Exempt employees are not eligible for overtime or compensatory time. The City will not knowingly make improper or illegal deductions from an exempt employee's paycheck. If an exempt employee believes that an improper deduction has been made from their paycheck, the employee should contact the Human Resource Department.

Employees classified as exempt salaried employees will receive a salary which is intended to compensate them for all hours they may work for the City. This salary will be established at the time of hire or classification as an exempt employee. While it may be subject to review and modification from time to time, such as during salary review times, the salary will be a predetermined amount that will not be subject to deductions for variations in the quantity or quality of the work performed.

Under federal and state law, salary is subject to certain deductions. For example, unless state law requires otherwise, salary can be reduced for the following reasons:

1. Full-day absences for personal reasons, as allowed by applicable regulation;
2. Full-day absences for sickness or disability, as allowed by applicable regulation;
3. Full-day disciplinary suspensions for infractions of City written policies and procedures, as allowed by federal regulation;
4. Family and Medical Leave absences (either full- or partial-day absences);
5. To offset amounts received as payment from the court for jury and witness fees or from the military as military pay;
6. The first or last week of employment in the event the employee works less than a full week; and
7. Any full work week in which the employee does not perform any work.

Salary may also be reduced for certain types of deductions such as a portion of health, dental or life insurance premiums; state, federal or local taxes; social security; or voluntary contributions to a 401(k) or pension plan.

In any work week in which the employee performed any work, salary will not be reduced for any of the following reasons:

1. Partial day absences for personal reasons, sickness or disability;
2. An absence because the employer has decided to close a facility on a scheduled work day;
3. Absences for jury duty, attendance as a witness, or military leave in any week in which the employee performed any work (subject to any offsets as set forth above); and
4. Any other deductions prohibited by state or federal law.

While the City will not reduce an employee's salary for partial-day absences for personal reasons, sickness, vacation, or disability leave, the City may deduct any partial-day absence from an employee's applicable leave bank. Exempt employees are responsible for maintaining an accurate record of any partial day absences and submit those records to Human Resources on request.

If an employee believes they have been subject to any improper deductions, the employee should immediately report the matter to the Human Resource Department.

6-4 Your Paycheck

Employees will be paid bi-weekly, every other Friday, for all the time worked during the past pay period. All employee paychecks will be directly deposited in each employee's specified bank account(s). When a payday falls on a holiday, the payroll will be distributed the working day prior to the holiday

Payroll stubs itemize deductions made from gross earnings. By law, the City is required to make deductions for Social Security, federal income tax and any other appropriate taxes. These required deductions also may include any court-ordered garnishments or deductions for child support or alimony as required by the Utah State Office of Recovery Services. Payroll stubs also will differentiate between regular pay received and overtime pay received.

If there is an error in an employee's pay, the employee should bring the matter to the attention of the Human Resource Director immediately so the City can resolve the matter.

6-5 Direct Deposit

The City requires employees to use direct deposit. Authorization forms are available from the Human Resource Director.

6-6 Salary Advances

The City does not permit advances on paychecks or against accrued paid time off.

6-7 Payroll Deductions

Employees may voluntarily authorize deductions from their paychecks to cover the costs of participation in City approved programs. Deductions must be a minimum of \$100 per year. Employees should promptly review any discrepancies in payroll deductions with the Human Resources Department.

6-8 Garnishments

Upon receipt of a valid garnishment or an order from the Utah State Office of Recovery Services, the City shall withhold the required portion of wages from an employee's paycheck. The City shall continue to withhold the garnishment wages until the order expires, a court order is received indicating satisfaction of the indebtedness, or the City is ordered to surrender the monies to the court or its agent.

6-9 Rest Periods

Two (2) paid rest periods shall be authorized for each non-exempt employee during the regular workday. The rest periods shall be taken at a time or times specified by either the supervisor or Department Head and shall not exceed a period of fifteen (15) minutes per rest period.

6-10 Lunch Periods

Employees may be eligible for an unpaid lunch break at a length of time approved by the Department Head. Supervisors should establish a lunch schedule for all employees, generally between the hours of 11:00 a.m. and 2:00 p.m. Employees are not allowed to skip their lunch period in order to arrive at work late or leave work early without prior approval from the Department Head on an occasional basis (e.g., for a doctor's appointment, etc.)

6-11 Timekeeping Procedures

Employees must record their actual time worked for payroll and benefit purposes. All hours worked by an employee must be timely submitted at the intervals required by the City whether through electronic means or otherwise. Non-exempt employees must record the time work begins and ends, as well as the beginning and ending time of any departure from work for any non-work-related reason, on forms as prescribed by management.

Altering, falsifying or tampering with time records is prohibited and subjects the employee to discipline, up to and including discharge.

Exempt employees are required to record their daily work attendance and report full and partial days of absence from work for reasons such as leaves of absence, sick leave or personal business.

Non-exempt employees may not start work until their scheduled starting time.

It is the employee's responsibility to approve time records to certify the accuracy of all time recorded. Any errors in the time record should be reported immediately to a supervisor, who will attempt to correct legitimate errors.

6-12 Work Week for Purposes of Calculating Overtime

The workweek for employees working five (5) days a week eight (8) hours a day or four (4) days a week ten (10) hours a day, begins at 12:01 a.m. Monday and ends at 12 midnight on Sunday.

6-13 Overtime

During busy periods, additional work may be required from all employees. Supervisors are responsible for monitoring operations and requesting overtime work if it is necessary. The City will make every effort to provide employees with adequate advance notice in such situations. Full-time non-exempt employees will be paid overtime for allowed compensatory time, as allowed and required by law.

6-14 Compensatory Time

As allowed by federal and state law, employees may use compensatory hours in lieu of overtime pay. Compensatory hours may be accrued to a maximum of 100 hours per fiscal year. Once an employee reaches the 100 hour annual max, the employee will then be paid at time and a half or all overtime hours worked for the remainder of the fiscal year.

6-15 Disaster Emergencies

In situations where the City Manager or Mayor or designee has formally declared a “Local State of Emergency,” non-exempt employees who are required to work outside of, or in addition to, their normal work schedule during the designated disaster may be paid at time and one-half for any emergency hours worked. Hours worked under those conditions must be paid hours and cannot be used as compensatory time. At such times, all employees will be considered disaster service workers and may be required to perform other duties outside their normal job responsibilities.

6-16 Call Back or On-Call Compensation

Non-exempt employees called back to work during their scheduled workweek shall be entitled to call back compensation for actual time worked. The minimum call back compensation shall be two hours. Call back compensation will be calculated on a workweek basis and only time worked in excess of an employees’ specified workweek will be compensated at the overtime rate.

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

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

It is the policy of the City to pay employees specifically designated as on-call a minimum of one (1) hour per day (1.5 hours per day when in overtime status) in which they serve in a paid on-call or call back status. If an employee serves less than one full workweek in this status, the number of hours of applicable overtime will be prorated. When and if an employee performs actual work and service as a result of being called back to work, the employee will be paid any additional hours worked, with a minimum of two hours pay.

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

6-17 Holiday Time

For pay purposes, holiday time not actually worked will be paid at straight time and will not be included as time actually worked for overtime calculations.

Section 7 – Compensation Policies

7-1 Pay for Performance

A. Salary Programs

The City is committed to maintaining wage ranges which are competitive with other communities of comparable size and demographics. Annually, the Human Resource Department conducts a wage and benefits survey of the relevant communities. Because not all City positions have matches in the established market, a classification analysis may also be done on each City position in conjunction with the market survey. This classification analysis considers such factors as education and experience requirements, supervisory and financial responsibilities, level of risk in position and the analytical requirements of the position.

The City Manager/Personnel Officer may recommend appropriate changes based on the market analysis and classification analysis. Market adjustment recommendations may be made for specific job classifications or for the City as a whole. Market adjustments are considered each fiscal year and implemented July 1, if approved.

An employee's total compensation at the City consists not only of their salary but also the various benefits offered, such as group health and life insurance and retirement plans, as described later in this Handbook. In accordance with IRS regulations, some fringe benefits such as meals, personal use of City vehicles, nonexempt work clothing, etc. may be considered taxable income and may be included on pay stubs and W-2's. Employee's questions regarding their salary should be directed to their supervisor, Department Head or the Human Resource Department.

B. Cost of Living Adjustments (COLA)

The City may consider cost of living adjustments annually. The COLA is based on the change in the Consumer Price Index (CPI) and is dependent on City Council approval. Should an adjustment be approved, it would affect the pay scale as a whole, adjusting each range by the percentage amount granted. COLA adjustments will be effective on the first full pay period of July. Part-time employees may be eligible for cost of living adjustments only upon City Council approval.

C. Merit Increases

Employees may receive merit increases based on performance evaluations and according to availability of funds as allocated by the City Council through the budget process. During an employee's first year of employment or first year in a newly hired position within the City, an employee may be eligible for a pay increase at the completion of the Probationary Period as specified in Section 7.2(F) below.

7.2 Compensation Management

A. Policy

Compensation for City employees shall be equitable and competitive with the market and in accordance with the City's ability to pay. The compensation plan and pay rates shall be recommended by the City Manager/Personnel Officer, Human Resource Director and/or Job Classification Committee for approval by the Mayor and City Council.

B. General Wage & Salary Adjustments

It is the intent of the City to consider prevailing practices related to cost of living and market trends in establishing wages and salaries which constitute the formal pay schedule. The amount of the rate changes will ultimately be based upon the anticipated affect(s) upon the City budget. The Personnel Officer, based upon final Mayoral and Council approval and after a public hearing process, will make final recommendations of any changes to the salary scale. Where general, across-the-board adjustments are approved, the change will be effective on a date determined and approved by the City Council. General adjustments may affect the pay scale only, thus shifting the pay of all employees in relation to the midpoint.

C. Cost of Living vs Market

Adjustments to the salary schedule may be determined periodically through analysis of market trends in comparison to cost-of-living. This may be done once per year and the City may utilize either market survey results or cost-of-living index data (federal) or a combination of both. All employees, regardless of employment status, except those being red circled (frozen), shall receive the benefits of such general COLA adjustments to the pay plan.

In determining the total compensation for any particular position, employee benefits must be considered. Thus, an employee's base salary plus cost of benefits constitutes total employee compensation. In comparing benefit packages provided in the labor market, the City may evaluate both level and cost of benefits or other factors as deemed appropriate.

D. Hourly Rates

Temporary full time and all part time, seasonal and emergency employees shall be paid at an hourly rate no higher than that which is established for the position classification.

E. Initial Appointment

Initial appointments to positions assigned to salary ranges on the compensation plan shall normally be at the minimum rate of the salary range. Exceptions may be allowed if:

1. An employee cannot be recruited for the position at the beginning rate, or
2. The qualifications of the individual selected for the position exceed the minimum requirements and the individual can be expected to perform at a level equal to that of other individuals

currently being paid at the same rate. In determining placement on the pay plan under exception two, a newly hired employee may receive one percent for every year of directly related experience which exceeds the number of years required to meet the minimum qualifications, except that initial placement may not exceed 95% of the midpoint of the pay range. Exceptions for Exempt initial appointments may be considered for approval by the Personnel Officer by means of written justification showing extraordinary circumstances or unique market challenges in filling Exempt positions.

Current City employees who are awarded new jobs through the recruitment process may receive one percent for each year of directly related experience which exceeds the number of years required to meet the minimum qualifications, except that initial placement may exceed the midpoint of the pay range if the employee has over seven years of experience with the City. The Human Resources Director shall monitor recommended starting rates for compliance to policy and must inform the City Manager/Personnel Officer and Mayor and Council of appointments that are recommended to be made at rates higher than the midpoint.

F. Probationary Period

All newly hired employees of the City are required to complete a six-month probationary period. During the six-month period the supervisor shall conduct one or more formal performance appraisals. At the conclusion of this probationary period and being retained the employee will be eligible for up to a three percent (3%) increase on the salary range, provided they are retained as an employee and have satisfactory performance reviews from the immediate supervisor or Department Head. Successful completion of the probationary period results in the award of "regular" status to the employee, part-time or full-time.

G. Promotion Probationary Period

Upon being promoted to a position in a higher classification (job track promotions), regular employees are assigned a review date not to exceed six months from the date of promotion. On the date of promotion, the employee will be eligible for at least a three percent (3%) increase within the salary range. The employee shall retain the increase and the promotion, provided they demonstrate the expected level of competence required to perform the higher-level position and receive a satisfactory performance review from the immediate supervisor or Department Head. The amount of the pay increase may exceed 3% if adjusting to the minimum for the new pay range exceeds the 3% rule. If the promoted employee fails to perform satisfactorily, termination could occur if there are no position vacancies for which the employee is qualified.

H. Pay Progression

Progression through the various pay ranges within the salary and wage scale shall be based upon the recommendation of the Department Head and the Human Resource Director with final approval given by the City Manager/Personnel Officer. In making recommendations for pay progression, the Department Head shall consider compliance with city policies and procedures, performance, level of competence and job knowledge.

	Performance Score				
	<3	3-3.5	3.5-4	4.1-4.5	>4.5
	Performance Adjustment				
Employee pay rate falls below midpoint. Increases are added to the Base Pay.	0.00%	1.50%	2.00%	2.50%	3.00%
	Performance Incentive				
Employee pay rate falls at or above midpoint. Increases are added to the Base Pay.	0.00%	1.00%	1.00%	1.00%	1.00%
Employee pay rate falls at or above midpoint. Award treated as a onetime bonus.	0.00%	0.00%	1.50%	2.00%	2.50%

I. Minimum to Midpoint Progression

Upon completion of the probationary period and receiving regular status with a pay adjustment, employees shall be assigned a new annual performance review date by the Human Resources Director. It is the objective of the City that employees acquire job skills that are considered full performance level within their job classification by the time they arrive at the midpoint of the pay range of the job classification in which they are hired to perform. It is the responsibility of the Department Head and immediate supervisor to identify the essential skills, competence, and quality of work that will satisfy the “full performance” requirement. "Full Performance" is generally achieved when the employee can perform virtually all aspects of the position's essential functions without supervision and with minimal errors. Employees, in conjunction with supervisors, shall develop a performance plan based upon achieving full performance competence. Full performance (or journey level for trades and crafts) should be achievable in five to seven years. Therefore, employees who progress at a normal rate may be recommended for increases in accordance with approved Pay Schedules for that position. At least four weeks prior to the annual review date, the supervisor shall conduct a performance review and prepare a written recommendation to the City Manager/Personnel Officer and Human Resource Director. Initiation of a request to increase pay lies solely within the discretion of the Department Head and is not a vested right of any employee. Such requests are normally considered annually in conjunction with the budget process but may be considered more frequently for the exceptional performer.

J. Midpoint to Maximum Progression

Compensation at the midpoint is considered market competitive. In order to be considered for increases beyond the midpoint, an employee must receive at least a standard rating on their annual performance evaluation. Each employee who meets this requirement may receive increases in accordance with approved Pay Schedules for that position, up to the maximum of the pay range. Upon achieving the maximum, the employee shall still be eligible for any general increase or adjustment to the pay plan (i.e., market, COLA, etc.) and for consideration for one-time performance incentives.

K. Red Circle Rate

This provision refers to the rate of pay for an employee whose pay falls above the current maximum salary for the pay range to which assigned, reclassified or transferred. Such employee(s) shall be placed on a salary freeze for a period not to exceed two (2) years and shall not be eligible for any general adjustment (COLA) given during the same period of time. During the two-year period, if the employee’s

rate of pay falls back within the assigned pay range, the freeze shall be lifted. If at the end of two years, the employee's pay rate still falls above the maximum of the pay range, that employee's pay rate shall be reduced to the maximum of the assigned position.

L. Right to Grieve

An employee may grieve their compensation under this compensation management plan in accordance with the City's grievance policy as outlined in this Handbook.

7-3 Promotion

A promotion is defined as advancement to a higher ranked position. A reclassification is not considered a promotion. Employees who are promoted will begin a new probationary period for the new position related to work performance only. Employees who are promoted will advance to the salary range for that position. The promoted employee may advance to the minimum salary of the new salary range or receive a 3% increase, whichever is more. If the employee's qualifications and experience warrant, the employee will be eligible for an increase as provided for in section 7-2 Compensation Management Plan of this policy with City Manager/Personnel Officer approval. The City Manager/Personnel Officer shall approve all promotional salary increases. The employee's anniversary date will remain the same.

If a promoted employee is not successful in the new position within the probationary period, they may be placed back in the position held immediately prior to the promotion, or to another position, subject to availability and the employee's qualifications.

Employees are not eligible for promotions during their probationary Period unless the employee has prior years of service with a comparable/equivalent employer. Promotions during the probationary period require City Manager/Personnel Officer approval.

A. Job Track Promotion

To encourage the enhancement of job skills and upward mobility within a given job type, the City has established several job tracks wherein employees are expected and encouraged to progress through levels of the job track. Job tracks currently include:

1. Parks Service Worker I-II-III,
2. Streets Service Worker I-II-III,
3. Water Service Worker I-II-III,
4. Sewer Service Worker I-II-III (excluding WRF),
5. Mechanic I-II-III,
6. Facilities Worker I-II-III and
7. Police Officer I-II-III.

Other job tracks may be created upon approval of the City Manager/Personnel Officer. Progression along the levels of a job track is not automatic and is subject to an open budgeted position, posting of a promotional opportunity in the job track, as determined by the Department Head, the Human Resource Director and the City Manager/Personnel Officer, the submittal of letters of interest by interested persons who are in the job track, interview and review of qualifications by the Department Head and Human Resource Director, and approval of a promotion of an individual to the higher level by the Department

Head, the Human Resource Director and the Personnel Officer. Persons approved for promotion to a higher level in a job track shall not have to satisfy an Probationary Period.

7-4 Reclassification

The City evaluates each position and rates and ranks the position to a corresponding salary range, as established by the City's compensation model. The compensation model reflects internal and external equities while considering job knowledge, responsibility, difficulty of work and work environment based upon assigned duties.

When the duties and responsibilities of a position change significantly, the Department Head shall submit the draft job description to the Human Resource Director who will review and revise a new job description. The revised job description will be reviewed by the Human Resource Director for consistency and equity and to determine if the change in job duties warrants a reclassification to a higher rating and ranking and corresponding pay range. Reclassification of a position does not require the position to be reposted.

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

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

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

7-5 Reorganization

A reorganization occurs when an existing position or job is completely eliminated, and the incumbent employee is without a position or job. The incumbent can then be assigned to a vacant funded position for which they are qualified, if available.

Newly created jobs, as distinguished from the addition of duties to a current job, that include titles and salaries are not considered to be reorganizations. The hiring policy must be followed for these positions.

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

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

7-6 Demotion

A demotion is defined as either a voluntary or involuntary pay grade change that places the employee in a lower pay range than their current pay range status. An employee who is demoted may have their salary reduced by the percent of promotional increase received when they were promoted to the position. If the employee being demoted has not been previously promoted with the City, their salary will be red circled if it is above the salary range maximum of the new pay range. The employee's salary will remain red circled until the salary range maximum of the new grade is increased. The City Manager/Personnel Officer shall approve all demotion salary changes.

An employee that has been demoted will be placed on a six-month probationary period. At the end of that probationary period, a performance evaluation will be conducted to determine the employee's ability to perform the job.

7-7 Involuntary Transfer

An involuntary transfer is defined as a move from one department or division to another, when the employee retains the same or lower job grade. If a transfer is made in conjunction with a demotion/disciplinary action, refer to "Demotion" above. In the case of demotion or transfer to a position of lower grade, the salary shall be red circled if it is currently above the grade being demoted until the grade catches up to the current salary. Department Heads may transfer employees within their Department with the approval of the Human Resource Director and City Manager/Personnel Officer. If a transferred employee is not successful in the position, they may be placed back in the previous position held immediately prior to the transfer or another position, subject to availability and the employee's qualifications.

7-8 Acting Positions

An employee is eligible for extra duty pay whenever they are requested in writing by the Department Head to temporarily perform the duties of a position that is vacant or in which the regular worker is on a leave of absence other than vacation or compensatory time off beyond sixteen (16) calendar days and the position is of a higher classification than that in which the extra-duty employee is currently working. The employee shall receive the salary rate of the higher classification for the time spent performing the extra duties. In such cases, the employee will be paid at an appropriate salary schedule of the higher classification to ensure an increase of not less than three (3%) of the employee's current salary. In no case shall the salary exceed the top salary of the higher classification. The salary increase will be commensurate with the employee's education, experience, and scope of the new job duties. The Department Head shall submit a Personnel Action Form reflecting the salary increase. The Department Head shall also complete a new Personnel Action Form to ensure the salary increase terminates as soon as the additional job duties cease.

A person appointed in an acting capacity shall be eligible to receive merit increases in their regular position during the acting appointment but shall not be entitled to merit increases in the position which is held in an acting capacity. Should the merit increase occur while the employee is in the acting position, the merit increase will be delayed until the employee is returned to their regular pay, at which time a retroactive merit

increase will be granted. If the employee successfully completes the temporary work assignment, the time in the temporary capacity will count towards any required probationary period. Extra duty pay will cease when the individual is no longer performing the extra duties.

7-9 Abandonment of Position

Unauthorized absences by an employee may constitute cause for termination. An employee who fails to call their supervisor and/or Department Head for three (3) consecutive working days or shifts or for three (3) nonconsecutive days in any three (3) month period to report their absence and to request that the absence be recorded as authorized may be deemed to have voluntarily abandoned their position at the end of the employee's regularly-scheduled shift on the third day and may have their employment with the City terminated. The Department Head with the consent and approval of the Human Resource Director and the City Manager/Personnel Officer shall inform the employee of termination action in writing. Unless the employee is at-will, on probationary status, part-time or seasonal, the employee has the right to appeal within ten (10) calendar days of receipt or delivery of the termination notice.

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

7-10 Reduction in Force

When it becomes necessary for a reduction in force, the City will notify regular full-time and part-time employee(s) within the positions to be eliminated in writing of the reduction in force at least sixty (60) calendar days before the planned layoff. Employees will be placed on paid leave for the 60-day duration. Employee benefits will continue through the end of the month after the 60-day paid leave ends.

Process

The City Manager/Personnel Officer, after conferring with the affected Department Heads, shall layoff the necessary number of employees according to the procedure outlined below:

1. The City Manager/Personnel Officer shall determine which positions must be eliminated and have the least impact upon the City and the delivery of services to its residents.
2. The City Manager/Personnel Officer shall then determine which employees occupying positions within the same class of positions to be eliminated shall be laid off. Employees holding emergency, temporary, and probationary positions shall be laid off first. The City Manager/Personnel Officer shall consider for elimination those employees whose most recent performance evaluation have overall "unsatisfactory" performance ratings, if such ratings are current and available. Following termination of employees with "unsatisfactory" performance evaluations, the City Manager/Personnel Officer shall determine which additional employees occupying the affected positions, if any, shall be laid off. In case of the elimination of a position occupied by several employees having essentially equal skill, training, education, and performance evaluation ratings, preference will be given to the employee(s) having the most seniority (length of full time service in the current term of employment with the City) compared to other employees occupying the position to be eliminated. The City Manager/Personnel Officer will next review performance evaluations and retain employees with a higher overall performance rating. If equal, seniority will be used to determine the employee(s) who will remain employed. When the position to be eliminated has been selected, the City Manager/Personnel Officer shall notify the affected employees in writing. The immediate supervisor and Department Head will notify the employee(s) verbally of the position elimination.

3. Employees will not be allowed to “bump” (a re-assignment of jobs based on seniority) other employees out of their current positions.
4. Employees laid off under the provisions of this section, who leave the City in good standing, with an overall satisfactory performance review rating and who are not subject to disciplinary actions at the time of termination, may be reinstated if their same position or a position identical in scope of responsibility, education, experience and training, pay grade, and job duties becomes available within one (1) year of the employee’s termination. It is the terminated employee’s responsibility to notify the Human Resource Director when they are interested in being considered for an open position other than a position identical to the job they previously held. The laid off employee will be required to go through the established interview process for positions other than a “reinstatement” to a position they previously held.
5. Employees assuming work positions at a lesser salary grade shall be paid according to the grade of the position assumed, regardless of the previous compensation paid to the employee. The Department Head will determine if the employee’s current salary is appropriate.

7-11 Separation Pay

When classified employees are separated from City employment as a result of a reduction in force, or through no fault of the employee, and the circumstances require immediate action by management, thereby not permitting a two (2) week notice, the employee shall be paid two (2) weeks’ separation pay in lieu of two (2) weeks’ notice.

Statutory Appointees

Statutory appointees who lose re-appointment or are otherwise terminated without cause shall be entitled to separation pay as follows:

1. Subject to the employee’s execution and no revocation of a separation agreement and release of all claims in a form acceptable to the City, two (2) weeks of pay, at the employee’s base rate of pay, for every year of service in the appointed position with a maximum of twelve (12) weeks total separation pay (unless otherwise obligated by contract);
2. Appointees who resign their employment or are terminated for cause shall not be eligible for separation pay;
3. Benefits shall be calculated based upon the appointee’s gross rate of pay as of the date of termination (but without overtime, bonus, or other compensation), and any pay shall be subject to applicable payroll withholding taxes;
4. Appointees subject to this section shall additionally be entitled to receive employee health insurance benefits through COBRA, to the extent paid by the City during the appointee’s employment, for a period of time calculated by the same formula established in this section, for a period not to exceed twelve (12) weeks.

7-12 Longevity Pay

Classified employees, statutory appointees and contractual employees may receive longevity pay after completion of five (5) years of employment. Longevity pay will be reviewed annually by the City Manager/Personnel Officer during the budget process and is subject to the City’s financial situation. Longevity pay will only be available if approved during the budget process and is not a guaranteed pay.

Longevity pay, if approved, is as follows:

1. 1% of base annual salary upon completion of five (5) full years of continuous service;
2. 2% of base annual salary upon completion of ten (10) full years of continuous service;
3. 3% of base annual salary upon completion of fifteen (15) full years of continuous service;
4. 5% of base annual salary upon completion of twenty (20) full years of continuous service.

Nothing in this Section shall be construed to alter or repeal the “at-will” status of all statutory appointees, who shall continue to serve at the pleasure of the Mayor and the City Council.

Section 8 - Benefits

8-1 Benefits Overview/Disclaimer

In addition to good working conditions and competitive pay, it is the City's intention to provide a combination of supplemental benefits to all eligible employees. These benefits include time-off benefits, such as vacations and holidays, and insurance and other plan benefits. The City continues to study and evaluate its benefits programs and policies to better meet present and future requirements. These policies have been developed over the years and continue to be refined to keep up with changing times and needs.

Below is a brief outline of the benefits programs the City currently provides employees and their families. The information presented here is intended to serve only as a guideline.

The descriptions of the insurance and other plan benefits merely highlight certain aspects of the applicable plans for general information only. The details of those plans are spelled out in the official plan documents, which are available for review upon request from the Human Resource Director. Additionally, the provisions of the plans, including eligibility and benefits provisions, are summarized in the summary plan descriptions ("SPDs") for the plans (which may be revised from time to time). In the determination of benefits and all other matters under each plan, the terms of the official plan documents shall govern over the language of any descriptions of the plans, including the SPDs and this handbook.

Further, the City (including the officers and administrators who are responsible for administering the plans) retains full discretionary authority to interpret the terms of the plans, as well as full discretionary authority with regard to administrative matters arising in connection with the plans and all issues concerning benefit terms, eligibility and entitlement.

While the City intends to maintain these employee benefits, it reserves the absolute right to modify, amend or terminate these benefits at any time and for any reason.

If employees have any questions regarding benefits, they should contact the Human Resource Director.

8-2 Insurance - Medical, Dental & Vision

Eligible employees may participate in the City's insurance programs. Under these plans, eligible employees will receive comprehensive health, dental and vision insurance coverage for themselves and their families, as well as other benefits, subject to the eligibility requirements and the terms, conditions, and limitations of any applicable plan documents.

All eligible employees must either elect health insurance coverage through the City sponsored plan or waive health insurance coverage and participate in the City's Health Reimbursement Arrangement Program.

Eligible employees may elect or decline insurance coverage when hired and may make changes to group benefit plans once each year during a specified period known as "Open Enrollment" or during the year with a qualified life event.

To ensure timely and complete coverage for employees and their dependents, it is the responsibility of the employee to complete and return all enrollment forms and applications by the date specified by Human Resources, but under no circumstances later than 30 days after hire in order for coverage to become effective. It is also the employee's responsibility to notify Human Resources within 30 days of any qualifying life event, such as: marriage, birth, death, adoption or divorce. Failure to notify Human Resources of a qualifying life event within 30 days may result in loss of dependent coverage and/or personal financial responsibility for any claims paid for ineligible dependents. Domestic Partnerships may be eligible for coverage, contact Human Resources for details.

Upon becoming eligible to participate in these plans, employees will receive summary plan descriptions (SPDs) describing the benefits in greater detail. Please refer to the SPDs for detailed plan information. Employees may consult with Human Resources with any questions.

Eligible employment classifications are:

1. Full-time employees
2. 3/4 time employees
3. Introductory employees in the above classifications

Employees who provide proof of insurance under another employer sponsored plan may choose to waive the City's coverage. A portion of the City's insurance premium cost may be reimbursed to the employee through the Health Reimbursement Arrangement Program.

8-3 Health Reimbursement Arrangement (HRA)

In accordance with City Council Resolution #13-93, the City of Moab wishes to equalize benefits given to its employees in the area of health care, for those employees who do not require health insurance because they are otherwise insured through an employer sponsored health insurance plan. The City has established a Health Reimbursement Arrangement (HRA) for those employees covered under another employer sponsored health insurance plan. The maximum amount any employee may receive during any one year period into the HRA shall be equal to the amount the City would have paid in insurance premiums for that employee during that year. All reimbursements for medical or insurance premium expenses will be in accordance with Internal Revenue Service guidelines and statutes and will be administered by a third party of the City's choosing. Employees may be required to provide proof of other coverage.

Changes in dependent eligibility should be reported in accordance with the health insurance procedures.

8-4 Life Insurance

The City provides a life insurance benefit of \$25,000 for the City employee, \$2,000 for a spouse or dependents. All Full-time and 3/4 time City employees are eligible for this life insurance benefit. Additional life insurance is available for eligible employees and their families as an option and is paid by the employee. Additional information can be obtained from the Human Resource Department.

8-5 Long-Term Disability Benefits

Full-time employees are eligible to participate in the Long-Term Disability plan, subject to all terms and conditions of the agreement between the City of Moab and the insurance carrier.

This is solely a monetary benefit and not a leave of absence. Employees who will be out of work must also request a formal leave of absence. See the Leave of Absence sections of this Handbook for more information.

Subject to the terms and conditions established and controlled by the plan provider and/or other disability plan provider(s), the City sponsors long-term disability insurance coverage for employees in eligible classifications for the purpose of providing income protection against the loss of an employee's ability to work and earn income for periods of time exceeding 90 days. All full-time and 3/4 time employees are eligible. The City currently pays for the premium cost(s) associated with the respective long-term disability insurance plan and policy provisions for covered employees.

8-6 Short-Term Disability Benefits

Full-time employees are eligible to participate in the short-term disability plan, subject to all terms and conditions of the agreement between the City and its insurance carrier.

This is solely a monetary benefit and not a leave of absence. Employees who will be out of work must also request a formal leave of absence. See the Leave of Absence sections of this Handbook for more information.

Subject to the terms and conditions established and controlled by the plan provider and/or other disability plan provider(s), the City sponsors short-term disability insurance coverage for employees in eligible classifications for the purpose of providing income protection against the loss of an employee's ability to work and earn income for periods of time of less than 90 days. All full-time and 3/4 time employees are eligible. The City currently pays for the premium cost(s) associated with the respective short-term disability insurance plan and policy provisions for covered employees.

8-7 Workers' Compensation

On-the-job injuries are covered by the City's Workers' Compensation Insurance Policy, which is provided at no cost. If employees are injured on the job, no matter how slightly, they should report the incident immediately to their supervisor or Department Head. Failure to follow the City's procedures may affect the ability of the employee to receive Workers Compensation benefits.

Work-related injuries or illnesses may be covered under the City's Worker's Compensation insurance. Specific benefits are by law and the City's insurance policy.

To be considered work-related, the injury or illness must arise from and occur in the course of employment.

1. When authorized by a physician, medical expenses related to the work-related injury or illness (including doctor, hospital, surgical, physical therapy, prescription medication, medical equipment and any out-of-pocket medical expenses), are covered.
2. Worker's Compensation also pays for wages lost as a result of an employee work-related injury or illness; however, there is a three-day waiting period. During the three-day waiting period, a regular employee may charge any absence to accumulated sick, vacation, or compensatory time.
3. Worker's Compensation pays 66 2/3% of an employee's average weekly wages and may be non-taxable up to a maximum amount as defined by Worker's Compensation. An employee may elect to charge up to one day of sick leave, vacation, or compensatory leave for each day of absence in an amount equal to the portion of the employee's total compensation, which is not paid by Worker's

Compensation benefits; however, in no case can the combination of sick leave and Worker's Compensation benefits exceed the employee's base pay. Once accrued leave has been exhausted, the employee will no longer accrue vacation, sick or holiday leave until they return to work, Service time in Utah Retirement Systems will continue while on Worker's Compensation.

4. The City employees who take time off work as a result of an injury sustained at other employment are not eligible to use any accrued sick leave while receiving workers compensation disability benefits based on other employment.
5. Under the provisions of the Family Medical Leave Act, an injured employee may have some rights to a period of job protection during a worker's compensation absence. Under this Act, the protected period could be up to 12 weeks, depending on the employee's use of any Family Medical Leave during the preceding rolling year. Regardless of the status of a worker's compensation claim, in the event an injured employee is unable to return to work upon expiration of any FMLA leave rights, the employee's appointment with the City may be terminated at the City's discretion and in accordance with the Americans with Disabilities Act and other applicable federal and state law.

When injured while on duty, an employee must:

1. Immediately obtain necessary treatment at a medical facility. If emergency medical treatment is needed, the employee should seek treatment at the closest medical facility.
2. Ensure that doctors who treat their injuries complete a medical report describing how, when and where the accident occurred, copies of which shall be sent to the Human Resource Director.
3. Immediately report the injury to their supervisor or Department Head. The supervisor shall be responsible for notifying the Human Resource Director. Claims not meeting statutory notification requirements can be denied under Workers Compensation laws. In all cases, employees must report any injuries or illnesses to the employee's supervisor immediately but in no event more than 24 hours after the first occurrence.
4. The job related injury shall be detailed on forms prescribed by the Utah Industrial Commission and the City. These forms must be completed and submitted to the Human Resource Director within three (3) days following the incident producing the injury.
5. An employee reporting an accident or injury while performing their duties on the date of the accident will be paid for that day.
6. Employees injured while on duty must submit to a drug test as prescribed by the City's drug testing policy.
7. Employees in safety sensitive positions returning after an extensive leave (30 days or more) must submit to a drug test prescribed by the drug testing policy.
8. It is the employee's responsibility to obtain a medical release form signed by a doctor. The employee is to report to work as permitted by the medical release form.
9. Upon receipt of a medical release form, a supervisor will review with the Human Resource Director the doctor recommendations and consider available work assignments. Depending on availability, light duty work assignments may or may not be allowed. The City also reserves the right to pay for a second or third opinion from medical professionals of its choice.
10. A copy of the medical release form needs to be submitted to the supervisor and a copy submitted to the Human Resource Department prior to returning to work.
11. Upon return from a Workers' Compensation leave, the City will accommodate an employee's return to their original or an equivalent position whenever possible. If any employee fails to report to work promptly at the end of the approved leave period, the City will assume the employee has resigned.
12. An employee who returns to work from Workers' Compensation and whose performance is unsatisfactory may be subject to disciplinary action according to the provisions of this Handbook.

13. The City reserves the right to act in accordance with its own safety and risk management policies to determine appropriate action with respect to the workforce, procedures, internal controls, and even disciplinary action, in order to enforce its own safety and risk management policies.
14. As provided by applicable state law, the City retains the right to pursue any and all available legal actions against any third party to recover workers compensation costs for injuries that occur during an employee's voluntary participation in any off-duty recreational, social, or athletic activity sponsored by the City.
15. Health insurance benefits shall continue for an employee on leave without pay while receiving workers compensation benefits not to exceed twelve (12) weeks. The employee is responsible for the payment of the employee share of the premium. Insurance will be terminated after 30 days of non-payment of employee share of premiums.
16. If the employee is unable to return to work in the regular position and perform essential job duties (with or without reasonable accommodation as required by law) after six months cumulative leave in a 24 month period, or if documentation from one or more qualified health care providers clearly establishes that the employee has a permanent condition preventing the employee from returning to the last held regular position and perform essential job duties (with or without reasonable accommodation as required by law), or if the employee refuses to accept appropriate employment offered by the city, the employee may be separated from city employment unless prohibited by state or federal law. Prior to any termination of employment, the City will engage in the interactive process with an injured worker who suffers from a disability to assist the employee in returning to work, as required by the Americans with Disabilities Act.

8-8 COBRA

The federal Consolidated Omnibus Budget Reconciliation Act (COBRA) gives employees and their qualified beneficiaries the opportunity to continue health insurance coverage under the City's health plan when a "qualifying event" would normally result in the loss of eligibility. Some common qualifying events are resignation, termination of employment, retirement, or death of an employee; a reduction in an employee's hours or a leave of absence; an employee's divorce or legal separation; a dependent child no longer meeting eligibility requirements; and termination of Family or Medical Leave.

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

The City provides each eligible employee with a written notice describing rights granted under COBRA when the employee becomes eligible for coverage under the City's health insurance plan. The notice contains important information about the employee's rights and obligations.

Retirees, who meet the conditions for retirement as determined and defined by the Utah State Retirement Board, may elect to continue their health insurance coverage upon retirement. Retirees will be required to pay the full premium for this insurance group coverage, plus a 2% administration fee, under COBRA, for a period of up to eighteen (18) months.

Continuation of health insurance coverage must be coordinated with the City under the terms and conditions established by and through the Plan Provider. Employees interested in more information about the continued health insurance coverage under this policy should contact the Human Resource Department.

8-9 Retirement Plan

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

A. Utah Retirement Systems (URS)

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

Appointed and elected employees who began working before July 1, 2011 may be eligible to opt out of the URS. Non-benefited temporary or part-time (<30 hours/week) employees are not eligible for the URS. Eligible employees must work a minimum of 30 hours per week and receive benefits from the City.

B. Benefits Paid

The amount of benefit paid is determined by the employee's hire date, age, years of service credit, final average salary and a benefit formula designed by the Utah Retirement System. The URS has designated two categories of employees according to enrollment date. Once an employee is enrolled in the URS as either a Tier 1 or a Tier 2 employee, the employee will keep that designation, even if the employee stops working for a participating employer for a period of time and then returns at a later date.

C. Tier 1 Employees

Employees initially enrolled in the Utah Retirement System before July 1, 2011 are classified as Tier 1 employees. The City will pay the full URS Tier 1 rate for eligible employees. All City employees are enrolled in the Noncontributory System.

D. Noncontributory System

If an employee leaves employment covered by the Utah Retirement System, the employee is not eligible for a refund, but the employee's retirement funds will remain in their account and the employee will receive a benefit when they retire. Benefits are vested after four years of service.

E. Tier 2 Employees

Employees initially enrolled in the Utah Retirement System on or after July 1, 2011 are classified as Tier 2 employees. The City will pay the required URS Tier 2 rate for eligible employees.

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

F. Defined Contribution Plan

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

G. Hybrid Plan

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

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

H. URS 401(k) Plan

Any eligible employee that is active in the Utah Retirement System may participate in the URS 401(k) plan in accordance with federal and state law contribution limitations.

I. URS Account Access

Employees may access their Utah Retirement System account at www.urs.org. Employees can login to “my URS” which will display the employee’s years of service and account information. Employees can also view account statements, update their address and beneficiaries and print forms.

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

8-10 Social Security

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

8-11 Wellness Program

The City offers a wellness program to encourage employees to stay physically fit and maintain good health. This program is paid for by the City and administered by a third party for the employee’s benefit. It is a voluntary program for appointed, regular and $\frac{3}{4}$ time employees. The program has the following objectives:

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

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

8-12 Fitness / Wellness Benefit

Classified employees, statutory appointees, and contractual employees will be granted once a year a Moab Recreation and Aquatic Center Family Aquatic and Fitness pass free of charge. The pass is restricted to the uses stated on such pass and will have an annual term that does not exceed the term of their employment. Employees may elect an alternate annual benefit of a \$100 direct reimbursement to the employee upon proof of membership with another fitness center provider or wellness program.

Moab Recreation and Aquatic Center employees will receive a single Aquatic and Fitness Facility pass - free of charge – for the employee's use, with an annual term that does not exceed the employment term.

8-13 Clothing Allowance

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

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

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

A. Public Works Department

Each employee who is determined by their supervisor to be involved in work which requires or warrants protective clothing, will be provided clean coveralls and other proper safety gear/wear as determined by their supervisor. In lieu of a clothing allowance, the department will annually provide shirts and up to a \$160.00 reimbursement for purchased safety-toed boots. To receive a steel-toed boot reimbursement, employees must submit proof of purchase including vendor and purchase price to Accounts Payable.

All new Public Works Employees will receive at the time of hire, the following equipment items:

1. Five (5) Work Shirts

2. One (1) Retro Reflective Coat
3. One (1) Coveralls
4. Boots (up to \$160). Any amount in excess of the \$160 will be the personal responsibility of the employee as an upfront cost. Payroll deductions are not available for personal expenses.

Public Works Employees will receive a replacement Retro Reflective Coat and Coveralls every other year of employment.

B. Field Personnel

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

C. Police Department

All Moab City Police Officers who receive a uniform allowance will receive the total distribution of their designated allowance on or about the first pay cycle of each fiscal year. Employees hired after July 1st of any year will have their uniform allowance prorated based upon their hire date. All uniform allowance distributions will be non-taxed as these funds are provided specifically for the purchase and maintenance of official Moab City Police Department uniforms and/or equipment.

All newly sworn Moab City Police Officers will receive, at the time of hire, the following equipment items:

Duty Belt	Ballistic Vest Outer Carrier with MOLLE Pockets
Belt Keepers	Uniform Shirts (2)
Magazine Pouch	Class A Uniform Pants
Radio Holster	Class A Tie
ASP	Class A Boots
ASP Holster	Class A Basket Weave Cuff Case
Uniform Pants (2)	Class A Uniform Shirt
Duty Boots	Class A Tie Bar
Inner Belt	Class A Basket Weave Belt
Holster	Class A Basket Weave Magazine Pouch
Handcuffs (2)	Class A Belt Keeper
Cuff Case (2)	Class A Holster
Flashlight	Class A Name Tag, Silver
Flashlight Holster	Moab Police Badge
Ballistic Vest with 2 Inner Carriers	

Moab City Police Officers will be provided replacement ballistic vests on or near the expiration of their existing vests.

8-14 Employee Assistance Program

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

1. Marital difficulties
2. Family problems
3. Personal emotional difficulties
4. Legal issues
5. Financial problems
6. Referrals to medical professionals
7. Alcohol/drug abuse
8. Critical incident counseling etc.

All full-time and 3/4 time City employees and dependents are eligible and can utilize the employee assistance program voluntarily to receive counseling and facilitate solutions. This service is offered at no charge to the employee or dependents and is a confidential program.

8-15 Education Assistance

The City recognizes that the skills and knowledge of its employees are critical to the success of the organization. The City's Educational Financial Assistance program encourages personal development through formal education so employees can maintain and improve job-related skills.

1. The City may provide educational financial assistance up to seventy-five (75%), but not to exceed \$2,000, of the cost of tuition, fees, and books per year to eligible employees, depending upon annual budget appropriations. Only full-time or 3/4 time employees that have completed their probationary period are eligible to participate in this program.
2. To maintain eligibility, employees must remain on active payroll and perform their job satisfactorily through completion of each course. Educational financial assistance is limited to courses required for a college degree, provided that the degree relates to the employee's career path.
3. The City has sole discretion to determine approval for any educational financial assistance requested. Approval must occur first through the Human Resource Director and next through the City Manager/Personnel Officer prior to enrollment in the course.
4. Pursuant to this policy, costs of tuition, fees, or books will be disbursed upon successful completion of the approved course. Where a grade is given, the employee must successfully complete the course with a grade of "B" or better. If the course is on a pass/fail basis, the employee must pass the course to qualify for reimbursement. The employee must submit a request for reimbursement along with documentation of successful completion of the course to the City Manager/Personnel Officer within 30 calendar days of completion of any approved course.
5. If an employee separates from City employment within one year of completing any course for which the employee received reimbursement, the amount of educational financial assistance for that course shall be deemed a loan and will be deducted from the employee's final paycheck. Employees must agree to sign a promissory note if the final paycheck is insufficient to repay the loan in full. The terms of which will be: a negotiated monthly payment; 0% interest; and full repayment of the outstanding balance within one year of the employee leaving employment with the City.

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

8-16 Hepatitis Vaccination

All employees who are currently, or who will in the future be employed in the following listed positions are required to be vaccinated against the Hepatitis virus in whatever manner is determined by the City to be most appropriate. If a present or future employee elects not to have the appropriate vaccinations against the Hepatitis virus, they must sign a Hepatitis Vaccination Release Form (see Forms) releasing the City from any liability with regard to their contracting the Hepatitis virus and any and all costs associated with their contraction of that disease. The employees who will be affected by this policy are those who currently, or in the future will, fill the following positions:

1. Sworn Officers in the Police Department,
2. Employees of the Water and Sewer Department, and
3. Other employees as deemed necessary by the City Manager/Personnel Officer.

Employees under 18 years of age need parental approval to receive the vaccinations.

8-17 Commercial Driver's License

Any employee that drives equipment over 26,000 pounds in weight, or which carries hazardous materials or 16 or more passengers, shall obtain a Commercial Driver's License (CDL). The procedures to be followed in obtaining a CDL include taking a written test, a driving test, and obtaining a DOT medical card, which requires a physical examination. The City will pay the costs of obtaining a CDL for employees in positions that require a CDL license. This includes the cost for the CDL driver's license testing which is over and above regular license fee, and the cost of the physical examination to obtain and maintain the DOT medical card. Each department is required to maintain a current list of positions within each department which require a CDL, as well as any necessary endorsements. The City will pay the total amount for required endorsements, i.e. tanker, hazardous materials, etc., if required by the employee's position, but will not pay for endorsements which are not required by the employee's position with the City. Employees with CDL licenses should refer to the Federal Motor Carrier Safety Administration: Requirements and Penalties.

8-18 Phased Retirement

This is an optional program within URS that allows continuing employment on a half-time basis of a retiree with the same participating employer following the retiree's retirement date while the retiree receives 50% of the retiree's monthly retirement allowance.

A. Phased Retirement Eligibility

Beginning on July 1, 2020, the City of Moab elects to offer Phased Retirement to willing, eligible retirees under the terms and conditions outlined in this policy, each agreement between a Phased Retiree and the City, and Utah Code, Title 49, Chapter 11, Part 13.

B. Participation

The Employee shall:

1. Be eligible to retire, based upon the specific age and service credit requirements for the employee's retirement system, and actually retire with URS;
2. Have been employed full time for at least four years with the City immediately before the retiree's retirement date;
3. Be approved for Phased Retirement and enter into a Phased Retirement agreement with the City; and
4. Prior to the retiree's retirement date, complete and submit all required Phased Retirement forms with URS.

C. Phased Retirement Approval Standards and Process

1. An employee who is considering participating in Phased Retirement is strongly encouraged to discuss this possibility with the employee's supervisor, manager, and the Human Resources Department with as much advance notice as possible to help facilitate preparation that may be necessary for the future approval of the request, including appropriate revisions to business plans, approved Full Time Equivalent (FTE) head counts, and budgets.
2. An employee, in consultation with the employee's supervisor, shall prepare a written request to participate in Phased Retirement. The request shall cover the material elements of the written agreement listed below in Subsection E of this Section.
3. Each request to participate in Phased Retirement shall be reviewed on a case by case basis to determine if the request fills a legitimate business need and is beneficial to both the City and the retiree, such as:
 - a. Completing a specific project;
 - b. Maintaining business continuity by mentoring and training the retiree's replacement or other employees; or
 - c. Filling workforce needs relating to a market sensitive or other hard to fill position.
4. The Phased Retirement position may be the Phased Retiree's pre-retirement position or another position for which the Phased Retiree has the education, knowledge, skills, and ability to perform.
5. If multiple requests to participate in a limited Phased Retirement position cannot all be accommodated, the Phased Retiree with the best education, knowledge, skills, ability, performance, and attendance shall be selected.
6. Approval of a Phased Retirement request is conditioned on the review and approval of the following individuals or their designees:
 - a. Employee;
 - b. Employee's supervisor;
 - c. Employee's Department Head;
 - d. Human Resource Director;

- e. City Attorney; and
 - f. City Manager/Personnel Officer.
7. The Human Resources Department shall complete and submit all required Phased Retirement employer forms or reports to URS, including:
- a. Notifying URS within five business days if the City enters a Phased Retirement Agreement with a retiree;
 - b. Completing any required employer notifications, applications, or certifications; and
 - c. Reporting any change in status of the Phased Retirement to URS.

D. Time limits and other restrictions

1. The specific business needs and benefits to the City and the retiree upon which the Phased Retirement are justified shall be the basis for the Phased Retirement's authorized time period, provided that one year is the maximum Phased Retirement period.
2. Phased Retirement may be extended for additional subsequent periods of a maximum of one year each, subject to review and approval of the agreement renewal and any modifications in accordance with Phased Retirement Approval Standards and Process provisions in Subsection 2 of this policy.
3. Phased Retirement shall be terminated immediately for a Phased Retiree's violation of this policy, the Phased Retirement Agreement, or any other City policies or standards of employee conduct upon which termination may be based in accordance with any required progressive discipline.
4. A Phased Retiree enters into Phased Retirement subject to the following potential adjustments or termination:
 - a. The City may modify or terminate Phased Retirement at any time, and for any reason, with 30 day written notice.
 - b. The Legislature specifically reserved the right to make adjustments to or terminate the Phased Retirement option created in statute, including:
 - c. Amending Phased Retirement eligibility, restrictions, scope, or duration provisions;
 - d. Closing phased retirement to additional retirees; or
 - e. Terminating Phased Retirement for all participating retirees.

The Phased Retirement statutes have a sunset date of July 1, 2021, but will require a legislative's committee review prior to the sunset. The committee could recommend extending the program with another sunset date, removing the sunset date, or terminating the program.

E. Written Agreement

1. Prior to working in Phased Retirement, the City and an eligible retiree shall enter into a written agreement, including provisions governing the following for the Phased Retirement:
 - a. Essential job functions and specific duties to be performed;
 - b. Expected deliverables and timelines;
 - c. Authorized time period;
 - d. Authorized time period renewal review date, if any;
 - e. Work schedule and hours of work;

- f. Eligibility and description of benefits;
 - g. Wages for the position; and
 - h. Any other restrictions, conditions, or arrangements.
2. The Human Resources Department, in consultation with the City Attorney, shall create and maintain a template written agreement for the City's use pursuant to the above provisions and as needed.

F. During Phased Retirement

1. A retiree shall begin Phased Retirement employment after the retiree's retirement date but no later than 120 days after the retiree's retirement date.
2. Phased Retirement shall be a continuous period; it cannot be paused or resumed again following termination.
3. The Phased Retiree receives 50% of the Phased Retiree's monthly pension allowance from URS, beginning with the retirement date. The Phased Retiree will not receive any cost-of-living adjustment (COLA) to the monthly retirement allowance while in Phased Retirement.
4. The City can only employ the Phased Retiree on a half-time basis. For most positions, this is defined by statute as requiring an average of 20 hours per week.
5. The City shall contribute the amortization rate, as provided in statute, to the URS system that would have covered the Phased Retiree if the retiree's part-time position were considered to be an eligible, full-time position within that system.
6. A Phased Retiree's eligibility to take distributions from defined contribution plans, including 401(k) or 457 plans, is determined by plan governing documents and federal law. Phased Retirement does not create any additional basis for taking distributions. Phased Retirees should contact their defined contribution plan administrator about eligibility for distributions, including in-service withdrawals after reaching a qualifying age or withdrawals during the termination of employment from the retirement date until the Phased Retirement begins.

G. Benefits for Phased Retirees

1. For employer-provided benefits that are paid out or take effect with retirement, the City shall treat a Phased Retiree in accordance with current City policies in the same manner as any other retiree, including payout of unused accrued annual and compensatory leave hours and the commencement of benefits based upon accrued leave balances.
2. During Phased Retirement, a Phased Retiree shall be treated in the same manner as any other part-time employee working a similar position and number of hours with the City, including non-retirement related benefits, leave benefits, medical benefits, and other benefits.
3. During Phased Retirement, a Phased Retiree may not receive any employer provided retirement benefits, service credit accruals, or any related retirement contributions from the employer.

H. Termination of Phased Retirement

1. The Phased Retiree and the Human Resources Department shall notify URS when Phased Retirement is irrevocably terminated.
2. City-provided benefits accrued during Phased Retirement that are paid out or take effect with termination, including unused accrued leave hours, shall be paid out by the City or treated in the same manner as for any other terminated employee in accordance with current City policies.

3. URS shall begin paying 100% of the retiree's retirement allowance on the first day of the month following the month in which URS receives written notification and any required supporting documentation that the Phased Retirement has been irrevocably terminated.
4. Any post-retirement reemployment with the City or another URS participating employer following Phased Retirement is subject to Utah Code Title 49, Chapter 11, Part 12, Post retirement Re-employment Restrictions Act. The post-retirement separation period begins with the termination date of Phased Retirement, not the original retirement date.

I. References

Utah Code, Title 49, Chapter 11, Part 12

Utah Code, Title 49, Chapter 11, Part 13

J. Definitions

Phased Retiree: An active participant in Phased Retirement.

Section 9 - Leave Policies

9-1 Paid Holidays

Full-time employees may be paid for the following holidays:

New Year’s Day	Columbus Day
Martin Luther King, Jr. Day	Veterans’ Day
President’s Day	Thanksgiving Day
Memorial Day	Day After Thanksgiving
Independence Day	Christmas Eve
Pioneer Day	Christmas Day
Labor Day	December 26 th -January 2 nd

Paid Holidays will be reviewed annually by the City Manager/Personnel Officer during the budget process. The City Manager will present the proposed holiday schedule to the City Council each year during the budget process for approval. Holidays are subject to change at the discretion of the City Manager/Personnel Officer and with the approval of the City Council.

When holidays fall or are celebrated on a regular workday, eligible employees will receive eight (8) hours pay at their regular straight-time rate. Eligible employees who are called in to work on a holiday will receive eight (8) hours pay at their regular straight-time rate, and an additional payment of straight-time for the actual time they work that day.

If a holiday falls within an eligible employee's approved vacation period, the eligible employee will be paid for the holiday (at the regular straight-time rate) in addition to the vacation day, or the eligible employee will receive an additional vacation day at the option of the City.

If a holiday falls within a jury duty or bereavement leave, the eligible employee will be paid for the holiday (at the regular straight-time rate) in addition to the leave day, or the eligible employee will receive an additional day off at the option of the City.

If a holiday falls on a Saturday, the preceding Friday shall be observed as the holiday. If a holiday falls on a Sunday, the following Monday shall be observed as the holiday.

For pay purposes, holiday time not actually worked will not be included for overtime calculation.

9-2 Vacation Leave

The City provides vacation leave to eligible employees for the purpose of providing employees the opportunity to take paid time off from their job responsibilities in order to maintain a higher standard of mental, emotional and physical conditioning. This policy is intended to provide a benefit to City employees as well as to the City as an employer by fostering a healthy and productive workforce. Vacation is meant to be utilized as time away from work, not for an accumulated cash out program.

Classified employees, statutory appointees, and contractual employees earn vacation based upon the following accrual schedule:

	Hours/Pay Period	
	Exempt	Non-Exempt
Upon Hire	4	3
Completion of 5th Year	5	4
Completion of 10th Year	6	5
Completion of 15th Year	7	6
Completion of 20th Year	8	7

3/4 time employees are entitled to leave accruals, which will be extrapolated based on the percentage of hours worked compared to 40 hours per week.

9-3 Vacation

A. Accrual

1. A maximum of 240 hours shall be allowed to be accrued and carried forward from one year to the next. Accrual balances cannot be in excess of 240 hours, additional accruals will be forfeited.
2. Vacation accruals are based on hours worked per pay period. Accruals will cease if an employee is on leave without pay or worker’s compensation leave in excess of twelve (12) weeks.
3. If an employee transfers from non-exempt status to exempt status or from exempt status to non-exempt status during the term of employment, the employee will accrue vacation hours according to the schedule that corresponds to the new status, but in no case shall an employee lose vacation due to the change in status.
4. The City Manager/Personnel Officer reserves the right to negotiate vacation time upon hiring of Department Heads

B. Use

1. Vacation leave shall be requested and pre-approved by the employee’s supervisor. Advancing vacation leave to any employee is prohibited.
2. If a documented illness that would justify use of sick leave occurs while an employee is on vacation, that time may be counted against any accumulated sick leave if requested by the employee.
3. A holiday that falls during an employee’s vacation leave shall be counted as a paid holiday.
4. Exempt employees’ reporting of leave: Exempt employees shall report leave in eight-hour increments when practical; however, Exempt employees are not obligated to report leave time that will exceed 80 hours in each pay period.

C. Payment

1. Payment for accrued vacation, up to 100 hours, shall be made upon favorable retirement, favorable termination of employment or death, and only if the employee has successfully completed their probationary period.

9-4 Sick Leave

A. Purpose & Policies

Sick leave should not be viewed as a right to be used at the employee's discretion; rather, it is a privilege of paid time away from work duties in the event of one of the following circumstances:

1. Actual illness or injury of the employee that occurred away from the job setting, except where such injury/illness occurred in connection with off-duty (outside) employment;
2. The employee's exposure to a contagious disease;
3. Where the employee's medical attention to an immediate family member, as defined in these personnel rules, is required due to the immediate family member's illness or injury;
4. Medical or dental appointments of the employee, or employee's immediate family members, when such appointments cannot be arranged during off-duty hours, and when the employee's immediate family member is incapable of independently attending such appointments;
5. Emergency leave due to the death or imminent death of family members.

Immediate family includes the employee's parents, stepparents, children, step-children, siblings, grandparents, and in-laws.

1. Employees unable to fulfill normal work assignments due to illness or injury may or may not be allowed light duty assignments depending on availability.
2. Paid sick leave is a privilege and not a right of employment. Abuse of the sick leave privilege shall constitute grounds for disciplinary action.
3. Where a pattern of sick leave use is present, or a question arises as to the legitimate use of accrued sick leave, Department Heads have the right to investigate use of sick leave, make inquiry of the employee as to their ability to perform essential functions of the job, and otherwise request medical information be provided to the Human Resource Department.
4. Advancing sick leave to any employee is prohibited.
5. A medical release may be required before returning to work.

Employees, supervisors, and Department Heads are required to notify the City Manager/Personnel Officer and Human Resource Director whenever paid sick leave is used for a medical disability or serious health condition of the employee. A serious health condition means an illness, injury, impairment, or a physical or mental condition that involves an absence of three consecutive workdays or longer under the care of a healthcare provider, inpatient care in a hospital, hospice, or residential medical care facility; or continuing treatment by a health care provider.

Employees should complete and submit to the employee's Department Head and the Human Resource Director a FMLA request form to be approved by the City Manager/Personnel Officer. This form is used to determine the employee's eligibility for FMLA leave, the effective date of any medical

disability or serious health condition of the employee and the period of available leave (paid and unpaid) benefit for the employee.

If the proper form is not completed, the City Manager/Personnel Officer will determine the effective date of any serious health condition and the period of available leave (paid or unpaid), based on the first date the employee was granted leave related to, and/or in connection with, the employee's medical disability or serious health condition.

B. Accruals and Balances

Sick leave shall accrue at a rate of four (4) hours per pay period. No additional hours over the maximum of 480 hours shall be accrued.

C. Administration of Sick Leave

1. In order to be paid for sick leave, an employee must notify the Department Head, or the person designated by the Department Head to receive such notice, within a reasonable time prior to the start of the work shift. For purposes of sick leave notification requirements and at the supervisor's discretion, cell phone text messages and online instant messaging may not be considered official notifications.
2. When it is established to the City's satisfaction that an employee is incapacitated because of sickness or injury to a degree that they would not be able to perform their duties safely, sick leave, if accumulated, will be granted, or if the employee does not have any sick leave, the time will be deducted from other leave balances or can be considered leave without pay.
3. When death occurs in the employee's immediate family, sick leave will be granted. Department Heads may approve an employees' use of sick leave to attend funerals.
4. Medical certification may be required to substantiate sick leave. In the event there is a reason to believe that an employee is abusing sick leave, the employee may be required to furnish medical certificates and a written statement of the reasons for any period of sick leave.
5. If an employee has been absent from duty because of sickness or injuries for a period of three (3) or more working days, the employee may be required to satisfy the City, with medical certification, that they can perform normal job functions prior to being permitted to return to work.
6. A job-related injury entitles an employee to use available sick leave to cover any waiting period prior to receiving Worker's Compensation benefits. In no instance shall the employee be entitled to sick leave pay and Worker's Compensation for the same period of disability or injury. Where applicable, the City may require that the injured employee assign any Worker's Compensation wage replacement benefits (exclusive of payments for medical expenses and the like) to the City in partial reimbursement for this benefit and to the extent necessary to prevent a double payment.
7. 3/4 time employees are entitled to leave accruals, which will be extrapolated based on the percentage of hours worked compared to 40 hours per week.

9-5 Sick Leave Compensation

1. The maximum accrual shall not exceed 480 hours. All time accrued over 480 hours will be forfeited.
2. Unused sick leave is not compensable.

9-6 Leave Donation

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

Eligible full-time City employees must have been employed with the City for one year or more and accumulated 40 or more hours of unused sick leave at the time of the request (or when the illness began) for extended sick leave compensation.

A maximum of 160 hours of extended sick leave compensation may be requested per rolling 12-month period.

Rolling 12 Month Period

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

Sick leave bank hours are granted on an as-needed basis and may not be accrued. The employee must exhaust all personal leave prior to using any sick leave bank hours. No sick leave or vacation leave will be accrued while an employee is using sick leave bank hours.

All requests must be approved by the employee's Department Head, Human Resource Director and the City Manager/Personnel Officer. All donations are made on a confidential basis. Each case will be considered separately based upon the merits of the situation.

Sick leave bank hours will not be granted if the total number of hours reported in the pay period would exceed 80 hours including the requested sick leave bank hours.

Advancing sick leave to any employee is prohibited.

9-7 Bereavement Leave

Full-time employees working 40 hours per week and qualified three-quarter employees working a minimum of 32 hours per week are eligible for bereavement leave. Qualified three-quarter employees receive bereavement leave on a pro-rated basis. Employees working a 40-hour work week will receive a maximum of three (3) days bereavement leave with the availability of an additional two (2) days as needed for travel or family responsibilities dealing with the funeral services upon approval by the Department Head. Bereavement leave is for making arrangements for and attendance at funeral services upon the death of an immediate member of the employee's family as defined in this section.

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

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

9-8 Military Leave

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

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

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

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

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

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

Active duty service in the armed forces may qualify for service credit, which may qualify and/or increase the retirement benefits an employee might receive from the retirement program administered by the Utah State Retirement System, as provided by law. It is the employee's responsibility to contact the State Retirement

Office for further information. The City will not make the employer-paid contributions and the employee-paid contributions, if any, otherwise paid by the City on behalf of the employee, for former employees serving on active military duty. For those employees whose employment with the City is reinstated following separation from active military service, the City will make the contribution adjustment representing the employer's contribution for the period of military service upon the following conditions:

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

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

9-9 Jury Duty

The City recognizes the duty of every employee, as a citizen of the United States, to perform jury duty or serve as a witness in court on behalf of another party. If the jury or witness service is completed during regular work hours, an employee is expected to return to work upon completion of the service. The employee shall receive their regular pay when performing jury and witness duty provided money received for jury or witness service is returned to the City within one (1) week of receipt. Verification of jury and witness duty will be required. If an employee fails to comply with this policy, disciplinary action may be taken.

9-10 Paid Leave/Unpaid Leave

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

9-11 Family and Medical Leave

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

A. Eligible Employees

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

1. Has worked for the City for at least 12 months; and

2. Has at least 1,250 hours of service for the City during the 12 month period immediately preceding the leave
3. Be a full- or part-time, regular employee (temporary employees and interns are not eligible for this benefit).

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

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

B. Military Family Leave Entitlements Member

Eligible employees with a spouse, son, daughter, or parent on active duty or call to active duty status in the National Guard or Reserves in support of a contingency operation may use their 12-week leave entitlement to address certain qualifying exigencies. Qualifying exigencies may include:

1. Attending certain military events,
2. Arranging for alternative childcare,
3. Addressing certain financial and legal arrangements,
4. Attending certain counseling sessions, and
5. Attending post-deployment reintegration briefings.

FMLA also includes a special leave entitlement that permits eligible employees to take up to 26 weeks of leave to care for a covered service-member during a single 12-month period. A covered service member is a current member of the Armed Forces, including a member of the National Guard or Reserves, who has a serious injury or illness incurred in the line of duty on active duty that may render the service member medically unfit to perform his or her duties for which the service member is undergoing medical treatment, recuperation, or therapy; or is in outpatient status; or is on the temporary disability retired list.

C. Rolling 12 Month Period

A “rolling” 12-month period is measured backward from the date an employee uses any FMLA leave. Each time an employee takes FMLA leave the remaining leave entitlement would be any balance of the 12 weeks, which has not been used during the immediately preceding 12 months. FMLA leave may be approved for a maximum of 12 weeks in a 12-month period.

D. Example for 12-Month Rolling Period

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

E. Intermittent Leave

When medically necessary, an employee may be eligible to take FMLA Leave intermittently for their own serious health condition, the serious health condition of a spouse, child or parent or for military caregiver leave. An employee must make reasonable attempts to arrange leave to minimize disruption of the City's operations. Qualifying exigency leave may also be taken intermittently; however, leave due to the birth or placement of a child for adoption or foster care may not be taken intermittently and must be completed within a 12-month period from the date of birth or placement of the child and requires the City Manager/Personnel Officer's approval.

F. Notice of Leave

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

G. Concurrent Leave

When taking FMLA Leave, an employee is required to use accrued paid leave (sick leave, compensatory time and vacation) before going on unpaid leave status. The City recognizes that employees may need to take time, under this policy, to care for a seriously ill spouse or family member. However, a supervisor may require an employee to return to work and an employee may be subject to discipline if they use FMLA leave for unrelated activities such as working a second job or any other activity not related to caring for a family member during regularly scheduled work hours.

H. Worker's Compensation Leave

An absence from work due to an on-the-job injury or illness, which qualifies as a Worker's Compensation absence also qualifies as an FMLA absence. Accordingly, FMLA leave will run concurrently with any Worker's Compensation absence to the extent the Worker's Compensation injury or illness also qualifies as a serious health condition.

I. Paid Leave During FMLA Leave

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

J. Maintenance of Benefits

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

The regularly deducted premiums due for medical and dental coverage during periods of unpaid FMLA leave will be collected according to existing procedures for premium payment during an approved leave without pay. Employees will be contacted by Human Resources regarding provisions for payments. If an employee fails to make payments for their portion of the insurance premiums in a timely manner, the City may terminate those benefits.

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

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

Upon return from FMLA Leave, an employee will be restored to their original position or an equivalent position if the original position is not available. Upon returning from leave for their own serious health condition, an employee may be required to provide a fitness for duty (FFD) certification signed by a health care provider. Failure to provide a FFD certification may delay an employee's return to work.

Employees with questions regarding FMLA Leave, may contact Human Resources.

9-12 Parental Leave

The City will provide up to twelve (12) weeks of unpaid parental leave to employees following the birth of an employee's child or the placement of a child with an employee in connection with adoption or foster care. The purpose of parental leave is to enable the employee to care for and bond with a newborn or a newly adopted or newly placed child. This policy will run concurrently with Family and Medical Leave Act (FMLA) leave, as applicable.

A. Eligibility

Eligible employees must meet the following criteria:

1. Have been employed with the City for at least 12 months (the 12 months do not need to be consecutive).

2. Have worked at least 1,250 hours during the 12 consecutive months immediately preceding the date the leave would begin.
3. Be a full- or part-time, regular employee (temporary employees and interns are not eligible for this benefit).

In addition, employees must meet one of the following criteria:

1. Have given birth to a child.
2. Be a spouse or committed partner of a woman who has given birth to a child.
3. Have adopted a child or been placed with a foster child (in either case, the child must be age 17 or younger).

Amount, Time Frame and Duration of Parental Leave:

1. Eligible employees will receive a maximum of twelve weeks of unpaid parental leave per birth, adoption or placement of a child/children. The fact that a multiple birth, adoption or placement occurs (e.g., the birth of twins or adoption of siblings) does not increase the twelve-week total amount of unpaid parental leave granted for that event. In addition, in no case will an employee receive more than twelve weeks of unpaid parental leave in a rolling 12-month period, regardless of whether more than one birth, adoption or foster care placement event occurs within that 12-month time frame.
2. Approved unpaid parental leave may be taken at any time during the six-month period immediately following the birth, adoption or placement of a child with the employee.

B. Coordination with Other Policies

1. Unpaid parental leave taken under this policy will run concurrently with leave under the FMLA; thus, any leave taken under this policy that falls under the definition of circumstances qualifying for leave due to the birth or placement of a child due to adoption or foster care, the leave will be counted toward the twelve weeks of available FMLA leave per a 12-month period. All other requirements and provisions under the FMLA will apply. In no case will the total amount of leave—whether paid or unpaid—granted to the employee under the FMLA exceed 12 weeks during the 12-month FMLA period. Please refer to the Family and Medical Leave Policy for further guidance on the FMLA.
2. The City will maintain all benefits for employees during the unpaid parental leave period just as if they were taking any other leave such as paid vacation leave or paid sick leave.
3. If a holiday occurs while the employee is on unpaid parental leave, such day will be charged to holiday pay; however, such holiday pay will not extend the total parental leave entitlement.

C. Requests for Unpaid Parental Leave

1. The employee will provide his or her supervisor and the Human Resource Director with notice of the request for leave at least 30 days prior to the proposed date of the leave (or if the leave was not foreseeable, as soon as possible). The employee must complete the necessary HR forms and provide all documentation as required by the HR department to substantiate the request.
2. As is the case with all City policies, the organization has the exclusive right to interpret this policy.

9-13 Leave Without Pay

Employees are advised to accumulate leave to have available time off for unexpected reasons such as vacation opportunities, family events, injury or illness. Employees that have not kept adequate leave balances may request leave without pay.

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

Leaves of absence without pay may be granted by a Department Head, in consultation with Human Resources, for the following reasons only:

1. Military leaves of absence (exempt employees may be eligible for paid leave [less military pay] for short-term military duty as required by the Fair Labor Standards Act;
2. Eligible leave covered under the Family and Medical Leave Act or the Americans with Disabilities Act;
3. Other medical absences of less than five working days when the Department Head determines that absence will not adversely impact operations;
4. Temporary leaves of absence to mitigate budget shortfalls;
5. Jury duty and witness leave;
6. Disciplinary action;
7. Previously scheduled commitments of new employees that are agreed to at the time of job offer.

Any leave without pay must be approved in writing by the Department Head in consultation with Human Resources.

9-14 Leave of Absence

Leaves of Absence may happen under the following:

1. Under special circumstances, employees may find it necessary to request leave without pay for a reason other than family or medical leave;
2. Full-time employees who have successfully completed their probationary period are eligible to request leave as described in this policy;
3. Eligible employees may be granted a period of up to 30 consecutive calendar days on a rolling year basis. If this initial period of absence proves insufficient, consideration will be given to a written request for a single extension of no more than 60 consecutive calendar days;
4. Eligible employees interested in a leave of absence must submit a written request to their Department Head detailing the nature of the leave;
5. Requests for leave of absence will be considered based on criteria such as the nature of the request, the impact to the organization, and the benefit to the employee and/or the City. The City may not grant a leave of absence without pay unless the employee will return to City employment at the end of the leave;
6. Prior written approval will be obtained from the employee's Department Head, Human Resource Director and the City Manager/Personnel Officer.

7. During an approved leave of absence, an employee is required to use any applicable and available paid leave before the commencement of any leave of absence without pay;
8. Once the employee has exhausted all of his or her applicable leave benefits, they will no longer continue to accrue vacation, sick leave, holiday leave, and other City benefits during the approved leave of absence period, unless provided for under state or federal guidelines;
9. Accrued leave benefits must be used during an approved leave of absence in order to maintain City provided benefits. If an employee has no accrued leave, all benefits will be discontinued until the employee returns to work. Insurance benefits may be continued if the full premium is paid by the employee;
10. At the completion of an approved leave of absence, every reasonable effort will be made to return the employee to the same position, if it is available, or to a similar available position for which the employee is qualified, or in accordance with any leave agreement(s). However, the City cannot guarantee reinstatement in all cases and is under no obligation to hold a specific job;
11. If an employee fails to report to work promptly at the expiration of the approved leave period, the City will assume the employee has resigned.

9-15 Time Off to Vote

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

9-16 Administrative Leave With Pay

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

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

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

Section 10 - Employee Conduct

10-1 Overview of Appropriate Employee Conduct

Employees are expected to exhibit a high degree of personal integrity at all times. Employees should refrain from any behavior that might be harmful to themselves, coworkers and/or the City, or that might be viewed unfavorably by the public at large.

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

A. Duty to Act Lawfully

This includes knowing the law and following it.

B. Confidentiality

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

Nothing in this section is intended to interfere with an employee's rights under Section 7 of the National Labor Relations Act (see Section 1-2).

C. Duty of Ethical Conduct and Loyalty to the City

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

D. Duty to Promote Work Efficiency and Morale

This duty includes being present, punctual and fit for all assigned duties; acting competently; following supervisor instructions; respecting the personal health, dignity, reputation, property and time of coworkers; reporting workplace hazards and fostering safety; and promoting positive communication, good morale and maximum efficiency within the organization.

E. Duty of Service to the General Public

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

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

F. Workplace Conduct

Unacceptable conduct may subject the offender to disciplinary action, up to and including discharge, in the City's sole discretion. The following are examples of some, but not all, conduct which can be considered unacceptable:

1. Obtaining employment on the basis of false or misleading information;
2. Stealing, removing or defacing City property or a co-worker's property, and/or disclosure of confidential information;
3. Completing another employee's time records or requesting that another employee do so or otherwise altering time records without authorization;
4. Violation of safety rules and policies;
5. Violation of the City's Drug and Alcohol-Free Workplace Policy;
6. Fighting, threatening or disrupting the work of others or other violations of the City's workplace violence policy;
7. Failure to follow lawful instructions of a supervisor.
8. Failure to perform assigned job duties.
9. Violation of the punctuality and attendance policy, including but not limited to irregular attendance, habitual tardiness or unexcused absences;
10. Gambling on City property;
11. Willful or careless destruction or damage to City assets or to the equipment or possessions of another employee;
12. Wasting work materials;
13. Performing work of a personal nature during working time;
14. Violation of the City's Equal Employment Opportunity Policies;
15. Violation of the communication and computer systems policy;
16. Unsatisfactory job performance;
17. Bullying or other inappropriate intimidation or coercion;
18. Any other violation of City policy.

Not every type of misconduct is listed above. The City reserves the right to impose whatever discipline it chooses, or none at all, in a particular instance. The City will deal with each situation individually and nothing in this Handbook should be construed as a promise of specific treatment in a given situation. However, the City will endeavor to utilize progressive discipline but reserves the right in its sole discretion to terminate an employee at any time for any reason to the extent allowed by law.

10-2 Conflict of Interest and Business Ethics

The City’s Municipal Code Section 2.01 outlines the City’s policy on maintaining an employment relationship absent of any conflict of interest. The City is required to advise all employees, officers (elected officials), and volunteers, of their responsibilities outlined in the conflict of interest policy, as well as obtain documentation of compliance. As a result, employees must complete a conflict of interest form at time of hire and each subsequent year.

A. Ethics for City Employees and Officials

Definitions

The following definitions apply to this Chapter:

- A. “Employee” means a person who is not an elected officer of the City of Moab and who performs services for the City on a full or part time basis in exchange for wages.
- B. “Entity” means a sole proprietorship, partnership, association, joint venture, corporation, trust, limited liability company, or similar business entity.
- C. “Interest” means a pecuniary, monetary, or other material benefit which may accrue to a City official or employee as a result of any business transaction, contract, or official act by the City. For purposes of this Chapter, an official or employee of the City shall be deemed to have an interest in the affairs of:
 - 1. A spouse, sibling, child (whether natural, step or adoptive and regardless of age), parent/grandparent, aunt/uncle, niece/nephew, or first cousin;
 - 2. A household member, which is defined to be an unrelated adult living with the official or employee in the same domicile;
 - 3. A business entity in which the official or employee is an officer, director, manager, or employee; or
 - 4. A business entity in which the official or employee holds legal or beneficial ownership in excess of ten percent (10%) of the total stock or total beneficial ownership.
- D. “Official” means the Mayor, the members of the City Council, and the appointed members of all other City boards or commissions.

B. Provisions Supplemental to State Law

The provisions of this Chapter are supplemental, and in addition to, the provisions of the Utah Municipal Officers’ and Employees’ Ethics Act, U.C.A. § 10-3-1301, et seq.

C. No Oversight of Related Persons

An employee or official of the City shall not supervise or exercise oversight with respect to any City contract where the employee or official has an interest, as defined by this Chapter, in the party performing the contract.

D. Disclosure as to Related Businesses; Disqualification

Every employee or official of the City who has an interest, as defined by this Chapter, in a related person, business, or entity shall publicly disclose to the City, in writing and on forms maintained by the City, the nature of that interest immediately prior to any official action or discussion with respect to that related person, business, or entity. For purposes of this subsection, the disclosure is required where the employee or official has an interest in a person, business, or entity or who:

1. Maintains or anticipates entering into a contract with the City;
2. Seeks City approval of a license, permit, land-use application, or similar City decision; or
3. May be subject to regulatory, enforcement, or legal action by the City.

The employee or official having an interest as described in this subsection shall not vote or otherwise participate in any decision or official action pertaining to that related person, business, or entity, and the disclosure shall be noted in the minutes of the decision-making body.

E. Annual Disclosures

Employees and officials shall disclose in writing, at least annually, their interest in all entities doing business with the City. Written disclosures shall be updated promptly when there is any change in the employee or official's interest in a related entity.

F. No Disclosure of Confidential Information Pertaining to City Business

No City employee or official, with respect to any contract, transaction, or decision which is or may be the subject of an official act of the City shall, without proper legal authorization, disclose private, controlled, or protected information concerning the transaction, any actions of the City, or otherwise use such information to benefit the personal or economic interest of the employee or official, or others.

The terms "private," "controlled," or "protected" shall have the same meanings as defined in the Utah Government Records Access and Management Act (GRAMA), U.C.A. § 63G-2-103.

G. Retaliation Prohibited

Employees who act in good faith to report or disclose to the City any misconduct or actions undertaken in violation of this Chapter shall not be subjected to any adverse employment action for doing so. Nothing in this provision shall be deemed to alter any other employment policies or procedures.

H. Employees and Officials Prohibited from Using Position to Secure Special Privileges for Related Parties

No employee or official shall use his or her office or position for the purpose of securing special privileges or pecuniary benefits for the employee or official, or for entities or persons in which that employee has an interest, as defined by this Chapter.

I. Disclosure of Persons and Businesses Doing Business with the City

The identity of persons or entities doing business or maintaining contracts with the City is public information which is subject to disclosure pursuant to requests under the Government Records Access and Management Act.

J. Remedies

The sole remedies for violations of this Chapter are as follows:

1. A contract, transaction, or decision which is approved in violation of this Chapter is voidable, in whole or in part, at the discretion of the City Council or applicable decision-making body.
2. An employee who knowingly violates this Chapter may face disciplinary action, subject to applicable personnel policies, up to and including termination.
3. An official who knowingly violates this Chapter may be subject to removal from office in the manner otherwise provided by law.
4. Nothing in this Chapter shall be interpreted as conferring a private cause of action upon any person who may seek to set aside a particular contract, transaction, or decision.

10-3 Information Reporting & Whistle Blowing

A. Liability to Report

If an employee becomes aware of any occurrence which may give rise to a lawsuit, or receives a notice of claim, or is sued because of an incident related to their employment, or receives a subpoena related to their employment, they shall immediately notify their supervisor, Department Head and City Attorney. In most cases, under provisions of the Utah Governmental Immunity Act, employees shall receive defense and indemnification by the City unless the case involves fraud, malice, or the use of alcohol or drugs by the employee or was not within the scope of the employee's employment. If a lawsuit results against an employee, the Governmental Immunity Act stipulates that the employee must request a defense from the City in writing within ten (10) calendar days of receipt of the lawsuit from the City.

B. Whistle Blowing

Employees have a responsibility to formally inform appropriate administrative official if they become aware of, or reasonably suspect the waste of public funds, property, manpower or a violation of law, relating to their employment. Employees should give written notice to, or otherwise formally inform, the appropriate administrative official as soon as possible when they become aware of the suspected waste or violation. An appropriate administrative official is the employee's immediate supervisor, unless they reasonably believe the supervisor cannot or will not fairly and constructively report the problem. If that is the case, the employee may report the incident to the Mayor, City Manager/Personnel Officer, Assistant City Manager/Personnel Officers, Department Head, Human Resource Director, City Attorney or the State Auditor.

C. Improper Disclosure

Employees should refrain from spreading information which is detrimental to City operations or other employees which an employee knows, or has reason to know, is malicious, false or inaccurate. Employees are not to disclose or induce others to disclose confidential information acquired due to their position. Employees are not allowed to use confidential information for their own gain, benefit or purposes.

D. Assist Investigations

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

10-4 Outside Employment

The City of Moab recognizes that some employees may need or want to hold additional jobs outside their employment with the City. Employees of the City are permitted to engage in outside work or hold other jobs, subject to certain restrictions based on reasonable business concerns and approval by the Department Head and City Manager/Personnel Officer.

A. Procedure

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

1. Work-related activities and conduct away from the City must not compete with, conflict with or compromise the City's interests or adversely affect job performance and the ability to fulfill all responsibilities of their position at the City. This prohibition also extends to the use of any City tools or equipment and the unauthorized use or application of any City confidential information. In addition, employees may not solicit any outside business during work time for the City.
2. City employees must carefully consider the demands that additional work activity will create before accepting outside employment. Outside employment will not be considered an excuse for poor job performance, absenteeism, tardiness, leaving early, refusal to travel, or refusal to work overtime or different hours. Employees are expected to work, and be available to work, during the hours required of the employee's position with the City. If outside work activity causes or contributes to job-related problems at the City, the employee will be asked to discontinue outside employment, and the employee may be subject to the normal disciplinary procedures for dealing with the resulting job-related problem(s).
3. In evaluating the effect that outside work may have on an employee's job performance and other job-related responsibilities, the employee's Department Head will consider whether the proposed employment:
 - a. May reduce the employee's efficiency in working in the City.
 - b. Affects the employee's ability to respond to being on-call for the City.
 - c. Involves working for an organization that does a significant amount of business with the City, such as major contractors, suppliers, service providers.
 - d. May adversely affect the City's image.

- e. May create a conflict of interest. A conflict of interest is defined as a substantial conflict between an employee's private interests and his or her public duties.
4. Employees who have accepted outside employment may not use City paid sick leave to perform work on the outside job.
5. The Department Head may pursue disciplinary action up to and including termination of employment for the fraudulent use of City sick leave or for issues identified above.
6. An authorization form must be filled out and signed each year declaring the employee's outside job, the job duties, and hours worked. This form must be signed by the employee's supervisor, Department Head, and City Manager/Personnel Officer. This form must then be submitted to the Human Resource Department and placed in the employee's personnel file. Failure to submit an authorization form is cause for disciplinary action.

10-5 Use of Communications and Computer Systems

A. Prohibited Communications

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

1. Prohibited Activities. Sending, receiving, displaying, printing or otherwise disseminating material that is fraudulent, harassing, illegal, sexually revealing, explicit or obscene. Employees or users encountering such material should immediately report it to their supervisor/ manager or a Human Resources representative.
2. Prohibited Uses. Employees or users may not utilize the City's internet, intranet and email resources for commercial and personal advertisements, solicitations, promotions, destructive programs (i.e., viruses or self-replicating software), political material, gambling or any other use that is or may be adverse to the best interests of the organization or in violation of this Handbook. Employees should exercise the same care in drafting email as they would for any other written communication. Anything created on the computer or internet may be viewed by others. Visiting adult websites containing sexual images is strictly prohibited.
3. In addition, electronic media cannot be used for knowingly transmitting, retrieving, or storing any communication that is:
 - a. Discriminatory or harassing;
 - b. Derogatory to any individual or group;
 - c. Obscene, sexually explicit or pornographic;
 - d. Defamatory or threatening;
 - e. In violation of any license governing the use of software;
 - f. Engaged in for any purpose that is illegal or contrary to City policy or professional interests
 - g. In violation of this Handbook.

B. Personal Use

The City provides employees with computers, telephones, e-mail, internet and electronic media for business purposes to assist employees in the performance of their jobs. Occasional or incidental use of electronic media (e.g. sending or receiving e-mail or telephone calls) for personal, non-City purposes, should be done in a manner that does not negatively affect the systems' use for City purposes or employee productivity. Employees are expected to demonstrate a sense of personal responsibility and

accountability in using City resources for personal purposes. Use of the City computers, computer resources, e-mail, or other resources for the employee's outside business endeavors is prohibited. Under no circumstances may any employee use City computers, computer resources, internet access, e-mail, or other resources to run, support or operate a personal business.

C. Access to Employee Communications

1. Electronic information created and/or communicated by an employee using a City computer, e-mail, word processing, utility programs, spreadsheets, voicemail, telephones, internet, and similar electronic media may be monitored by the City.
2. The City gathers and stores daily user log files for most electronic activities and monitors employee communications directly (e.g., telephone numbers dialed, emails sent and received, internet sites visited, call length, and time at which calls are made) for the following purposes:
 - a. Confidentiality and data security;
 - b. Cost analysis;
 - c. Resource allocation;
 - d. Monitor and prevent potential internet virus intrusions;
 - e. Optimum technical management of information resources;
 - f. Detecting patterns of use that indicate employees are violating City policies or engaging in illegal activity.
3. The City reserves the right, at its discretion, to review any employee's City-issued electronic devices, files and messages to the extent necessary to ensure electronic media and services are not being compromised and are being used in compliance with the law, this policy and any other City policies. Accordingly, employees have no expectation of privacy over any material that is viewed, transmitted, or stored (whether in active, archived, or deleted files) on a City-issued electronic device.
4. Employees should not assume electronic communications are private. Accordingly, if an employee has personal sensitive information to transmit electronically, they should use other personal means not provided by the City or on City computers, telephones, fax machines, printers, etc.
5. In order to prevent security breaches of the City's information systems, an employee's computer should be manually locked when an employee leaves the workstation regardless of the length of time that the employee will be away. Employees should not rely on auto-lock features that lock the computer after a pre-set number of minutes.

D. Software

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

E. Security/Appropriate Use

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

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

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

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

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

F. Encryptions

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

G. Online Chat Rooms/Instant Messaging

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

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

H. Portable Communication Device Use While Driving

Employees who drive on City business must abide by all state or local laws prohibiting or limiting PCD (cell phone or personal digital assistant) use while driving. Further, even if usage is permitted, employees may choose to refrain from using any PCD while driving. "Use" includes, but is not limited to, talking or listening to another person or sending an electronic or text message via the PCD.

Regardless of the circumstances, including slow or stopped traffic, if any use is permitted while driving, employees should proceed to a safe location off the road and safely stop the vehicle before placing or accepting a call. If acceptance of a call is absolutely necessary while the employee is driving, and permitted by law, the employee must use a hands-free option and advise the caller that they are unable to speak at that time and will return the call shortly.

Under no circumstances should employees feel that they need to place themselves at risk to fulfill City business needs.

Because this policy does not require any employee to use a cell phone while driving, employees who are charged with traffic violations resulting from the use of their PCDs while driving will be solely responsible for all liabilities that result from such actions.

Texting and emailing while driving is prohibited in all circumstances.

I. Violations

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

J. Electronic Mail Accounts for Council Members

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

10-6 Social Media

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

A. Guidelines

The City takes no position on employees' decision to participate in the use of social media networks. In general, employees who participate in social media are free to publish personal information on personal time without interference by the City. However, Employees may not post on a blog or web page or participate on a social networking platform, such as Twitter or similar site, during work time or at any time with City equipment or property unless authorized to do so. Employees must avoid, posting information that could harm City operations using the guidelines set forth below:

1. If an employee chooses to identify as a City employee on any social media network, they must adhere to the following:

2. Employees are required to state in clear terms that the views expressed on any social media network are the employee's alone and that they do not necessarily reflect the views of the City;
3. Employees are prohibited from disclosing information on any social media network that is confidential or proprietary to the City or to a third party that has disclosed information to the City; For example, information about or identifying co-workers or incidents that occur at the City.
4. Employees are prohibited from displaying the City's logo on any social media network without permission from the City Manager/Personnel Officer;
5. Employees are prohibited from making statements about the City, their co-workers, elected officials, or other agencies that could be considered as harassing, threatening, libelous, or defamatory in any way;
6. Employees are prohibited from acting as a spokesperson for the City or posting comments as a representative of the City unless authorized to do so such as the Communications and Engagement Manager;
7. Employees are prohibited from sharing any communication that engages in personal or sexual harassment, unfounded accusations, or remarks that would contribute to a hostile work environment (racial, sexual, religious, etc.), as well as any behavior not in agreement with this Handbook or general policies and procedures.
8. Employees who participate in social media may still decide to include information about their work at the City as part of their personal profile, as it would relate to a typical social conversation. This may include:
 - a. Work information included in a personal profile, to include city name, job title, and job duties.
 - b. Status updates regarding an employee's own job promotion.
 - c. Personal participation in City sponsored events, including volunteer activities.
9. An employee who is responsible for a social media posting that fails to comply with the guidelines set forth in this policy or that otherwise causes harm to the City may be subject to discipline, up to and including termination. Employees will be held responsible for the disclosure, whether purposeful or inadvertent, of confidential or proprietary City information, information that violates the privacy rights or other rights of a third party, or the content of anything posted on any social media. Further, employees may be liable for monetary damages for such disclosure.
10. Finally, employees should let the Human Resource Director and Communications and Engagement Manager know if they encounter incorrect information about the City online. Employees themselves should not attempt to correct any such information on behalf of the City.

The City recognizes the right of all employees to engage in concerted activity as allowed by Section 7 of the National Labor Relations Act. Accordingly, nothing in this policy is intended to interfere with the employee's exercise of their rights under Section 7 of the National Labor Relations Act. The City will not discipline or retaliate against employees for social media activity that is protected by Section 7. See Section 1-2.

10-7 Productivity

All employees should maximize their productivity and look for ways to reduce and/or eliminate the waste of time, money, and other resources in their jobs. Supervisors should assign work to make the best use of employees' skills and talents whenever possible.

10-8 Cell Phone Policy

A. Executive Summary

The purpose of this Cell Phone Policy is to describe:

1. The positions in the City that are eligible for or required to have a cell phone and/or data card (“Cell Services”),
2. The level of Cell Services available to each position,
3. The purpose or reason such positions receive Cell Services,
4. How the City will cover the costs of Cell Services including:
 - a. Upfront equipment costs,
 - b. Monthly service charges,
 - c. Reimbursements for use of personal devices, and
 - d. End of service/replacement costs.

Positions, Level of Service and Costs

The City provides Cell Services to the following positions at the level of service listed to perform the necessary functions as described herein. With the exception of Public Safety, all positions default to Google Voice unless a justification is made by the Department Head or director and approved by the City Manager/Personnel Officer. The City will pay the cost for a Google Voice number. The City will not reimburse the employee for equipment costs. If the equipment is damaged during use while conducting City business, the City will reimburse replacement costs of equal or lesser value equipment. The employee takes full responsibility for replacing the equipment if it is damaged during personal use.

The specified levels of service are as follows:

Level of Service	Description	Plan	Service	Fees	Total
Cell Phone 1	Phone, Email, Text, Data	Email & Data Unlimited + Text	\$39.99	\$2.53	\$42.52
Cell Phone 2	Phone, Email, Text, Data, Hotspot	Nationwide Email & Data 400, 4G Smartphone Hotspot	\$44.99	\$2.53	\$47.52
Air Card 1	Mobile Broadband	Mobile Broadband Unlimited	\$39.99	\$.02	\$40.01

Department & Position	Level of Service	Purpose
Administration	Cell Phone 2	
<ul style="list-style-type: none"> ● City Manager/Personnel Officer 		Contact and be available to all employees and elected officials

<ul style="list-style-type: none"> ● Assistant City Manager ● Communications & Engagement Director ● City Attorney 		and others conducting business with City via voice, email, text. Use cell as a hotspot to connect computer anytime. Etc.
Administration	Cell Phone 1	
<ul style="list-style-type: none"> ● Sustainability Director ● Executive Administrative Assistant 		Contact and be available to all employees and elected officials and others conducting business with City via voice, email, text. Use cell as a hotspot to connect computer anytime. Etc.
Building	Cell Phone1/Air Card 1	
<ul style="list-style-type: none"> ● Building Official 		Contact and be available to supervisor, employees, vendors and others conducting business with City via voice.
Engineering	Cell Phone 1	
<ul style="list-style-type: none"> ● City Engineer ● Construction Inspector 		Contact and be available to supervisor, employees, vendors and others conducting business with City via voice, email, text.
Facilities	Cell Phone 1	
<ul style="list-style-type: none"> ● Facilities Superintendent ● Facilities Worker 		Contact and be available to supervisor, employees, vendors and others conducting business with City via voice, email, text.
Film Commission	Cell Phone 2	
<ul style="list-style-type: none"> ● Film Commission Director 		Contact and be available to supervisor, employees and others conducting business with City via voice, email, text. Use cell as a hotspot to connect computer anytime. Etc.
Finance	Cell Phone 1	
<ul style="list-style-type: none"> ● Finance Director ● City Treasurer ● Assistant City Treasurer 		Contact and be available to supervisor, employees, vendors and others conducting business with City via voice, email, text.
Human Resources	Cell Phone 1	
<ul style="list-style-type: none"> ● Human Resource Director 		Contact and be available to supervisor, employees, vendors and others conducting business with City via voice, email, text.
MARC	Cell Phone 1	
<ul style="list-style-type: none"> ● Arts/Special Events Manager 		Contact and be available to supervisor, employees, vendors

<ul style="list-style-type: none"> Arts/Special Events Assistant 		and others conducting business with City via voice, email, text.
MRAC	Cell Phone 1	
<ul style="list-style-type: none"> Aquatic Center Manager Aquatic Manager 		Contact and be available to supervisor, employees, vendors and others conducting business with City via voice, email, text.
Parks	Cell Phone 1	
<ul style="list-style-type: none"> Parks Superintendent Parks Worker 		Contact and be available to supervisor, employees, vendors and others conducting business with City via voice, email, text.
Planning	Cell Phone 1	
<ul style="list-style-type: none"> Planning Director Senior Project Manager 		Contact and be available to supervisor, employees, vendors and others conducting business with City via voice, email, text.
Public Works	Cell Phone 1	
<ul style="list-style-type: none"> Public Works Director 		Contact and be available to supervisor, employees, vendors and others conducting business with City via voice, email, text.
Recorder	Cell Phone 1	
<ul style="list-style-type: none"> City Recorder 		Contact and be available to supervisor, employees, vendors and others conducting business with City via voice, email, text.
Recreation	Cell Phone 1	
<ul style="list-style-type: none"> Recreation & Trails Director Sports & Recreation Manager Sports & Recreation Assistant 		Contact and be available to supervisor, employees, vendors and others conducting business with City via voice, email, text.
Safety	Cell Phone 1	
<ul style="list-style-type: none"> Safety Specialist 		Contact and be available to supervisor, employees, vendors and others conducting business with City via voice, email, text.
Sewer	Cell Phone 1	
<ul style="list-style-type: none"> Sewer Division Superintendent Sewer Worker 		Contact and be available to supervisor, employees, vendors and others conducting business with City via voice, email, text.

Streets	Cell Phone 1	
<ul style="list-style-type: none"> Streets Superintendent Streets Worker 		Contact and be available to supervisor, employees, vendors and others conducting business with City via voice, email, text.
Finance	Cell Phone 1	
<ul style="list-style-type: none"> Finance Director City Treasurer 		Contact and be available to supervisor, employees, vendors and others conducting business with City via voice, email, text.
Water	Cell Phone 1	
<ul style="list-style-type: none"> Water Division Superintendent Water Service Worker 		Contact and be available to supervisor, employees, vendors and others conducting business with City via voice, email, text.
WRF	Cell Phone 1	
<ul style="list-style-type: none"> WRF Superintendent WRF Service Worker 		Contact and be available to supervisor, employees, vendors and others conducting business with City via voice, email, text.
Animal Control	Cell Phone 1/Air Card 1	
<ul style="list-style-type: none"> Animal Control Supervisor Animal Control Officer		Contact and be available to supervisor, employees, vendors and others conducting business with City via voice, email, text.
Animal Control	Cell Phone 1	
<ul style="list-style-type: none"> Animal Shelter Manager 		Contact and be available to supervisor, employees, vendors and others conducting business with City via voice, email, text.
Police	Cell Phone 2/Air Card 1	
<ul style="list-style-type: none"> Police Chief Assistant Police Chief 		Contact and be available to supervisor, employees and others conducting business with City via voice, email, text. Use cell as a hotspot to connect computer anytime. Etc.
Police	Cell Phone 1/Air Card 1	
<ul style="list-style-type: none"> Sergeant Police Officer 		Contact and be available to supervisor, employees, vendors and others conducting business with City via voice, email, text.

B. Payment Obligations

City Provided Equipment

The City will pay for the full cost of the upfront equipment purchase and monthly service for each position listed above. Each device will be considered to have a two (2) year life unless otherwise determined by the City Manager/Personnel Officer at the time of purchase. At the end of the useful life, the equipment will be replaced at the expense of the City with equipment that is technologically compatible with cell phone level needs of position.

Personal Phone Use and City Reimbursement

The City will allow employees to use their personal cell number and equipment to meet the requirement for cell service for each position except for the Police Department. The City will not reimburse the employee for equipment costs. If the equipment is damaged during use while conducting City business, the City will reimburse replacement costs of equal or lesser value equipment. The employee takes full responsibility for replacing the equipment if it is damaged during personal use and will not receive the cell phone reimbursement until such time that functioning equipment is available for use.

If an employee elects to use their personal cell phone number for City business, the City will reimburse 100% of the monthly service that it would provide based upon the expense it would have paid the employee based upon the charts above. The employee's personal cell phone number will be listed as a public number.

To reduce the overall cell phone costs to the City and to simplify cell phone usage for employees, the City encourages the use of personal cell phones under specific guidelines for conducting city business as follows:

1. Texting is not an acceptable form of business communication for any City business. Employees must use the city approved messaging app. Employees who utilize their personal device for City business texting agree to subject the entire contents of their device to the Government Records and Access Management Act (GRAMA) review or for review during any legitimate investigation being conducted by or on behalf of the City.
2. Employees are encouraged to utilize the City approved voice app on their personal cell phones so that all City calls placed/received, and voicemails are distinct and separate from personal use and can be accessed accordingly for any GRAMA requests. Employees who utilize their personal cell phone numbers for City business agree to subject the entire contents of their device to GRAMA review or for review during any legitimate investigation being conducted by or on behalf of the City.

Access to City provided resources/apps (e-mail, voice, messaging, calendar, etc.) for personal devices will only be granted to City employees who have executed a cell phone policy agreement with the Human Resource Director. Reimbursement levels will be predicated on executed cell phone policy agreements.

10-9 Employee Dress and Personal Appearance

A. Purpose

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

A casual dress code is appropriate for City employees. Employees are expected to present a neat appearance.

B. Field Personnel: Public Works Department Personnel

Employees performing Public Works Department maintenance and operations personnel are allowed to wear jeans or similar attire which is appropriate to the type of work being performed. Field personnel who are provided City-issued clothing are required to maintain and wear that clothing while on duty unless otherwise approved by their Department Head. Public Works management and office personnel will wear business casual or casual dress depending upon their particular job assignment. No shorts or athletic shoes are allowed while at work unless approved in advance by the supervisor.

C. Compliance Requirements

Employees

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

Management and Department Heads

Management and Department Heads are responsible for monitoring compliance with this policy within their respective Departments. Department Heads have the discretion to further determine compliance according to these standards.

Employee Request for Review

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

Exceptions

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

Review and Revision

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

10-10 Outside Activities

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

10-11 Tobacco Free Workplace

The City is subject to and enforces the Utah Indoor Clean Air Act and is committed to providing a safe and healthful work environment. In order to maintain a safe and comfortable working environment, tobacco usage, including smokeless tobacco (dip) and e-cigarettes, in City offices, facilities and vehicles is prohibited.

Because the City may be subject to criminal and civil penalties for violations of applicable tobacco laws, the City will enforce strict adherence to this policy. Employees using tobacco in any tobacco free area may be subject to disciplinary action.

All employees are prohibited from using all tobacco products throughout the workplace, including all City buildings, vehicles, and equipment. Smoking or use of e-cigarettes is prohibited within 50 feet of any entranceway, exit, open window, or air intake of City buildings.

The City encourages and supports employees who want to quit tobacco products. Tobacco cessation programs are available through City health plan providers and through the EAP program. Contact Human Resources for more details.

10-12 Employee Gun Use

Some employees may wish to carry a gun for personal protection. If an employee does so, the employee must have a concealed carry permit as required by law.

With regard to using a gun, Police Officers are the only individuals authorized to use deadly force while acting for and on behalf of the City. Under no circumstances will any other employee use deadly force as a function of their job with the City. If an employee who is not a Police Officer uses deadly force, they will not have the immunities or be entitled to the same indemnity afforded Police Officers.

10-13 Possession of Pornographic Materials

The City prohibits employees from possessing, distributing, or viewing any kind of pornographic materials in the workplace including on City equipment, in vehicles, or on City property. Pornographic materials are strictly prohibited. Employees found to have pornographic materials in their possession, within City equipment, vehicles, or on City property are subject to disciplinary action up to and including termination.

10-14 Drug Free Workplace and Testing Policy

A. Drug Free Workplace

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

B. Zero Tolerance

Employees who refuse or fail to submit to testing or who test positive for use of alcohol and/or illegal/illicit drugs are in violation of this policy, and disciplinary action will be taken against them, up to and including termination.

C. Employee Responsibility

Alcohol and Drug Prohibitions

The use or possession of alcohol during scheduled working hours, including lunch hour, is prohibited. The possession, transfer, sale or use of illegal or illicit drugs or the possession, transfer, sale or use of drug paraphernalia while on City premises or during scheduled working hours is prohibited. Employees reporting or returning to work, whose behavior may indicate the consumption of alcoholic beverages or drugs, legal or illegal, may be referred for drug and alcohol testing and/or medical evaluation to determine fitness for duty.

No employee shall:

1. Report for duty or remain on duty while having an alcohol concentration greater than 0.01.
2. Be on duty or operate a City motor vehicle while possessing alcohol;
3. Use alcohol while performing their daily functions;
4. Use alcohol for eight (8) hours following a work-related vehicle accident or until they undergo a post-accident test, whichever comes first. (The employee must remain available for testing after the accident.);
5. Not refuse to submit to a test for alcohol and/or illegal/illicit drugs as required by this policy;
6. Report for duty or work if the employee tests positive for illegal or illicit drugs;
7. Take anything that will alter the test results;

The City shall not permit an employee:

1. To continue to work after refusing to submit to a required test for illegal/illicit drugs and/or alcohol;
2. To work or continue to work after they have tested positive for illegal/illicit drugs;
3. To represent the City in an official capacity while under the influence or impaired from the influence of alcohol, illegal drugs, or legal drugs;
4. To operate a motor vehicle or engage in safety sensitive functions while on duty for the City while under the influence of medication that may impair their judgment or performance. If an employee

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

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

D. Disciplinary Action

Adverse job performance, attendance problems, behavior changes, harm to self or others, damage to City vehicles, equipment and property as a result of the consumption and usage of illegal/illicit drugs and/or alcohol in violation of this policy, may result in termination of employment with the City. Because of the serious nature of illegal use or abuse of alcohol and/or controlled substances (prescribed or non-prescribed), appropriate employee disciplinary action will be taken, up to and including termination.

E. Voluntary Rehabilitation

Seeking assistance for a drug or alcohol problem before it interferes with job performance and before conviction will not jeopardize an employee's job, whereas unsatisfactory job performance, attendance or behavioral problems will. Employees having a drug or alcohol problem are strongly encouraged to seek help.

Employees voluntarily seeking assistance for alcohol and/or drug problems may contact the Human Resource Director. The Human Resource Director may provide assistance in referring employees to appropriate rehabilitation programs. This assistance, however, does not financially obligate the City for the costs associated with rehabilitation nor is it any guarantee that the employee's job performance will improve. Rehabilitation is the employee's responsibility. The City will allow employees who seek voluntary assistance for alcohol and drug problems to first utilize their sick leave and then their annual leave for rehabilitation. Leave without pay may be requested by the employee and will be considered on an individual case basis.

Employees returning to employment after treatment must first provide the City with certification from a reputable substance abuse program that the employee is sober, has successfully completed the treatment program and has the potential for full recovery. This certification should be signed by a licensed professional medical practitioner that specializes in substance abuse. The employee must agree to follow-up drug and/or alcohol testing and sign a return-to-work agreement.

F. Use of Prescribed Drugs on City Premises

Prescribed drugs brought on City premises may only be used by the person for whom they are prescribed so long as the use of these drugs does not impede the employee's ability to work or affect the safety of the work environment. Any employee who chooses or is medically required to ingest prescribed medications which impede their ability to perform or affect the safety of the work environment shall immediately notify their immediate supervisor of that fact and the time period over which said medications will be taken. Medications used as prescribed which do not impede the employee's job performance or constitute a safety concern, shall not be considered a violation of this policy.

G. Supervisor Training

The City will periodically provide training for supervisors to help them recognize the conduct and behavior that give rise to a reasonable suspicion of alcohol and/or illegal/illicit drug use and the proper application of these policies and procedures.

H. Drug and Alcohol Testing

In order to achieve a drug-free workplace, applicants and employees shall be required to participate in tests for alcohol and/or illegal/illicit drugs under the circumstances outlined below. A prospective employee who refuses to be tested shall be denied employment. Any current employee who refuses or fails to be tested when so required will be subject to the full range of disciplinary action up to and including termination. Illegal/illicit drug testing for applicants should be done using a single sample. All testing of employees for illegal/illicit drug shall be done using the split sample method and all analysis shall be performed by a certified laboratory. The City shall arrange alcohol and/or drug testing in the following circumstances:

1. **Pre-employment** - After a candidate has been extended a conditional offer of employment but before beginning, he/she shall be required to pass an alcohol and/or illegal/illicit drug test. An applicant who tests positive for alcohol and/or illegal/illicit drugs shall be denied employment with the City. Employees rehired after 6-month absences will be subject to pre-employment testing according to this paragraph.
2. **Reasonable Suspicion** - Testing that occurs when a supervisor observes behavior or appearance that is characteristic of the use or abuse of alcohol, illegal/illicit drugs, and/or prescription drugs. The City reserves the right to require an employee to submit to an alcohol and drug test when there is reasonable suspicion that the employee is working under the influence of alcohol and/or drugs. Such examinations shall be conducted on City time and at City expense. Reasonable suspicion shall be based on specific objective facts and reasonable inferences and shall be documented by the supervisor prior to testing and, whenever practical, the supervisor should seek the observations of at least one additional employee, preferably a supervisor.

Factors which may constitute reasonable suspicion include, but are not limited to:

- a. Slurred speech,
- b. Red eyes,
- c. Dilated pupils,
- d. Incoherence,
- e. Unsteadiness of feet,
- f. Smell of alcohol, marijuana, or other controlled substance emanating from the employee's person,
- g. Inability to carry on rational conversations,
- h. Increased carelessness,
- i. Erratic behavior,
- j. Inability to perform on the job, or
- k. Other unexplained behavioral changes.

The Supervisor's Reasonable Suspicion and Post Accident Check Sheet should be used for documentation. Supervisors have a duty to act when they have reasonable suspicion that an

employee has a drug or alcohol problem. Supervisors will coordinate reasonable suspicion testing with the Human Resource Director, who will review the matter with the City Manager prior to testing.

3. **Post-Accident** - Post-accident alcohol and/or illegal/illicit drug testing shall occur as soon as practicable and prior to 24 hours following an accident; a work-related vehicle accident; or accidents causing injury or with possible liability for the City, including worker's compensation liability. Public Safety Officers injured in the line of duty by another person/suspect will not be required to submit an alcohol or drug test unless otherwise required by another policy.

The employee's supervisor shall notify the City Designated Agent as soon as possible after the accident and arrange for testing. If alcohol use is suspected, alcohol testing should be done within two (2) hours, but in no case after eight (8) hours. If an employee leaves the scene of an accident before the required test is administered, or fails to remain readily available for testing, it may be deemed by the City that the employee has refused to submit for testing. For accidents involving the holder of a CDL license, the driver is to be tested for alcohol and controlled substance abuse, as soon as possible, if the accident resulted in a fatality or the driver received a citation for a moving traffic violation arising from the accident. Federal Motor Carrier Safety Administration has set forth the following timetable for action:

4. **Random** - Required for:
 - a. Commercial Driver's License (CDL) holders. (See "Commercial Driver's License Holders" section below.)
 - b. Employees in safety sensitive positions. (See "Safety Sensitive Positions" section below.)
5. **Pre-Promotion/Transfer** - Prior to being promoted or transferred, employees must pass an alcohol and/or illegal/illicit drug test. Part-time employees being hired into full-time positions are subject to testing as defined in pre-employment above.
6. **Return-to-Duty and Follow-up** - Testing conducted:
 - a. When an employee returns to duty following voluntary drug and/or alcohol rehabilitation. (See b. "Voluntary Rehabilitation".)
 - c. Following other medical leave of absence.

Once notified of selection for testing, an employee must proceed to a collection site to accomplish the appropriate specimen collection. (See "Collection Procedures" below.) Employees who test positive shall be immediately suspended with pay until a pre-disciplinary hearing is held, and where found in violation of this policy, may have their employment with the City terminated. An employee who is denied promotion/transfer or is disciplined as a result of a confirmed positive test result may appeal the action in accordance with Appeals/Grievance Procedures.

7. **Return to Duty/Follow-Up Testing**

Holders of a CDL license found to be in violation of the City's alcohol and/or drug policies must pass a return-to-duty test before engaging in safety-sensitive functions. When the holder of a CDL license requests assistance from the City in resolving problems associated with alcohol or drug abuse, he/she will be subject to unannounced follow-up testing by the City. A substance abuse professional shall

specify the number and type of tests required, with at least six tests being conducted during the first two months the driver returns to duty. The tests can be conducted only when the driver is performing safety-sensitive functions or just before or after performing safety-sensitive functions.

8. Random Testing of Commercial Driver's License (CDL) Holders

City positions that require or employees that possess a CDL driver's license are also subject to random drug and alcohol testing under the federal requirements of the DOT as set forth under Title 49 CFR, Part 382, or successor regulations. CDL holders are employees who are required to maintain a commercial driver's license ("CDL") to drive a commercial motor vehicle for the performance of their job duties. A commercial motor vehicle includes any motor vehicle used to transport passengers or property if the vehicle has a gross combination weight rating of 26,001 or more pounds inclusive of a towed unit with a gross vehicle weight rating of more than 10,000 pounds; or, a gross vehicle weight rating of 26,001 or more pounds; or, is designed to transport 16 or more passengers, including the driver; or, is of any size and is used to transport materials that are hazardous for the purposes of the Hazardous Materials Transportation Act and that require the motor vehicle to be placarded under the Hazardous Materials Regulations. Firefighters and Police Officers are excluded. CDL holders are subject to the following alcohol and drug prohibitions in addition to those previously stated in this policy.

No CDL holder shall perform CDL functions within four (4) hours after using alcohol; No CDL holder shall perform or continue to perform any safety-sensitive functions for a minimum of 24 hours if an alcohol test indicates an alcohol concentration of 0.01 or greater; and, Once the City has knowledge, the City will not permit a CDL holder:

- a. To perform or continue to perform CDL functions with an alcohol concentration of 0.01 or greater;
- b. To perform or continue to perform CDL functions if they have used alcohol within four (4) hours of duty.

Random testing for alcohol and/or illegal/illicit drugs for CDL holders shall be limited to; alcohol, marijuana, cocaine, amphetamines, opiates and phencyclidine.

9. **Supervisor Training** - The City will provide a minimum of one (1) hour of training annually for supervisors of CDL holders as identified in this policy and as required by DOT. This training will be directed towards helping supervisors of said employees to recognize the conduct and behavior that give rise to a reasonable suspicion of alcohol and/or illegal/illicit drug use and the proper application of the procedures to follow. In addition, each year a representative from the City's employee assistance program (EAP) will train these supervisors in using the EAP for drug or alcohol problems relating to employees.

Supervisors who must receive this training are:

- a. Parks Superintendent,
- b. Water Superintendent,
- c. Sewer Superintendent
- d. WRF Superintendent,
- e. Streets Superintendent,

f. Facilities Superintendent.

10. **Employee Training** - The City will provide to all CDL holders at least one (1) hour annual training on the dangers of alcohol and/or illegal/illicit drugs, the City's Drug Free Workplace policy, testing requirements, and how and where employees can get help for alcohol and/or substance abuse.
11. **Random Testing** - Random testing is a system of drug or alcohol testing imposed without suspicion. The testing dates and times are unannounced and are with unpredictable frequency throughout the year. The minimum annual percentage rate for random illegal/illicit drug testing shall be 50% of all City employees whose positions require them to be CDL holders. The minimum annual percentage rate for random alcohol testing shall be 25% of all City employees whose positions require them to be CDL holders. If DOT adjusts the above percentage rates, the above rates shall be considered amended to the new percentages adopted by DOT, effective immediately upon adoption by DOT.

12. Random Testing of Safety Sensitive Positions

Safety sensitive positions shall be subject to the same random alcohol and drug testing, training requirements and prohibitions as CDL holders except that the percentage of employees tested shall be determined by the City Manager/Personnel Officer and may be changed from time to time. At present, 25% of safety sensitive positions will be random tested for alcohol and drugs each year. Safety sensitive positions will be pooled separately. Positions considered safety sensitive shall include, but not limited to:

- a. Chief of Police
- b. Assistant Police Chief
- c. Police Sergeant
- d. Sworn Police Officers
- e. School Crossing Guards
- f. Animal Control Officer
- g. Investigations/Evidence Clerk
- h. Recreation Complex & Aquatics Supervisor
- i. Sports and Recreation Manager
- j. Swimming Instructor
- k. Lifeguards
- l. Public Works Director
- m. Parks Superintendent
- n. Water Superintendent
- o. Sewer Superintendent
- p. Water Reclamation Facility Superintendent
- q. Streets Superintendent
- r. Facilities Superintendent

Further any positions that meet the following criteria will also be classified as safety sensitive:

13. Criteria

Where the employee's performance of assigned duties could create a safety hazard that could cause injury or harm to the employee, other employees or citizens, or cause damage to property. City Safety-Sensitive positions include, but are not limited to:

- a. Those that require the operation of a vehicle and/or motorized equipment, such as cars, trucks of any size, tractors, mowers, weeders, trimmers, trash compactors, saws, and drills in order to perform their jobs;
- b. Those who choose to drive a City vehicle;
- c. Those whose duties involve the construction of facilities;
- d. Those that are involved in the maintenance of facilities, streets, or vehicles;
- e. Those that use and/or handle hazardous materials/chemicals; and
- f. Those positions that include the care, custody, or control of children, actual or perceived.

14. Confidentiality of Test Results

Results and records of tests for alcohol and/or illegal/illicit drugs are to be maintained under strict confidentiality by the City. Only those with a need to know are to be informed of test results. They cannot be released to others without the written consent of the employee, or as otherwise required by law or court order. Exceptions to these confidentiality provisions are limited to:

- a. DOT agencies when license or certification actions are required, or
- b. To a decision maker in arbitration, litigation or administrative proceedings arising from a positive drug test, or
- c. From the City's determination that the employee engaged in conduct prohibited regulations including but not limited to a worker's compensation, unemployment compensation or other proceeding related to a benefit sought by the employee.

The employee, upon written request, may obtain copies of any records pertaining to their alcohol or illegal/illicit drug testing.

15. City Designated Agent

The Human Resources Director is the City's designated agent to receive drug and alcohol testing results from the laboratory, breath alcohol technicians (BAT) or the medical review officer (MRO). When the Human Resources Manager is unavailable, the City Recorder shall serve as the City's Designated Agent.

16. Test Procedures, Records and Definitions

When a test for illegal/illicit drugs is required under the provisions of this policy, the test will be performed from urine specimens collected either at a qualified collection site or at a designated work location by a qualified collection specialist. All specimens will undergo an initial Enzyme Multiplied Immunoassay Technique (EMIT) test. Any positive results from this analysis will be confirmed through a Gas Chromatography with Mass Spectrometry (GC-MS) test. Any positive results from this latter analysis will be reviewed by the City Designated Agent. When a breath alcohol test is required under this policy, it will be performed according to DOT standards by a certified breath alcohol technician (BAT). The following is a list (but not limited to) of the substances tested for, along with the minimum

concentrations that will indicate a positive test result. (Note: Random testing for CDL holders, safety sensitive and executive staff positions shall be limited to alcohol, marijuana, cocaine, amphetamines, opiates and phencyclidine.

17. Collection Procedures

The collection site person shall follow DOT regulations, to collect all specimens. The following are highlights of the regulations:

- a. Donor shall be positively identified by the collection site person through photo identification or identification by the employer's representative.
- b. The collection site person must request the donor to remove any unnecessary outer garments (i.e. coat or jacket) that might conceal items or substances that could be used to tamper with or adulterate their urine specimen.
- c. The collection site person must ensure that all belongings (i.e. a purse or a briefcase) remain with the outer garments.
- d. Donor will be required to wash and dry their hands prior to specimen collection. After washing hands, the donor must remain in the presence of the collection site person and may not have access to any water fountain, faucet, soap dispenser, cleaning agent or any other materials that could be used to adulterate the specimen.
- e. The collecting of urine specimens must provide privacy to the donor unless there is a reason to believe that a donor may alter or substitute the specimen to be provided.
- f. Donor must be provided with a sealed, single use specimen collection container.
- g. Immediately after the specimen has been submitted to the collection site person, the donor may wash their hands.
- h. If the donor is unable to produce a sufficient amount of urine for testing, the donor will be given up to two (2) hours to provide a sufficient specimen. If still unable to provide a specimen, the donor shall be referred to the medical review officer.
- i. Collection site person shall measure the temperature of the specimen within four (4) minutes, examine the color of the specimen and securely place the identification label on the specimen bottle in the presence of the donor.
- j. Donor shall be required to initial the label on the specimen bottle and sign a chain of custody form certifying the specimen identified has been collected from them.
- k. The completed chain of custody form shall accompany the specimen to the testing laboratory.

18. Chain of Custody

A secure written Chain of Custody process will be implemented from the time of the collection of the specimen until the specimen is disposed of or secured in frozen long-term storage.

19. Confirmation of Test Results

Applicants - A job applicant whose breath alcohol screening test (if required) yields an alcohol concentration of 0.01 or greater will be required to submit to a second or confirmation test. A second test with a result of 0.02 or more is considered positive. If the second test is required, the breath alcohol technician will use an evidential breath testing (EBT) device that prints out the results, date

and time, a sequential test number, and the name and serial number of the EBT to ensure the reliability of the results.

When a job applicant's initial drug analysis yields a positive result, a second analysis shall be performed, from a portion of the same urine specimen, using the gas chromatography/mass spectrometry (GC/MS) method. The applicant will be contacted, with the test results, either by phone or in writing by the City Designated Agent.

Employees - An employee whose breath alcohol test yields an alcohol concentration of 0.01 or greater will be required to submit to a second or confirmation test. A second test with a result of 0.02 or more will be considered positive. If the second test is required the breath alcohol technician will use an evidential breath testing (EBT) device that prints out the results, date and time, a sequential test number, and the name and serial number of the EBT to ensure the reliability of the results. When an employee's initial drug analysis yields a positive result, a second analysis shall be performed, from a portion of the same urine specimen, using the gas chromatography/mass spectrometry (GC/MS) method. If the second analysis confirms the positive result, the City Designated Agent must make a reasonable effort to contact the employee directly, on a confidential basis, to discuss the test result. The City Designated Agent shall review and interpret the drug test and examine alternate medical explanations for any positive test result.

If the employee provides appropriate documentation and it is determined that it is legitimate medical use of a prohibited drug, the drug test result is reported as a negative to the employer. If the employee fails to contact the City Designated Agent within 5 days from the date contacted or the employee expressly declines the opportunity to discuss the test, the Designated Agent may verify the test as positive. Following the verification of a confirmed positive test result, the testing agent shall notify the City Designated Agent. The results of a positive drug test shall not be released until confirmed. The City Designated Agent may then refer the employee to the City's EAP.

Following verification of a positive confirmed test, the employee may request a second test (which shall be made from the split sample) by notifying the City Designated Agent within 72 hours of notification of a positive drug test. The City Designated Agent will then direct the laboratory in writing to provide the split specimen to another certified laboratory for analysis. The cost of the split specimen test must be paid in advance by the employee. If this test yields a positive result, that will be the final result. If this test yields a negative result that will be considered the final result and the City will reimburse the employee for the cost of this test.

20. Records Retention

The City's designated agent shall maintain records of its alcohol misuse and controlled substance use prevention programs as provided in this policy. These records shall be maintained separate from personnel records, in a secure location with controlled access. Records relating to drug and alcohol testing must be made available to the Secretary of Transportation, any DOT agency, any state or local official with regulatory authority over the employer or any of its drivers. Post-accident records must be made available to the National Transportation Safety Board when requested.

The DOT requires that the records be maintained for the time periods set forth below:

Five (5) Years:

- a. Alcohol tests with results showing an alcohol concentration of 0.01 or greater;

- b. Drug tests with verified positive results for illegal/illicit drugs;
- c. Documentation of refusal to take drug/alcohol tests;
- d. Documentation of calibration of evidential breath testing devices;
- e. Employee testing records and referrals for rehabilitation;
- f. Annual calendar year summaries;
- g. Documentation of employee personal information, job description, type of illegal/illicit drugs tested and disposition of findings;
- h. Records documenting the collection process conforms to Part 40.25 of Title 49 CFR, or successor regulations;
- i. Training records of employees required to maintain a CDL and their supervisors;
- j. Records of number of employees tested by type of test.
 - a. Two (2) Years:
 - k. Records related to the drug and alcohol collection process (except calibration of evidential breath testing devices);
 - a. One (1) Year
 - l. Records of negative and canceled drug tests.

21. Definitions

Alcohol means the intoxicating agent in beverage alcohol, ethyl alcohol or other low molecular weight alcohols including methyl and isopropyl alcohol.

Alcohol Use means the consumption of any beverage, mixture or preparation, including any medication, containing alcohol.

Alcohol Concentration (or content) means the alcohol in a volume of breath expressed in terms of grams of alcohol per 210 liters of breath as indicated by an evidential breath testing device.

Blind Performance Test Specimen is a non-employee urine specimen submitted to the laboratory to verify testing control quality procedures.

Breath Alcohol Technician (BAT) is a trained individual that conducts the breath test to determine the alcohol concentration in an individual.

Chain of Custody means the procedure to account for the integrity of each specimen by tracking its handling and storage from the point of specimen collection to final disposition.

Controlled Substance means a drug or substance as defined in federal and state law.

Drug or Controlled Substance Test means a generally accepted and proven analysis of a urine sample for the presence of controlled substances provided by an employee or prospective employee processed at a certified laboratory.

Employee means an individual who holds a recognized position with Moab City and is paid a wage or salary.

Employee Assistance Program (EAP) means a counseling program that offers assessment, short-term counseling, and referral services to employees for a wide range of drug, alcohol, and mental health problems, and monitors the progress of employees while in treatment.

Evidential Breath Testing device (EBT) is a device approved by the National Highway Traffic Safety Administration to test the breath for alcohol consumption.

Illegal/Illicit Drug is defined by Section 802(6) of Title 21 of the United States Code, the possession or consumption of an unlawful substance, under Chapter 13 of the Title.

Negative Alcohol Test means a test showing an alcohol concentration of less than 0.01

Negative Drug Test means a drug test result that was negative on an initial FDA approved immunoassay test.

On-Duty means all time from the time an employee begins work or is required to be in readiness to work until the time he/she is relieved from work and all responsibility for performing work.

Positive Alcohol Test means an initial test showing an alcohol concentration of 0.01 or greater and a confirmed test with an alcohol concentration of 0.02 or greater.

Positive Drug Test means a test result that was positive for the initial FDA approved immunoassay test, confirmed by a gas chromatography/mass spectrometry assay.

Random Selection is a selection process based on a scientifically valid selection method which assures that all covered employees have an equal chance of being tested.

Sample means urine, blood, or breath specimen.

Split Urine Sample means a portion of the urine sample provided by the donor at the time of collection, poured into a separate specimen bottle, sealed in the presence of the donor, and shipped to the laboratory.

Substance Abuse Professional means a licensed physician, or a licensed certified psychologist, social worker, employee assistance professional or addiction counselor with knowledge of and clinical experience in the diagnosis and treatment of alcohol and illegal/illicit drug related disorders.

Supervisor means an employee having authority to direct, assign.

10-15 Workplace Searches

The City reserves the right to question employees based on reasonable suspicion and all other persons entering and leaving City premises, and to inspect any packages, parcels, purses, handbags, briefcases, lunch boxes or any other possessions or articles carried to and from the City's property. All offices, desks, computers, electronic files, hard files, lockers, etc., are the property of the City and are issued for the use of employees only during their employment. Inspections may be conducted at any time at the discretion of the City. No expectations of privacy exist regarding City owned property. Any and all inspections will be conducted in compliance with federal and state law, including the 4th Amendment.

10-16 Political Activity

Employees can hold elected offices, be voting district officers, and be county, state, or national delegates in the parties of their choice. Employees may not hold a city elected office while an employee of the City.

Under Utah Code Annotated Section 10-3-1108, except as otherwise provided by federal law:

1. the partisan political activity, political opinion, or political affiliation of an applicant for a position with a municipality may not provide a basis for denying employment to the applicant;
2. An officer or employee's partisan political activity, political opinion, or political affiliation may not provide the basis for the officer or employee's employment, promotion, disciplinary action, demotion, or dismissal;
3. A municipal officer or employee may not engage in political campaigning or solicit political contributions during hours of employment;
4. A municipal officer or employee may not use municipal equipment while engaged in political activity;
5. A municipal officer or employee may not directly or indirectly coerce, command, or advise another municipal officer or employee to pay, lend, or contribute part of the officer or employee's salary or compensation, or anything else of value to a political party, committee, organization, agency, or person for political purposes; and
6. A municipal officer or employee may not attempt to make another officer or employee's personnel status dependent on the officer or employee's support or lack of support of a political party, affiliation, opinion, committee, organization, agency, or person engaged in political activity.

A municipal employee who has filed a declaration of candidacy may:

1. Be given a leave of absence for the period between the primary election and the general election; and
2. Use any vacation or other leave available to engage in campaign activities.

If a municipal officer or employee is elected to a public office, the employee may:

1. Be given a leave of absence without pay for the time during which the employee receives compensation for service in the public office; and
2. Use any vacation or other leave available to serve in the public office.

Neither the filing of a declaration of candidacy nor a leave of absence under this section may be used as the basis for an adverse employment action, including discipline and termination, against the employee.

Nothing in this section may be construed to:

- b. prohibit a municipal officer or employee's voluntary contribution to a party or candidate of the officer or employee's choice; or
- b. permit a municipal officer or employee's partisan political activity that is prohibited under federal law.

10-17 Procurement Policy

A. General Policy

The City of Moab shall comply with all applicable federal laws and regulations, state laws, and City ordinances and resolutions regarding the procurement of goods, services, and contracts. A complete copy of the City purchasing policy may be obtained from the City website at www.moabcity.org. For further information, contact the Recorder's Office.

B. Credit Cards

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

10-18 Maintenance of Valid Driver's License

If, for any reason during employment, an employee is unable to maintain the appropriate valid Utah driver's license or commercial driver's license required by the employee's position or for any other reason becomes uninsurable (under the City's insurance policy then in force without any additional premiums or costs being incurred by the City to insure that employee), that employee must inform his or her supervisor immediately. The supervisor will then inform the Department Director and the Human Resource Director. Employees may not drive any city vehicles or operate any City equipment without a valid Utah Driver's License. This policy only applies to employees whose position requires them to drive a motor vehicle as part of the essential functions of their respective positions.

The Human Resource Director, City Manager/Personnel Officer and Department Director will then review the situation, considering such things as the nature of the job and the expected duration of time the employee will be without a driver's license, and decide the appropriate action to be taken.

The Human Resources Department shall at least annually review the status of employee driver licenses with the State Driver's License Division.

A. Penalties for Failure to Maintain Driver's License or for Failure to Notify

Failure to maintain a valid Utah driver's license or a commercial driver's license in a position that requires such or failure to notify a supervisor of being uninsurable or a change in status of an employee's driver's license when such license is a job requirement may subject the employee to disciplinary action, including, but not limited to, termination.

10-19 Acceptance of Gifts

City employees must be fair and impartial in their business dealings with the public and serve all citizens equally. It is not enough to avoid favoritism. Employees should strive to avoid even the appearance of giving preference to one citizen or business over any other. No official or employee shall directly or indirectly solicit any gift or accept or receive any gift whether in the form of money, services, loan, travel, entertainment,

hospitality, promise, clothing or any other consideration from which it could be reasonably inferred that the gift was intended to influence them in the performance of his or her official duties or was intended as a reward for any official action on their part. Nominal gifts of \$50 or less on an infrequent basis shall not constitute a violation of this policy. The City Manager/Personnel Officer shall have the authority to reasonably interpret this policy.

10-20 Employee Discipline

The City expects from its employee's integrity; mutual respect and courtesy; effective and efficient performance; considerate customer and citizen relations; responsiveness; and loyalty. Employees are expected to conduct themselves in an appropriate manner. To maintain the City's desired level of performance, and to protect the citizens, other employees, City property, and City interests, the City has established certain standards of conduct. All employees are expected to adhere to the City performance and conduct standards.

These standards were established for the guidance of all employees. They are intended to provide examples of types of conduct that are not acceptable and will lead to disciplinary action. The list should not be considered all-inclusive. Department policies must be followed in conjunction with these policies.

A. Standards of Conduct - Critical Offenses

Critical offenses are violations of the City's Standards of Conduct that, depending on the circumstances, may be sufficiently serious as to justify termination without regard to the employee's length of service or prior record of conduct or disciplinary action. The list should not be considered all-inclusive.

1. Disclosing confidential City, employee, and/or citizen information to anyone without prior authorization;
2. The unauthorized removal, falsification, intentional release of, or alteration of City records and/or documents such as, but not limited to, the employment application, drug or alcohol testing documentation or consent forms, records of hours worked (e.g., time clock fraud or attendance records), or any other official and/or confidential document;
3. Conviction of a felony or conviction of a misdemeanor that reflects negatively on the ability to perform an employee's job duties and responsibilities.
4. Theft of any kind.
5. The willful or grossly negligent destruction, abuse, or damage of City property or the property of its employees.
6. Conduct detrimental to the City.
7. The unlawful distribution, possession, consumption, purchase, sale, or manufacture of intoxicants or illegal substances while on City property or during work hours and/or reporting to work under the influence of such intoxicants.
8. Disorderly conduct while performing job duties, including, but not limited to, threatening, intimidating, bullying, fighting, coercing, sexually harassing, or physically assaulting City personnel, visitors, or citizens.
9. Possession of weapons or firearms on City property except as specifically allowed by law.
10. Insubordination, disrespectful behavior towards a manager or supervisor or the refusal to obey a legitimate directive from the supervisor or designated supervisor (not to be confused with the employee's inability to perform the job).
11. Failure to report for duty or unauthorized absence.

12. Violation of City policy against unlawful harassment or discrimination (including, without limitation, sexual harassment), Alcohol and Drug Abuse, Possession of Pornographic materials in the workplace, Tobacco Free Workplace, or Crime Free Policies.
13. Dishonesty, deceit, or fraud.

B. Standards of Conduct - Serious Offenses

Serious offenses are violations of the City's Standards of Conduct that, depending on the circumstances, may justify disciplinary action up to and including termination. The list should not be considered all-inclusive.

1. Excessive absenteeism and/or tardiness. Failure to use proper call-in procedure for reporting absences.
2. Failing to inform the Human Resources Director about the use of or being under the influence of prescription drugs that can interfere with the employee's ability to safely perform job duties or operate machinery or City vehicles in a safe manner.
3. Any violation of City departmental policies or procedures.
4. Disregard for safety rules.
5. Failure to follow specified job instructions.
6. Failure to work harmoniously with other employees.
7. Unauthorized solicitation on City premises.
8. Creating or contributing to unsanitary conditions.
9. Unauthorized operation of tools, machinery, or equipment.
10. Gambling on City premises.
11. Failure to report an injury or accident.
12. Unauthorized sleeping on the job during work hours or leaving the site early without permission.
13. Failure to maintain production and performance standards.
14. Repeated violation of rules and procedures.
15. Any conduct which reflects negatively on the character of the employee or the City.
16. Non-exempt employees working unauthorized overtime.

C. Corrective Disciplinary Action Overview

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

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

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

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

D. Disciplinary Action

Except in cases of critical or serious offenses, which may result in termination without prior progressive discipline, the City generally uses a progressive disciplinary action procedure to resolve employee performance problems. A fact-finding meeting will be held with the employee and Department Head or designee to discuss allegations prior to disciplinary action being taken. The process requires that the Department Head and/or designee be involved in all aspects of the disciplinary process. Disciplinary action must be documented in writing and may include the steps set out below. However, depending on the seriousness of the offense, the City may elect to proceed directly to a written warning or a pre-determination meeting.

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

E. Verbal Warning

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

F. Written Warning

Should further discipline be required after the verbal warning, the Department Head may issue a formal written warning, specifying the problem and the improvement required, a copy of which is placed, along with supporting documentation and the verbal warning, in the employee's personnel file in the Human Resource Department. The disciplinary action is presented by the Department Head with the Department Head and/or supervisor present at the meeting. The employee will be asked to read and sign the warning.

At the Department Head's discretion, the written warning will be active for one year from the date of presentation to the employee. If the employee is subjected to further disciplinary action for any reason during the one-year period, the existence of a prior verbal or written warning may justify increasing the level of disciplinary action for any subsequent misconduct. In addition, the City may consider written or verbal warnings from prior years in determining disciplinary action for misconduct in subsequent years if it appears that the employee has engaged in a pattern of inappropriate conduct or poor work performance over time.

The employee receives a copy of the warning. Another copy is placed in the employee's file in the Human Resources Department. The written warning serves as notification that if the problem is not corrected, the consequences will result in severe disciplinary action or termination.

G. Pre-Determination Hearing

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

If it is determined that a pre-determination hearing is appropriate, the Department Head shall conduct the hearing with the department supervisor and Human Resources present to offer input. Written notice of the disciplinary hearing shall be given to the employee at least two (2) business days before the hearing is held. The notice shall describe the facts relating to the employee's misconduct and refer to the relevant sections of this Handbook and applicable laws, policies and procedures. The employee should also be told he/she may bring evidence or witnesses that the employee believes relevant to the hearing. The employee is not entitled to be represented by an attorney or other counsel at the pre-determination hearing.

The Department Head, in conjunction with the Human Resource Director, will be responsible for maintaining a written record of the hearing. Following the pre-determination hearing, the Department Head shall present any recommendation for discharge, suspension without pay of two or more days, or reassignment with less remuneration to the City Manager for approval. The final decision shall be presented to the employee by the Department Head, supervisor, and the Human Resource Director within fourteen (14) calendar days from the date of the hearing. The Department Head may request an extension of up to a maximum of thirty (30) calendar days from the date of the hearing.

H. Required Approval of City Manager

Only the City Manager may discharge an employee. Prior to the effective date of any discharge, suspension without pay for more than two days, or reassignment with less remuneration, an employee may request a meeting with their Department Manager and/or the City Manager or the Assistant City Manager, as determined by the City Manager, to discuss the decision. The employee must request the meeting within five (5) business days after receipt of the disciplinary decision from their Department Head.

I. Severe Disciplinary Action

If the employee does not show improvement in their performance, he/she may be suspended without pay, demoted, and/or terminated. Prior to initiating severe disciplinary action, it is the responsibility of the Department Head to conduct the predetermination meeting with the employee, with the department supervisor and Human Resources present. The employee is asked to read and sign the action. A copy of the disciplinary action will be given to the employee, and the original with applicable documentation is

placed in the employee's file in the Human Resource Department. At the Department Head's discretion, the disciplinary action will be active for one year from the date it is presented to the employee. The disciplinary action will stipulate that if the performance problem is not corrected, the consequences will result in termination of employment. Suspension of less than two days may be applied only with prior approval of the Department Head and Human Resources. As specified in Utah Code Ann. §10-3-1106, any employee with a property interest in their job, (excludes employees in appointed positions) are entitled to take advantage of the appeal process if there is a suspension of more than two days without pay.

J. Termination

If the final pre-determination hearing decision is to terminate the employee's employment, the Department Head shall confer with the Human Resource Director and the City Manager prior to formulating the termination document and presenting it to the employee. Only the City Manager has the final authority to terminate an employee's employment.

The disciplinary action document should set forth the reasons for termination. The Human Resource Director must be informed of any pending employee termination. The Department Head must contact the Human Resource Director prior to terminating an employee to coordinate the preparation of final wage and benefit payments and prepare an exit letter explaining termination and COBRA information. The termination document will include the reasons for termination. It will also inform the employee of the termination appeals process.

The Department Head conducts the termination meeting with the department supervisor, Human Resource Director, and/or City Manager. If the employee does not appear at the termination meeting, the termination letter will be mailed to that person at the current address with the City. The Human Resource Director will be responsible for maintaining a written record of the meeting. The employee will be asked to sign the termination document and given a copy for their personal records.

Section 11 – Grievance Procedure

11-1 Complaint Procedure

Employees who have an issue or concern about the working conditions shall have the opportunity to discuss the issue with management. The first step is a discussion of the issue or concern with the employee’s immediate supervisor. If a satisfactory resolution is not reached, the employee shall have the right to pursue the issue through the City’s chain of command. If the employee does pursue the issue, it shall be their responsibility to inform the manager at each level of the intent to pursue resolution to the next level. The final step of this process shall be a discussion with the City Manager whose determinations shall be final. All responses should be completed at each level within 15 days unless there are mitigating circumstances.

Employees are encouraged to report issues and concerns within 30 days. Any reports after 30 days will still be reviewed.

The complaint procedure is intended to allow employees to address concerns or issues about their compensation; benefits; any informal disciplinary or corrective action that may lead to reassignment, suspension, or termination; promotion or transfer decision; violation of City policy or procedure; safety concern; or other similar issue or concern. It is not intended to allow an employee to challenge every management decision or direction with which the employee disagrees or to unreasonably interfere with a manager’s ability to manage or direct the work of employees. Employees should consult with Human Resources if they have questions about the application of the complaint procedure.

Notwithstanding the foregoing, this complaint procedure does not apply to issues that involve a transfer with less remuneration, suspension of more than two days without pay, or discharge. Those issues should be addressed through the section above and through the employee transfer and discharge appeal rights and procedure policy.

11-2 Employee Transfer and Discharge Appeal Rights and Procedure

Except as otherwise provided in [Utah Code Section §10-3-1105\(2\)](#) as amended, any employee who is discharged, suspended for more than two days without pay, or involuntarily transferred from one position to another with less remuneration for any disciplinary reason shall have the right to appeal the decision to an Employee Transfer and Discharge Hearing Officer as set forth in Utah Code Sections 10-3-1105 and 10-3-1106, as amended, and applicable City ordinance.

Notwithstanding the foregoing, this provision does not apply to an employee who is discharged or involuntarily transferred to a position with less remuneration if the discharge or involuntary transfer is the result of a layoff or reorganization or other non-disciplinary reason.

Pursuant to [Utah Code Section §10-3-1105\(2\)](#), as amended, the Employee Transfer and Discharge appeal rights do not apply to the following positions:

1. City Manager
2. Assistant City Manager
3. City Attorney
4. City Recorder
5. City Engineer

6. Police Chief
7. Assistant Police Chief
8. The head or the deputy to the head of a municipal department or division, including but not limited to:
 - a. Finance Director
 - b. Human Resource Director
9. Superintendents
10. Probationary Employee
11. Seasonal or temporary employee
12. Person who works in the office of an elected official
13. Secretarial or Administrative support position that is specifically designated as a position to assist an elected official or the head or deputy head of a municipal department

Employee Transfer and Discharge appeal rights also do not apply to employees employed on an at-will basis or otherwise exempt as allowed by Utah Code Section 10-3-1105(2)(a) and (e).

Nothing in [Utah Code Sections §10-3-1105](#) or [§10-3-1106](#) as amended may be construed to limit a municipality's ability to define cause for an employee termination or reduction in force.

An employee to which Utah Code Section 10-3-1105 applies may not be discharged, suspended, or involuntarily transferred to a position with less remuneration because of the employee's politics or religious belief, or incident to, or through changes, either in the elective officers, governing body, or heads of department.

Appeals to the Employee Transfer and Discharge Hearing Officer shall be taken by filing written notice of the appeal with the City Recorder within ten calendar days of the discharge, suspension without pay, or involuntary transfer.

Upon the filing of the appeal, the City Recorder shall forthwith refer a copy of the same to the Human Resource Director and Hearing Officer. Upon receipt of the referral from the City Recorder, the Hearing Officer shall forthwith commence their investigation, take and receive evidence and fully hear and determine the matter which relates to the cause for the discharge or transfer.

The Hearing Officer shall have the power to subpoena witnesses and compel the production of evidence. The scope of the inquiry of the Hearing Officer shall be limited to determine if the City has proven the facts supporting the allegations made against the employee by substantial evidence and that the disciplinary sanction is proportionate to the alleged misconduct and consistent with discipline imposed against other similarly situated employees with appeal rights. Discovery shall be limited to that information which was considered in making the decision which is being appealed. The Hearing Officer is not required to follow the Utah Rules of Civil Procedure or the Utah Rules of Evidence.

The employee shall be entitled to appear in person and to be represented by counsel (at the expense of the employee), to have a public hearing, to confront the witness whose testimony is to be considered, and to examine the evidence to be considered by the Hearing Officer.

The decision of the Hearing Officer shall be certified to the City Recorder no later than 15 days after the day on which the hearing is held. The City Recorder shall certify the decision to the Human Resource Director, the employee affected, and to the head of the department from whose order the appeal was taken. For

good cause, the hearing officer may extend the 15-day period to a maximum of 60 calendar days if the employee and the City both consents.

In the event that the Hearing Officer does not uphold the discharge, or transfer, the Hearing Officer shall provide that the employee shall receive the employee's salary for the period of time which the employee is discharged or suspended without pay less any amounts the employee earned from other employment during this period of time; or any deficiency in salary for the period during which the employee was transferred to a position of less remuneration. The employee shall be paid his salary commencing with the next working day following the certification by the City Recorder of the Hearing Officer's decision, provided that the employee, or officer, concerned reports for his assigned duties during that next working day.

A final action or order of the Hearing Officer may be reviewed by the Court of Appeals by filing with that court a petition for review within 30 days after the issuance of the final action or order of the Hearing Officer. The Court of Appeals' review shall be on the record of the Hearing Officer and for the purpose of determining if the Hearing Officer abused their discretion or exceeded the Hearing Officer's authority.

11-3 Appeals Authority

Hearing Officer: The appointed appeals authority shall consist of a hearing officer appointed by the Mayor with the advice and consent of the City Council.

Compensation: The hearing officer may receive compensation for services.

Term: The term of the Hearing Officer shall be for a period of three calendar years.

Eligibility for Reappointment: The hearing officer shall be eligible for reappointment or re-election.

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

Section 12 - Safety and Risk Management

12-1 General Policy

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

1. Proper training and/or licensing is required by all employees operating any type of power equipment.
2. Employees will use safety equipment appropriate to the job, such as safety glasses, gloves, toe guards, back supports, and hard hats, if required or appropriate to the work performed.
3. Employees shall avoid wearing loose clothing and jewelry while working on or near equipment and machines. Long hair shall be properly secured. Employees must also adhere to additional Department policies.
4. Employees shall report defective equipment will immediately.
5. Employees will not operate equipment or use tools for which licensing and training has not been received.
6. In all work situations, safeguards required by State and Federal Safety Orders will be provided and followed.
7. Due to the potential risk, employees are prohibited from entertaining, or caring for, guests or family members in or around inherent dangerous work areas. These areas include, but are not limited to:
 - a. Road repair sites;
 - b. Construction areas;
 - c. Vehicle maintenance areas;
 - d. Animal control incidents;
 - e. Sewer facilities.
8. Seatbelts must always be worn while operating a City vehicle or a personal vehicle while conducting City business. Employees found not wearing their seatbelts are subject to disciplinary action.
9. All employees are required to comply with the City's safety standards. Current employees who pose a direct threat to the health or safety of themselves or other individuals in the workplace will be placed on leave until an organizational decision has been made regarding the employee's immediate employment situation.

12-2 Proper Use of City Equipment and Tools

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

Employees shall be required to attend training, provided by the City; including an explanation of job hazards, safety procedures, and training on all equipment, tools, etc., necessary for the accomplishment of the employee's job description. Employees may attend additional training as approved.

A commercial driver's license (CDL) is required for operators of commercial motor vehicles. No individual shall be allowed to operate such vehicles unless they have a current commercial driver's license in their

possession. This license is required pursuant to the Commercial Motor Vehicle Safety Act, signed into law on October 27, 1986. Employees must renew their commercial driver's license at four-year intervals.

Operators and passengers in a business-use vehicle equipped with seat belts must wear them when the vehicle is in operation, and all employees operating vehicles shall observe all state and local traffic laws.

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

Equipment essential in accomplishing job duties is often expensive and may be difficult to replace. When using property, employees are expected to exercise care, perform required maintenance, and follow all operating instructions, safety standards and guidelines.

Employees should notify their supervisor if any equipment, machines, or tools appear to be damaged, defective, or in need of repair. Prompt reporting of loss, damages, defects, and the need for repairs could prevent deterioration of equipment and possible injury to employees or others. The employee's supervisor can answer any questions about an employee's responsibility for maintenance and care of equipment used on the job.

Employees also are prohibited from any unauthorized use of the City's intellectual property, such as audio and video tapes, print materials and software.

12-3 Building Security

A. Distribution of Keys

Human Resources in coordination with the Executive Administrative Assistant is responsible for distribution of keys, keypad codes, and security access cards to building occupants, with the exception of Public Safety. Human Resources in coordination with the Executive Administrative Assistant shall maintain a record of the keys, keypad codes, and security access cards distributed to building occupants. Department Heads are responsible for the collection of all keys and key cards upon employee separation or suspension. The departments shall not loan out keys, duplicate keys, or distribute keypad codes or security access cards.

B. Employee Responsibility

Employees shall not loan, duplicate, or transfer keys, keypad codes, or security access cards to City facilities. Such behavior may be grounds for disciplinary action. All keys, security access cards, etc. will be returned to the City immediately upon termination of employment.

C. Lost Keys

Any lost keys or security access cards shall be reported to the employee's supervisor and the Department Director immediately. The Department Director or Supervisor must notify Human Resources within 24 hours of the lost keys.

12-4 Accident Reporting

Employees shall report all job-related accidents regardless of severity, personal or vehicle immediately to their supervisor and Department Head. Additionally, the Department Head must immediately report all accidents with or without injury to Human Resources.

A. Accident with Injury

When injured while on duty, an employee must:

1. Call 9-1-1 or dispatch, and their supervisor immediately. If the immediate supervisor is unavailable, contact the Department Head even if the accident occurs after normal work hours.
2. Remain at the accident until the police or supervisor approves departure.
3. Immediately obtain necessary treatment. The City recommends that employees initially seek medical treatment at an approved medical facility if possible. Names and locations of approved medical facilities may be obtained from the Human Resource Department.
4. Submit to a drug test if determined necessary according to the City's drug testing policy. Supervisor or Department Head is required to drive the employee to get a drug test.
5. Obtain a medical release form signed by a doctor and submit copies to the Human Resource Department and supervisor.
6. Report to work as permitted by the medical release form.
7. Detail job related injury on forms prescribed by the Utah Industrial Commission and the City. These forms must be completed within one week following the incident producing the injury.

B. Accident with no Injury

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

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

12-5 Risk Management

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

A. Claims, Lawsuits & Liability

An employee who becomes aware of any occurrence, which may give rise to a lawsuit, who receives a notice of claim, or is sued because of an incident or is served with a subpoena related to their employment, shall give immediate notice to their supervisor, the Department Head, and the City Attorney.

1. Employees must complete an incident report for any alleged injury or damage to persons or property involving a City official, employee, volunteer, or equipment or any such event occurring on City property. The employee must submit the incident report to their supervisor who will then submit to Human Resources. Human Resources will submit a copy to the City Manager/Personnel Officer and City Attorney.
2. Pictures must be taken at the scene and submitted with the incident report.
3. No official or employee shall admit or indicate in any manner that they or the City is at fault or has any liability in any incident that may result in a claim or lawsuit. No official or employee shall make any commitments or promises to claimant unless specifically authorized to do so by the City Manager/Personnel Officer or designee.
4. The City Attorney will receive and coordinate the resolution of claims and lawsuits made against the City, its officers, employees, or volunteers.

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

Any vehicle or equipment accident within the boundaries of the City will be investigated by the Grand County Sheriff's Office. The Safety Officer, City Manager/Personnel Officer and Human Resource Director shall be notified of the accident within three (3) calendar days of the incident

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

Three copies of the accident report involving City vehicles, equipment, or personnel will be submitted to the City Manager/Personnel Officer, Public Works Director and Human Resource Director.

B. Incident Review Process for Vehicle & Equipment

Vehicle or equipment accidents involving employees, which have been determined by the Risk Management Committee to require an incident review, shall be conducted in accordance with the following:

After review of all information provided, the Risk Management Committee will classify the accident as one of the following:

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

The Risk Management Committee shall also document the severity of the accident according to one of the following:

1. Very Minor (Less than \$750)
2. Minor (\$750-\$3250)
3. Major (More than \$3250)

As a result of the Incident Review process, any disciplinary action will be determined and administered by the Department Head in consultation with the Human Resource Director.

12-6 Occupational Safety and Health Administration (OSHA)

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

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

12-7 Fitness for Duty Evaluations

Fitness for duty medical evaluations may be performed by a City approved, licensed, medical professional, under any of the following circumstances:

1. Returning to work from injury or illness as allowed by applicable state or federal law.
2. When management determines that there is a threat to the health or safety of self or others; or
3. When a fitness for duty evaluation is a bona fide occupational qualification for selection, retention, or promotion.

Fitness for duty evaluations will be administered in a manner consistent with the Americans with Disabilities Act and other applicable state or federal law.

Section 13 - Fleet Management

13-1 Fleet Policy

The City carries liability insurance covering the operation of City vehicles and covering various other activities of the City. All employees operating City vehicles must report accidents immediately to a supervisor and complete such reports as may be required.

A. City Vehicle Use

1. The on-call employee in the Water, Sewer, Streets, and Parks divisions are required to take a City vehicle home. This is to allow employees to respond more readily and to more quickly address emergency situations with proper equipment and tools during non-working hours. All vehicles/employees in this category shall be authorized by the City Manager/Personnel Officer upon recommendation of the Department Head.
2. City owned vehicles that are taken home are to be used only for commuting to and from work or when performing official City duty. City-owned vehicles are not to be used for personal purposes of any kind, unless otherwise noted. When going to lunch, employees should use their personal vehicle if available. Any personal use of City vehicles including commuting to and from work will be reported as a taxable fringe benefit as required by the IRS.
3. Police Officers living within Grand County boundaries may use their assigned Police vehicle for off-duty personal use so long as that use is within Grand County. Non-Police personnel may not accompany the officer in the Police vehicle as passengers when it is operated off-duty.
4. Unless otherwise noted no unauthorized personnel are allowed to be transported in a City vehicle at any time. City vehicles/employees are not to transport anyone other than City employees or people working with or for the City in an official capacity. No family members or other non-employee personnel are allowed in City owned vehicles.
5. Tobacco use is not allowed in city vehicles including cigarettes, smokeless tobacco (dip) and/or e-cigarettes.
6. Personal use of City vehicles - Taxable Fringe Benefits. Any authorized personal use of City vehicles will be reported as taxable fringe benefits for that employee as required by the IRS. Personal mileage must be tracked with daily beginning and ending odometer readings and verified daily by the Department Head. The mileage will be reported at the current IRS rate for business mileage to the IRS as a taxable fringe benefit annually and reflected on that employee's W-2 wage and earning statement.

B. Personal Vehicle Use

1. City employees may use their personal vehicles while on City business. Employees will be reimbursed for mileage at the prevailing state of Utah rate.
2. Employees shall carry a \$300,000 excess liability automobile insurance policy on the vehicle(s) to be driven on city business.
3. Accidents that occur while on City business shall be covered by the employee's vehicle insurance provider. The City shall review the nature and cause of the accident and may determine to assist with some or all of the employee's insurance deductible. Nothing in this policy shall create an

expectation that the City will insure the employee's vehicle, pay for any damages, or cover any premium increases due to an accident.

4. An employee who is at fault in an accident shall pursue all remedies through their personal insurance provider. An employee who is not at fault shall pursue all remedies through the other driver's insurance provider.

Section 14 - General Standards of Conduct

14-1 Punctuality and Attendance

Employees are hired to perform important functions at the City. Therefore, attendance and punctuality are very important. Unnecessary absences and tardiness are expensive, disruptive and place an unfair burden on fellow employees and supervisors. Excessive absenteeism or tardiness will result in disciplinary action up to and including discharge.

The City recognizes, however, there are times when absences and tardiness cannot be avoided. In such cases, employees are expected to notify their supervisors as early as possible, but no later than the start of the workday. Asking another employee, friend or relative to give this notice is improper and constitutes grounds for disciplinary action. Employees should call, stating the nature of the illness and its expected duration, for every day of absenteeism. Exceptions will be made if the employee is incapacitated and unable to make contact personally.

14-2 Health and Safety

The health and safety of employees and others on City property are of critical concern to the City. The City intends to comply with all applicable health and safety laws. To this end, we must rely upon employees to ensure that work areas are kept safe and free of hazardous conditions. Employees are required to be conscientious about workplace safety, including proper operating methods, and recognize dangerous conditions or hazards. Any unsafe conditions or potential hazards should be reported to management immediately, even if the problem appears to be corrected. Any suspicion of a concealed danger present on the City's premises, or in a product, facility, piece of equipment, process or business practice for which the City is responsible should be brought to the attention of management immediately.

Periodically, the City may issue rules and guidelines governing workplace safety and health. The City may also issue rules and guidelines regarding the handling and disposal of hazardous substances and waste. All employees should familiarize themselves with these rules and guidelines, as strict compliance will be expected.

Any workplace injury, accident, or illness must be reported to the employee's Supervisor as soon as possible, regardless of the severity of the injury or accident.

14-3 Publicity/Statements to the Media

All media or press inquiries regarding the position of the City as to any issues must be referred to Communications and Engagement Manager. Only the Communications and Engagement Manager is authorized to make or approve public statements on behalf of the City. No employees, unless specifically designated by the Communications and Engagement Manager, are authorized to make those statements on behalf of the City. Any employee wishing to write and/or publish an article, paper, or other publication on behalf of the City must first obtain approval from the Communications and Engagement Manager.

14-4 References

The City will respond to reference requests through the Human Resources Department. The City will provide general information concerning the employee such as date of hire, date of discharge, and positions held. Requests for reference information must be in writing, and responses will be in writing. Please refer all requests for references to the Human Resources Department.

Only the Human Resources Department may provide references.

General Handbook Acknowledgment

This Employee handbook is an important document intended to help you become acquainted with City of Moab. This document is intended to provide guidelines and general descriptions only; it is not the final word in all cases. Individual circumstances may call for individual attention.

Because the City of Moab's operations may change, the contents of this Handbook may be changed at any time, with or without notice, in an individual case or generally, at the sole discretion of management.

Please read the following statements and sign below to indicate your receipt and acknowledgment of this Employee handbook.

I have received and read a copy of the City of Moab's Employee Handbook. I understand that the policies, rules and benefits described in it are subject to change at the sole discretion of the City of Moab at any time.

I understand that neither this Handbook, nor any policy or procedure contained in this Handbook, creates a contract of employment between me and the City. I further understand that nothing in this Handbook can create the basis for a breach of contract claim, express or implied, between the City and me or support a claim for breach of the covenant of good faith and fair dealing.

I understand that my signature below indicates that I have read and understand the above statements and that I have received a copy of the City of Moab's Employee Handbook.

Employee's Printed Name: _____

Employee's Signature: _____

Position: _____

Date: _____

The signed original copy of this acknowledgment should be given to Human Resources - it will be filed in your personnel file.

Receipt of Equal Employment Opportunity Policy

The below equal employment opportunity policies are governed by applicable federal, state, and local laws that prohibit discrimination in employment. If any conflict exists between this policy and the governing laws, those laws will control. The above equal employment opportunity policies and procedures do NOT expand protection beyond that required by applicable federal, state or local law and do not create any contractual rights or obligations between you and the City of Moab

Sexual Harassment

It is the City's policy to prohibit harassment of any employee by any Supervisor, employee, customer or vendor on the basis of sex or gender (including conditions of pregnancy, gender identity, and sexual orientation). The purpose of this policy is not to regulate personal morality within the City. It is to ensure that at the City all employees are free from sexual harassment. All employees of the City have the legal right (Title VII of the Civil Rights Act of 1964 and the Utah Antidiscrimination Act) to work in an environment free from sexual harassment. In addition, all individuals making application for employment with the City have the right to expect an environment free from sexual harassment.

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

Policy

While it is not easy to define precisely what types of conduct could constitute sexual harassment, examples of prohibited behavior include unwelcome sexual advances, requests for sexual favors, obscene gestures, displaying sexually graphic magazines, calendars or posters, sending sexually explicit e-mails, text messages and other verbal or physical conduct of a sexual nature, such as uninvited touching of a sexual nature or sexually related comments. Depending upon the circumstances, improper conduct also can include sexual joking, vulgar or offensive conversation or jokes, commenting about an employee's physical appearance, conversation about your own or someone else's sex life, or teasing or other conduct directed toward a person because of his or her gender which is sufficiently severe or pervasive to create an unprofessional and hostile working environment. Persons may perceive harassment even if they are not the intended target if it creates an offensive environment for them.

Further, 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 as a term or 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 intimidating, hostile, or offensive work environment.

Complaint Procedure

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

1. If an employee feels that they have been subjected to conduct which violates this policy, they should immediately report the matter one of the City's EEO Officers (as defined in the handbook). If the employee does not receive a satisfactory response within five days, the employee should contact the Human Resource Director or the City Manager/Personnel Officer.
2. Every report of perceived harassment will be fully investigated, and corrective action will be taken where appropriate.
3. All complaints will be kept confidential to the extent possible, but confidentiality cannot be guaranteed. The investigation will be handled in a confidential manner with information disseminated on a strict need-to-know basis. Every employee who is given information regarding the complaint will be informed of the need to preserve the confidentiality of the information they receive.
4. Any employee of the City who is accused of harassment shall not question, coerce, intimidate, or retaliate in any way against the employee who has filed a complaint or against employees who have provided information concerning the complaint. If an employee feels they have been subjected to any such retaliation, they should report it in the same manner in which the employee would report a claim of perceived harassment under this policy.
5. All employees shall fully cooperate in any investigation of harassment or retaliation. Disciplinary action will be taken against any employee who obstructs or does not fully cooperate with any investigation of harassment or retaliation.

Violation of this policy including any improper retaliatory conduct will result in disciplinary action, up to and including discharge. All employees must cooperate with all investigations.

Statement of Penalties for Misconduct

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

Investigation of Alleged Illegal Harassment, Discrimination, Bullying or Sexual Harassment

Any employee, who believes they have been the victim of any illegal discrimination, bullying, or harassment or wants to report an incident, should promptly report the matter to his or her supervisor. If the supervisor is unavailable or the employee believes it would be inappropriate to contact that person, the employee should immediately contact the Department Head, Human Resource Director, Assistant City Manager/Personnel Officer or the City Manager/Personnel Officer. Employees can raise concerns and make reports without fear of reprisal.

Any supervisor or manager who becomes aware of possible illegal discrimination, bullying, or any type of harassment should promptly advise the City Manager/Personnel Officer or any member of management who will report the concern to the Equal Employment Opportunity (EEO) Officer of the City. The City Manager/Personnel Officer is the EEO Officer for the City. The City Manager/Personnel Officer will conduct a

timely and confidential investigation of all claims or reports of harassment. The City Manager/Personnel Officer may delegate a representative or agent to conduct fact finding on their behalf. As part of the investigation, the City Manager/Personnel Officer or their designee will meet with the employee bringing the complaint to determine the nature of the harassment, make inquiry about what remedy the employee is seeking, and otherwise determine the focus of the investigation.

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

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

The City Manager/Personnel Officer will, upon the completion of an investigation, act within thirty (30) days on the investigation's findings of fact, conclusions and recommendations to determine what, if any, disciplinary action should be taken. The City Manager/Personnel Officer will review the investigation with the City Attorney and the Human Resource Director to determine what action is contemplated. In addition to disciplinary action, the City Manager/Personnel Officer has the right to direct an appropriate and reasonable remedy to work conditions, or to direct a change in procedures, and otherwise act to correct, modify or change work environments in order to enforce this policy.

Training

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

I have read and I understand the City of Moab's Sexual Harassment Policy.

Employee's Printed Name: _____

Employee's Signature: _____

Position: _____

Date: _____

The signed original copy of this receipt should be given to management - it will be filed in your personnel file.

Receipt of Non-Harassment Policy

It is the City of Moab's policy to prohibit intentional and unintentional harassment of any individual by another person on the basis of any protected classification including, but not limited to, race, color, national origin, disability, religion, marital status, veteran status, sexual orientation, gender identity or age. The purpose of this policy is not to regulate our employees' personal morality, but to ensure that in the workplace, no one harasses another individual.

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

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

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

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

Harassment/Discrimination

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

Examples of potential harassment:

1. Unwanted and inappropriate physical contact or horseplay, including touching, pinching, pushing, grabbing, unnecessary brushing against someone, invading personal space and physical or sexual assault.
2. Unwelcome sexual advances or suggestive behavior, and suggestions that sexual favors may further a career or that a refusal may hinder it.
3. Stalking or persecuting a person with unwanted attentions, gifts, or messages.
4. Continued suggestions for dating, romance, or social activity after it has been made clear that the suggestions are unwelcome.

5. Sending or displaying material that is pornographic or that some people may find offensive (including e-mails, text messages, video clips and images sent by mobile phone or posted on the internet).
6. Offensive or intimidating comments or gestures, or insensitive jokes or pranks that undermine the dignity of the person.
7. Mocking, mimicking or belittling a person's physical condition or age.
8. Racist, sexist, homophobic or ageist jokes, or derogatory or stereotypical remarks about a particular ethnic, social, linguistic or religious group, or gender.
9. Outing or threatening to out someone as gay or lesbian.
10. Shunning someone, for example, by deliberately excluding them from a work related conversation or a workplace social activity

Bullying

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

Examples of potential bullying:

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

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

Complaint Procedure

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

1. If an employee feels that they have been subjected to conduct which violates this policy, they should immediately report the matter to the Employee's Supervisor. If the employee is unable for any reason to contact this person, or if the employee has not received a satisfactory response within five (5) business days after reporting any incident of what the employee perceives to be harassment, the

employee should contact the Human Resource Director. If the person toward whom the complaint is directed is one of the individuals indicated above, the employee should contact any higher-level manager in his or her reporting hierarchy.

2. Every report of perceived harassment will be fully investigated and corrective action will be taken where appropriate.
3. All complaints will be kept confidential to the extent possible, but confidentiality cannot be guaranteed. The investigation will be handled in a confidential manner with information disseminated on a strict need-to-know basis. Every employee who is given information regarding the complaint will be informed of the need to preserve the confidentiality of the information they receive.
4. Any employee of the City who is accused of harassment shall not question, coerce, intimidate, or retaliate in any way against the employee who has filed a complaint or against employees who have provided information concerning the complaint. If an employee feels they have been subjected to any such retaliation, they should report it in the same manner in which the employee would report a claim of perceived harassment under this policy.
5. All employees shall fully cooperate in any investigation of harassment or retaliation. Disciplinary action will be taken against any employee who obstructs or does not fully cooperate with any investigation of harassment or retaliation.

Violation of this policy including any improper retaliatory conduct will result in disciplinary action, up to and including discharge. All employees must cooperate with all investigations.

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