

POLICY MANUAL

City of Moab Policy Manual

City of Moab

Policy Manual

WELCOME

This Policy Manual ("Manual") 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 Policy Manual 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 Policy Manual 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 Policy Manual, 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 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.

Many matters covered by this Policy Manual, 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 Policy Manual states only general City guidelines. The City may, at any time, in its sole discretion, modify or vary from anything stated in this Policy Manual, 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.

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

This Policy Manual should not be construed to limit the City's right to terminate an employee's job or to create any other obligation or liability 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

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Welcome

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

This Policy Manual supersedes all prior personnel policies and procedures manuals or handbooks.

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Chapter 1 - Role and Authority

Policy Manual

100.1 PURPOSE AND SCOPE

The manual of the City is hereby established and shall be referred to as the Policy Manual or the manual. The manual is a statement of the current policies, procedures, rules, and guidelines of this city. All employees are to conform to the provisions of this manual.

All prior and existing manuals, orders, and regulations that are in conflict with this manual are rescinded, except to the extent that portions of existing manuals, orders, and other regulations that have not been included herein shall remain in effect where they do not conflict with the provisions of this manual.

100.2 POLICY

Except where otherwise expressly stated, the provisions of this manual shall be considered as guidelines. It is recognized that circumstances may arise that warrant departure from these guidelines. It is the intent of this manual to be viewed from an objective standard, taking into consideration the sound discretion entrusted to employees of this city under the circumstances reasonably available at the time.

100.2.1 DISCLAIMER

The provisions contained in the Policy Manual are not intended to create an employment contract nor any employment rights or entitlements. The policies contained within this manual are for the internal use of the City and shall not be construed to create a higher standard or duty of care for civil or criminal liability against the City, its officials, or its employees. Violations of any provision of any policy contained within this manual shall only form the basis for administrative action, training, or discipline. The City reserves the right to revise any policy content, in whole or in part.

100.3 AUTHORITY

The City Manager shall be considered the ultimate authority for the content and adoption of the provisions of this manual and shall ensure compliance with all applicable federal, state, and local laws, rules, and ordinances. The City Manager or the authorized designee is authorized to issue directives, which shall modify those provisions of the manual to which they pertain. Directives from the City Manager or the authorized designee shall remain in effect until such time as they may be permanently incorporated into the manual.

100.4 DEFINITIONS

The following words and terms shall have these assigned meanings throughout the Policy Manual, unless it is apparent from the content that they have a different meaning:

Elected official - Any individual who serves in the City government based upon selection by a public vote, as well as any individual who is appointed or otherwise selected to fill such a position that has been vacated prior to the conclusion of the elected individual's term.

Employee - Any person employed by the City, including:

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- 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.
- Full-time employees - Employees who regularly work at least 40 hours per week who are not hired on a short-term basis with full participation in employee benefits based on full-time status. Introductory employees - Employees whose performance is being evaluated and determined whether further employment or retention in a specific position with the City is appropriate.
- 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.
- Part-time employees - Employees regularly scheduled to work no more than 32 hours per week, and who are not categorized as seasonal or temporary. Employees working no more than 32 hours per week shall not be eligible for any benefits except as required by law.
- Seasonal employees - Temporary employees, not in the classified service, who work 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.
- Temporary employees - Employees who were hired for a specific short-term project, or on a short-term temporary basis. Temporary employees are generally not eligible for City benefits except as required by law.
- Temporary employment agency employees - 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 months in a fiscal year. Temporary employment agency 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.
- Three-quarter 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.

Manual - The City Policy Manual.

May - Indicates a permissive, discretionary, or conditional action.

Shall or will - Indicates a mandatory action.

Should - Indicates a generally required or expected action, absent a rational basis for failing to conform.

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Supervisor - A person in a position of authority that may include responsibility for hiring, transfer, suspension, promotion, discharge, assignment, reward, or discipline of other city employees, directing the work of other employees, or having the authority to adjust grievances. The supervisory exercise of authority may not be merely routine or clerical in nature but requires the use of independent judgment.

The term "supervisor" may also include any person (e.g., lead or senior worker) given responsibility for the direction of the work of others without regard to a formal job title, rank, or compensation.

100.5 ISSUING THE POLICY MANUAL

An electronic version of the Policy Manual will be made available to all employees on the city network for viewing and printing. No changes shall be made to the manual without authorization from the City Manager or the authorized designee.

Each employee shall acknowledge having access to and having the opportunity to review the Policy Manual and any directives issued by the City Manager or the authorized designee. Employees shall seek clarification as needed from an appropriate supervisor for any provisions that they do not fully understand.

100.6 PERIODIC REVIEW OF THE POLICY MANUAL

The City Manager will ensure that the Policy Manual is periodically reviewed and updated as necessary.

100.7 REVISIONS

All revisions to the Policy Manual will be provided to each employee on or before the date the policy becomes effective. Each employee will be required to acknowledge having reviewed the revisions and shall seek clarification from an appropriate supervisor as needed.

Employees are responsible for keeping abreast of all Policy Manual revisions.

All city employees suggesting revision of the contents of the Policy Manual shall forward their written suggestions to their supervisors, who will consider the recommendations and forward them to the City Manager as appropriate.

Standards of Conduct for Elected and Appointed Officials

101.1 PURPOSE AND SCOPE

This policy establishes standards of conduct expected of all elected and appointed officials. The standards contained in this policy are not intended to be an exhaustive list of requirements and prohibitions, but they do identify many of the important matters concerning conduct.

101.1.1 DEFINITIONS

Definitions related to this policy include:

Conflict of interest - Any actual, perceived, or potential conflict in which it reasonably appears that an elected official's action, inaction, or decisions are or may be influenced by a personal or business relationship. It includes conflicts defined and prohibited by state law.

Officials - Mayor, Moab City Council members, and the appointed members of all other City boards or commissions.

- **Elected Officials** - Individuals elected to office including Moab City Council members.
- **Appointed Officials** - Individuals appointed to boards and commissions for the City of Moab.

101.2 POLICY

Elected and appointed officials of the City are expected to conduct themselves with the utmost professional integrity and objectivity. The service of every elected official of the City shall be based on conduct that reasonably conforms to the guidelines in this policy.

Any official who knowingly violates this Chapter may be subject to removal from office in the manner otherwise provided by law.

Nothing in this policy 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.

101.3 UNLAWFUL DIRECTIVES

Elected and appointed officials should not knowingly direct action or inaction that, if carried out, would result in a violation of any law or city policy. Elected officials should not make new commands that conflict with any previous command without making reasonable clarification that the new command is intended to countermand the earlier command.

101.4 GENERAL STANDARDS

Elected and appointed officials should conduct themselves in accordance with the federal and state constitutions and all applicable laws, ordinances, and rules.

Elected and appointed officials should familiarize themselves with policies and procedures applicable to their conduct and the conduct of all employees under their supervision.

Standards of Conduct for Elected and Appointed Officials

101.5 ETHICS

Elected and appointed officials should avoid engaging in the following conduct:

- (a) Using one's status as an elected official of the City in any way that could reasonably be perceived as an attempt to gain influence or authority for non-city business or activity.
- (b) The wrong or unlawful exercise of authority for malicious purpose, personal gain, willful deceit, or any other improper purpose.
- (c) Acceptance of fees, gifts, money, tangible or intangible personal property, or any service, gratuity, favor, entertainment, hospitality, loan, promise, or any other thing of value from any person, business, or organization that is doing business with, or seeking to do business with, the City, or contrary to the rules of this city and/or laws of the state.
- (d) Offer or acceptance of a bribe or gratuity.
- (e) Misappropriation or misuse of public funds, property, personnel, or services.
- (f) Any other failure to abide by the standards of ethical conduct.

101.6 DISCRIMINATION, OPPRESSION, OR FAVORITISM

Elected and appointed officials should not discriminate against, oppress, or provide favoritism to any person based on a classification or status protected by law.

101.7 UNAUTHORIZED ACCESS, DISCLOSURE, OR USE

Elected and appointed officials should avoid:

- (a) Unauthorized or inappropriate release of confidential or protected information, materials, data, forms, or reports obtained as a result of the elected official's position with this city.
- (b) The use of any information, photograph, video, or other recording obtained or accessed as a result of the elected official's position with this city for personal or financial gain.
- (c) Using city resources in association with any portion of an independent civil action. These resources include but are not limited to personnel, vehicles, equipment, and non-subpoenaed records.
- (d) Loaning, selling, allowing unauthorized use, giving away, or appropriating any city badge, uniform, identification card, or property for personal use, personal gain, or any other improper or unauthorized use or purpose.
- (e) Using city resources for campaign or other political purposes.

101.8 CONFLICTS OF INTEREST

Elected and appointed officials shall follow all laws regarding actual and perceived conflicts of interest and should avoid the appearance of actual or perceived conflicts of interest.

Standards of Conduct for Elected and Appointed Officials

Elected and appointed officials should avoid directly supervising any employee who is a relative or with whom they are involved in a personal or business relationship. Elected officials should also avoid participating in, contributing to, or recommending promotions, assignments, performance evaluations, transfers, or other personnel decisions affecting an employee who is a relative or with whom they are involved in a personal or business relationship.

101.9 ETHICAL COMPLIANCE DOCUMENTATION

Elected and appointed officials should ensure that all required documentation pertaining to ethics, conflicts of interest, or any other matter related to conduct are timely completed and submitted to the appropriate authorities.

101.10 OUTSIDE EMPLOYMENT

Elected and appointed officials should avoid maintaining any outside employment or accepting any appointment that creates an actual or perceived conflict of interest or that inhibits their ability to competently complete the requirements of the office to which they have been elected. All laws related to the maintenance of outside employment for elected officials should be observed.

Standards of Conduct for All Employees

102.1 PURPOSE AND SCOPE

This policy establishes standards of conduct that are consistent with the values and mission of the City and are expected of all employees. The standards contained in this policy are not intended to be an exhaustive list of requirements and prohibitions, but they do identify many of the important matters concerning conduct. In addition to the provisions of this policy, employees are subject to all other provisions contained in this manual, as well as any additional guidance on conduct that may be disseminated by this city or an employee's supervisor.

102.1.1 DEFINITIONS

Definitions related to this policy include:

Employee - 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.

Entity - A sole proprietorship, partnership, association, joint venture, corporation, trust, limited liability company, or similar business entity.

Interest - 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. An official or employee of the City shall be deemed to have an interest in the affairs of:

- (a) A spouse, sibling, child (whether natural, step or adoptive and regardless of age), parent/grandparent, aunt/uncle, niece/nephew, or first cousin;
- (b) A household member, which is defined to be an unrelated adult living with the official or employee in the same domicile;
- (c) A business entity in which the official or employee is an officer, director, manager, or employee; or
- (d) 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.

102.2 POLICY

The continued employment or appointment of every employee of the City shall be based on conduct that reasonably conforms to the guidelines set forth herein. Failure to meet the guidelines set forth in this policy, whether during work hours or non-work hours, may be cause for disciplinary action.

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.

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

Standards of Conduct for All Employees

102.3 GENERAL STANDARDS

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.

Employees shall conduct themselves in accordance with the federal and state constitutions and all applicable laws, ordinances, and rules enacted or established pursuant to legal authority.

Employees shall familiarize themselves with policies and procedures and are responsible for compliance with each. Employees should seek clarification and guidance from supervisors in the event of any perceived ambiguity or uncertainty.

Discipline may be initiated for any good cause. It is not mandatory that a specific policy or rule violation be cited to sustain discipline. This policy is not intended to cover every possible type of misconduct.

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.

102.4 CONFLICTS OF INTEREST

A conflict of interest is any actual, perceived, or potential conflict in which it reasonably appears that an employee's action, inaction, or decisions are or may be influenced by a personal or business relationship. It includes conflicts defined and prohibited by state law.

The City is required to advise all employees of their responsibilities outlined in the conflict of interest policy, as well as obtain documentation of compliance. Employees must complete a conflict of interest form at time of hire and each subsequent year. Employees 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. ([Municipal Code Section 2.01](#)).

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:

- (a) Maintains or anticipates entering into a contract with the City;
 - (b) Seeks City approval of a license, permit, land-use application, or similar City decision;
- or

Standards of Conduct for All Employees

- (c) May be subject to regulatory, enforcement, or legal action by the City.

Any 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.

Any 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.

Employees may not hold a city elected office while an employee of the City.

102.5 CAUSES FOR DISCIPLINE

The following are illustrative of causes for disciplinary action. This list is not intended to cover every possible type of misconduct and does not preclude the recommendation of disciplinary action for violation of other rules, standards, or ethics, and specific action or inaction that is detrimental to the city's ability to effectively serve the public.

102.5.1 LAWS, RULES, AND ORDERS

- (a) Violation of, or ordering or instructing a subordinate to violate, any policy, procedure, rule, order, directive, or requirement, or failure to follow instructions contained in city manuals.
- (b) Disobedience of any lawful direction or order.
- (c) Violation of federal, state, local, or administrative laws, rules, or regulations.

102.5.2 ETHICS

- (a) Using or disclosing one's status as an employee of the City in any way that could reasonably be perceived as an attempt to gain influence or authority for non-city business or activity.
- (b) The wrongful or unlawful exercise of authority on the part of any employee for malicious purpose, personal gain, willful deceit, or any other improper purpose.
- (c) Directly or indirectly solicit a gift.
- (d) Offer or accept a bribe or gratuity.
- (e) Accept or receive any gift from which it could be reasonably inferred that the gift was intended to influence official duties or as a reward for any official action.
 - 1. Nominal gifts of \$50 or less on an infrequent basis shall not constitute a violation.
- (f) Any other failure to abide by the standards of ethical conduct.

102.5.3 DISCRIMINATION, OPPRESSION, OR FAVORITISM

Unless required by law or policy, discriminating against, oppressing, or providing favoritism to any person because of actual or perceived characteristics such as race, ethnicity, national origin, religion, sex, sexual orientation, gender identity or expression, age, disability, economic status,

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cultural group, veteran status, marital status, and any other classification or status protected by law, or intentionally denying or impeding another in the exercise or enjoyment of any right, privilege, power, or immunity, knowing the conduct is unlawful.

102.5.4 RELATIONSHIPS

- (a) Unwelcome solicitation of a personal or sexual relationship during work hours or through the use of one's official capacity.
- (b) Engaging in sexual activity during work hours, including but not limited to sexual intercourse, excessive displays of public affection, or other sexual contact.
- (c) Establishing or maintaining an inappropriate personal or financial relationship as a direct result of any official business.
- (d) Associating with or joining a criminal gang, organized crime, and/or criminal syndicate when the employee knows or reasonably should know of the criminal nature of the organization.

102.5.5 ATTENDANCE

- (a) Leaving the job to which the employee is assigned during work hours without reasonable excuse and proper permission and approval.
- (b) Unexcused or unauthorized absence or tardiness.
- (c) Excessive absenteeism or abuse of leave privileges.
- (d) Failure to report to work or to the place of assignment at the time specified and fully prepared to work without reasonable excuse.
- (e) Failure to call the employee's supervisor and/or Department Head to report their absence and request that the absence be recorded as authorized:
 - 1. For three consecutive working days or shifts
 - 2. For three nonconsecutive days in a three month period

102.5.6 UNAUTHORIZED ACCESS, DISCLOSURE, OR USE

- (a) Unauthorized and inappropriate intentional release of confidential or protected information, materials, data, forms, or reports obtained as a result of the employee's position with this city.
- (b) The use of any information, photograph, video, or other recording obtained or accessed as a result of employment or appointment to this city for personal or financial gain or without the express authorization of the City Manager or the authorized designee.
- (c) Loaning, selling, allowing unauthorized use, giving away, or appropriating any city badge, uniform, identification card, or property for personal use, personal gain, or any other improper or unauthorized use or purpose.

Standards of Conduct for All Employees

- (d) Using city resources in association with any portion of an independent civil action. These resources include but are not limited to personnel, vehicles, equipment, and non-subpoenaed records.
- (e) 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

102.5.7 EFFICIENCY

- (a) Neglect of duty.
- (b) Unsatisfactory work performance, including but not limited to failure, incompetence, inefficiency, or delay in performing and/or carrying out proper orders, work assignments, or the instructions of supervisors without a reasonable and bona fide excuse.
- (c) Concealing, attempting to conceal, removing, or destroying defective or incompetent work.
- (d) Unauthorized sleeping during work hours or assignments.
- (e) Failure to notify the City within 24 hours of any change in residence address or contact numbers.
- (f) Failure to notify a supervisor of changes in relevant personal information (e.g., information associated with benefits determination) in a timely fashion.

102.5.8 PERFORMANCE

- (a) Failure to disclose or misrepresenting material facts or making any false or misleading statement on any application, examination form, or other official document, report, or form, or during the course of any work-related investigation.
- (b) The falsification of any work-related records, making misleading entries or statements with the intent to deceive, or the willful and unauthorized removal, alteration, destruction, and/or mutilation of any city record, public record, book, paper, or document.
- (c) Failure to participate in investigations, or giving false or misleading statements, or misrepresenting or omitting material information to a supervisor or other person in a position of authority, in connection with any investigation or in the reporting of any city-related business.
- (d) Being untruthful or knowingly making false, misleading, or malicious statements that are reasonably calculated to harm the reputation, authority, or official standing of this city or its employees.
- (e) Disparaging remarks or conduct concerning duly constituted authority to the extent that such conduct disrupts the efficiency of this city or subverts the good order, efficiency, and discipline of this city or that would tend to discredit any of its employees.
- (f) Unlawful gambling or unlawful betting at any time or any place. Legal gambling or betting under any of the following conditions:

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1. While on city premises.
 2. At any work site, during work hours, or while using any city equipment or system.
- (g) Improper political activity, including:
1. Unauthorized attendance during work hours at official legislative or political sessions.
 2. Solicitations, speeches, or distribution of campaign literature for or against any political candidate or position during work hours or on city property except as expressly authorized by city policy, an employment agreement or contract, or the City Manager or the authorized designee.
- (h) Engaging in political activities during work hours except as expressly authorized by city policy, any employment agreement or contract, or the City Manager or the authorized designee.
- (i) Any act that brings discredit to this city.

102.5.9 CONDUCT

- (a) Failure to promptly and fully report activities on the employee's part or the part of any other employee where such activities resulted in contact with any law enforcement agency or that may result in criminal prosecution or discipline under this policy.
- (b) Unauthorized or unlawful fighting, or threatening or attempting to inflict unlawful bodily harm on another.
- (c) Engaging in horseplay that reasonably could result in injury or property damage.
- (d) Discourteous, disrespectful, or discriminatory treatment of any member of the public or any employee of the City.
- (e) Use of obscene, indecent, profane, or derogatory language during work hours or in uniform.
- (f) Criminal, dishonest, or disgraceful conduct that adversely affects the employee's relationship with the City.
- (g) Unauthorized possession of, loss of, or damage to city property or the property of others or endangering it through carelessness or maliciousness.
- (h) Attempted or actual theft of city property; misappropriation or misuse of public funds, property, personnel, or the services or property of others; unauthorized removal or possession of city property or the property of another person.
- (i) Activity that is incompatible with an employee's conditions of employment or appointment as established by law or that violates a provision of any employment agreement or contract, including fraud in securing the appointment or hire.
- (j) Initiating any civil action for recovery of any damages or injuries incurred in the course and scope of employment or appointment without first notifying the City Manager or the authorized designee of such action.

Standards of Conduct for All Employees

- (k) Failure to immediately notify their supervisor, Department Head, and City Attorney when 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.
- (l) 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.
- (m) Conviction of a felony or conviction of a misdemeanor that reflects negatively on the ability to perform an employee's job duties and responsibilities.
- (n) Theft of any kind.
- (o) Any other conduct that any employee knows or reasonably should know is unbecoming an employee of this city, is contrary to good order, efficiency, or morale, or tends to reflect unfavorably upon the City or its employees.

102.5.10 SAFETY

- (a) Failure to observe or violating city safety standards or safe working practices.
- (b) Failure to maintain current licenses or certifications required for the assignment or position (e.g., driver's license, first aid).
- (c) Failure to maintain good physical condition sufficient to adequately and safely perform the work assigned, if applicable.
- (d) Unsafe or improper driving habits or actions in the course of employment or appointment.
- (e) Any personal action contributing to a preventable traffic accident.
- (f) Concealing or knowingly failing to report any on-the-job or work-related accident or injury as soon as practicable but within 24 hours.

102.5.11 INTOXICANTS

- (a) Reporting for work or being at work while intoxicated or when the employee's ability to work is impaired due to the use of alcohol, medication, or drugs, whether legal, prescribed, or illegal.
- (b) Possession or use of alcohol during work hours.
- (c) Unauthorized possession, use of, or attempting to bring a controlled substance, illegal drug, or non-prescribed medication to work.

Chapter 2 - Organization and Administration

Information Technology, Electronic Messaging, and Internet Use

200.1 PURPOSE AND SCOPE

The purpose of this policy is to establish guidelines for the proper use of city information technology including electronic messaging systems and internet access provided by the city.

200.1.1 DEFINITIONS

Computer system - All computers (on-site and portable), electronic devices, hardware, software, and resources owned, leased, rented, or licensed by the city that are provided for official use by its employees. This includes all access to, and use of, Internet Service Providers (ISP) or other service providers provided by or through the city or city funding.

Electronic messaging - Includes but is not limited to electronic mail (e-mail), text messaging, and instant messaging (IM).

Hardware - Includes but is not limited to computers, computer terminals, network equipment, electronic devices, telephones (including cellular and satellite), modems, or any other tangible computer device generally understood to comprise hardware.

Software - Includes but is not limited to all computer programs, systems, and applications, including shareware. This does not include files created by the individual user.

Temporary file, permanent file, or file - Any electronic document, information, or data residing or located, in whole or in part, on the system, including but not limited to spreadsheets, calendar entries, appointments, tasks, notes, letters, reports, messages, photographs, or videos.

200.2 POLICY

Employees shall use information technology, including electronic messaging systems and internet access, in a professional manner in accordance with this policy and current public records laws. Occasional or incidental use of such technology 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. Information technology use, including electronic messaging and internet access, 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.

200.3 PRIVACY EXPECTATION

Employees forfeit any expectation of privacy with regard to electronic messages accessed, transmitted, received, or reviewed and anything published, shared, transmitted, or maintained through file-sharing software or any internet site that is accessed, transmitted, received, or reviewed on any city technology system. Accordingly, if an employee has personal sensitive information to transmit electronically, they should use other personal means not provided by the city.

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200.4 USE DURING NON-WORK HOURS

Employees shall only use technology resources provided by the city during work hours unless specifically authorized by a supervisor. This includes the use of telephones, cell phones, texting, email, or any other off-the-clock work-related activities. This also applies to personally owned devices that are used to access city resources.

Refer to the Personal Communication Devices Policy for guidelines regarding use of personally owned technology during non-work hours.

200.5 APPROPRIATE USE OF INFORMATION TECHNOLOGY

Employees shall not access computers, devices, software, or systems for which they have not received prior authorization or required training. Employees shall immediately report unauthorized access or use of computers, devices, software, or systems by another employee to their supervisors. Data stored on or available through city computer systems shall only be accessed by authorized employees who have a legitimate city-related purpose to access such data.

Employees shall not use another person's access passwords, logon information, and other individual security data, protocols, and procedures unless directed to do so by a supervisor. No electronic communications can be sent that attempt to hide the identity of the sender or represent the sender as someone else.

Use of city information technology for an employee's outside business endeavors is prohibited. Under no circumstances may any employee use city resources including information technology to run, support, or operate a personal business.

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.

200.5.1 SOFTWARE RESTRICTIONS AND USE

Employees shall not copy or duplicate any copyrighted or licensed software except for a single copy for backup purposes, in accordance with the software company's copyright and license agreement.

To reduce the risk of a computer virus or malicious software being downloaded and/ or transmitted through the city's network system, employees shall not download or install any unlicensed or unauthorized software or programs of any kind on any city computer. Employees shall not install personal copies of any software on any city computer. 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.

No employee shall knowingly make, acquire, or use unauthorized copies of computer software that is not licensed to the city while on city premises, computer systems, or electronic devices.

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Such unauthorized use of software exposes the city and involved employees to severe civil and criminal penalties.

Introduction of software by employees should only occur as a part of the automated maintenance or update process of city-approved or installed programs by the original manufacturer, producer, or developer of the software. Any other introduction of software requires prior authorization from a supervisor and a full scan for malicious attachments.

200.5.2 HARDWARE RESTRICTIONS AND USE

Access to technology resources provided by or through the city shall be strictly limited to city-related activities. Any exceptions to this policy must be approved by a supervisor.

200.6 APPROPRIATE USE OF ELECTRONIC MESSAGING

Messages transmitted over the city's electronic messaging systems are restricted to official city business activities, or shall only contain information that is essential for the accomplishment of city business-related tasks or for communications that are directly related to city business, administration, or practices. Under no circumstances may any employee use city electronic messaging systems to access, run, support, or operate a personal business.

Sending, receiving, displaying, printing or otherwise disseminating material that is fraudulent, illegal, sexually suggestive, revealing, explicit or obscene, derogatory, defamatory, obscene, disrespectful, harassing, or any other inappropriate messages on the email system is prohibited and may result in discipline. Employees or users encountering such material should immediately report it to their supervisor/ manager or a Human Resources representative.

Electronic messages addressed to the entire City are only to be used for official city business-related items that are of particular interest to all users. In the event that an employee has questions about sending a particular email communication, the employee should seek prior approval from a supervisor.

It is a violation of this policy to transmit a message under another employee's name or email address or to use the password of another to log into the system unless directed to do so by a supervisor. Employees are required to log off the network or secure the workstation when the computer is unattended. This added security measure will minimize the potential misuse of an employee's email, name, or password. Any employee who believes the employee's password has become known to another person shall change the password immediately.

No electronic messages can be sent that attempt to hide the identity of the sender or represent the sender as someone else. 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.

City business conducted on any device may also be subject to public records requests.

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200.6.1 ELECTRONIC MAIL FOR ELECTED AND APPOINTED OFFICIALS

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

200.6.2 ELECTRONIC MESSAGE RECORD MANAGEMENT

Electronic messages may, depending upon the individual content, be a public record and must be managed in accordance with the established records retention schedule and in compliance with state law.

The City Recorder should ensure that email messages are retained and recoverable as outlined in the Records Maintenance and Release Policy.

200.7 APPROPRIATE INTERNET USE

Internet access provided by or through the city shall be strictly limited to city-related activities. Internet sites containing information that is not appropriate or applicable to city use and that shall not be intentionally accessed include but are not limited to adult forums, pornography, gambling, chat rooms, and similar or related internet sites. Certain exceptions may be permitted with the express approval of a supervisor as a function of an employee's assignment.

Downloaded information from the internet shall be limited to messages, mail, and data files. Online chat/instant messenger (IM) programs for non business related activity is strictly prohibited. City staff 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 subject to public records requests. City business conducted on any device may also be subject to public records requests. 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.

200.8 PROTECTION OF SYSTEMS AND FILES

All employees have a duty to protect the computer system and related systems and devices from physical and environmental damage and are responsible for the correct use, operation, care, and maintenance of the computer system.

Employees shall ensure city computers and access terminals are not viewable by unauthorized users. Computers and terminals should be secured, users logged off, and password protections enabled whenever the user is not present. Access passwords, logon information, and other individual security data, protocols, and procedures are confidential information and are not to be shared. Password length, format, structure, and content shall meet the prescribed standards

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required by the computer system or as directed by a supervisor and shall be changed at intervals as directed.

Employees shall not allow unauthorized users to access the computer system at any time or for any reason. Employees shall promptly report any unauthorized access to the computer system or suspected intrusion from outside sources (including the internet) to a supervisor.

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.

Employees are prohibited from breaching, testing, or monitoring computer or network security measures.

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.

200.8.1 USER LOG FILES

The city reserves the right to access, audit, and disclose, for whatever reason, any message, including attachments, and any information accessed, transmitted, received, or reviewed over any technology that is issued or maintained by the city, including the city email system, computer network, and/or any information placed into storage on any city system or device. This includes records of all keystrokes or web-browsing history made at any city computer or over any city network. The fact that access to a database, service, or website requires a username or password will not create an expectation of privacy if it is accessed through city computers, electronic devices, or networks.

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).

Media Relations

201.1 PURPOSE AND SCOPE

This policy provides guidelines to ensure that any use of media on behalf of the City is consistent with the City mission.

This policy does not address all aspects of media use. Specifically, it does not address:

- Personal use of social media by city employees (see the Speech, Expression, and Social Networking Policy).
- Use of social media in personnel processes (see the Recruitment and Selection Policy).
- Use of social media as part of an investigation, other than disseminating information to the public on behalf of this city.

201.1.1 DEFINITIONS

Definitions related to this policy include:

Media - Any of a wide array of mass communication including, but not limited to, television, radio, and publications including newspapers, magazines and other periodicals, and books.

Social media - Any of a wide array of internet-based tools and platforms that allow for the sharing of information, such as the city website or social networking services.

201.2 POLICY

The City will use media as a method of effectively informing the public about city services, issues, investigations, recruitment, and other relevant events.

The use or access of social media should be done in a manner that protects the constitutional rights of all people.

201.3 AUTHORIZED USERS

All media or press inquiries regarding the position of the city as to any issues must be referred to the 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.

Only employees authorized by the City Manager or the Communications and Engagement Manager may utilize social media on behalf of the City. Authorized employees shall use only city-approved equipment during the normal course of duties to post and monitor city-related social media, unless they are specifically authorized to do otherwise by their supervisors.

Media Relations

The City Manager may develop specific guidelines identifying the type of content that may be posted. Any content that does not strictly conform to the guidelines should be approved by a supervisor prior to posting.

Requests to post information over city social media by employees who are not authorized to post should be made through the appropriate supervisory channels in coordination with the Communications and Engagement Manager.

While this policy applies to all city employees regardless of position and appointed officials, elected officials are encouraged to consult with the Communications and Engagement Manager prior to providing public statements.

201.4 AUTHORIZED CONTENT

Only content that is appropriate for public release, that supports the city mission, and that conforms to all city policies regarding the release of information may be shared. Examples of appropriate content include:

- (a) Announcements.
- (b) Tips and information related to crime prevention.
- (c) Requests for information.
- (d) Community engagement information.
- (e) Real-time safety information that is related to in-progress crimes, geographical warnings, or disaster information.
- (f) Traffic information.
- (g) Media releases.
- (h) Recruitment of personnel.

201.4.1 INCIDENT-SPECIFIC USE

In instances of active incidents where speed, accuracy, and frequent updates are paramount (e.g., crime alerts, public safety information, traffic issues), the City Manager or the authorized designee will be responsible for the compilation of information to be released.

201.5 PROHIBITED CONTENT

Content that is prohibited from posting includes but is not limited to:

- (a) Content that is abusive, discriminatory, inflammatory, or sexually explicit.
- (b) Any information that violates individual rights, including confidentiality and/or privacy rights and those provided under state, federal, or local laws.
- (c) Any information that could compromise an ongoing investigation.
- (d) Any information that could tend to compromise or damage the mission, function, reputation, or professionalism of the City or its employees.

Media Relations

- (e) Any information that could compromise the safety and security of city operations, employees of the City, or the public.
- (f) Any content posted for personal use.
- (g) Any content that has not been properly authorized by this policy or the Communications and Engagement Manager.

Any employee who becomes aware of content on this city's social media sites that the employee believes is unauthorized or inappropriate should promptly report such content to a supervisor. The supervisor will contact the Communications and Engagement Manager who will ensure its removal from public view and investigate the cause of the entry.

201.5.1 PUBLIC POSTING AND COMMENTARY

City social media sites shall be designed and maintained to prevent posting of content by the public. Public comments on city posts are allowed. Except in specific instances, such comments are not generally removed.

The city may provide a method for members of the public to contact city employees directly.

201.6 MONITORING CONTENT

The Community and Engagement Manager will review, at least annually, the use of city social media and report back on, at a minimum, the resources being used, the effectiveness of the content, any unauthorized or inappropriate content, and the resolution of any issues.

201.7 RETENTION OF RECORDS

The Communications and Engagement Manager should work with the City Recorder to establish a method of ensuring that public records generated in the process of social media use are retained in accordance with established records retention schedules.

201.8 TRAINING

Authorized employees should receive training that, at a minimum, addresses legal issues concerning the appropriate use of social media sites, as well as privacy, civil rights, and dissemination and retention of information posted on city sites.

Liability, Indemnification, Legal Documents, and Appearances

202.1 PURPOSE AND SCOPE

This policy establishes the guidelines for city employees who must appear in court or administrative proceedings related to their employment. This policy also provides guidelines on potential city liability and indemnification and keeping the City Manager and City Attorney informed about relevant legal matters.

202.2 POLICY

Any employee who receives a subpoena or other legal document with regard to their employment shall immediately notify their immediate supervisor, City Manager, and City Attorney to coordinate responding appropriately.

Employees will immediately notify their supervisor, Department Head, and City Attorney if they become 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.

202.3 EMPLOYEE LIABILITY AND INDEMNIFICATION

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.

202.3.1 EMPLOYEE CIVIL ACTION LEGAL DEFENSE, INDEMNITY

- (a) 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.
- (b) 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.
- (c) 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.

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- (d) 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.
- (e) 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.
- (f) 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.

202.3.2 EMPLOYEE CRIMINAL ACTION LEGAL DEFENSE COSTS

- (a) 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.
- (b) 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.
- (c) 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.

Liability, Indemnification, Legal Documents, and Appearances

202.4 SUBPOENAS

Only the City Recorder's Office is authorized to receive a subpoena on behalf of the city or any of its employees with regard to the scope of their employment.

202.4.1 SPECIAL NOTIFICATION REQUIREMENTS

Any employees who are subpoenaed to testify, agree to testify, or provide information on behalf or at the request of any party other than the city or the prosecutor shall notify their immediate supervisor, City Manager, and City Attorney without delay regarding:

- (a) Any civil case where the city or one of its employees, as a result of the employee's official capacity, is a party.
- (b) Any civil case where any other city, county, state, or federal unit of government or a member of any such unit of government, as a result of the member's official capacity, is a party.
- (c) Any criminal proceeding where the employee is called to testify or provide information on behalf of the defense.
- (d) Any civil action stemming from the employee's work activity or because of the employee's association with the city.
- (e) Any personnel or disciplinary matter when called to testify or to provide information by a government entity other than the city.

The City Manager and the City Attorney should determine if additional legal support is necessary.

No employee shall be retaliated against for testifying in any matter.

202.4.2 WORK-RELATED SUBPOENAS

The city will compensate employees who appear in their official capacities on matters arising out of their official duties.

The city should seek reimbursement for the employee's compensation for appearances on civil subpoenas through the attorney of record who subpoenaed the employee.

202.4.3 OTHER SUBPOENAS

Employees receiving valid subpoenas for actions unrelated to their employment or appointment with the city will not be compensated for their appearance. Arrangements for time off shall be coordinated through their immediate supervisors.

202.5 FAILURE TO APPEAR

Any employee who fails to comply with the terms of any properly served subpoena or court-ordered appearance may be subject to discipline. This includes properly served orders to appear that were issued by an administrative agency.

202.6 COURTROOM PROTOCOL

When appearing in court, employees shall:

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- (a) Be punctual and prepared to proceed immediately with the case for which they are scheduled to appear.
- (b) Dress appropriately.
- (c) Observe all rules of the court in which they are appearing and remain alert to change in the assigned courtroom where their matter is to be heard.

202.6.1 TESTIMONY

Before the date of testifying, the subpoenaed employee should review relevant reports or documents in order to be prepared for court with the assistance of the City Attorney as necessary.

202.6.2 RECORDS

When an employee is directed by a subpoena to appear in court with records, the employee should notify the City Attorney and City Recorder promptly after receiving the subpoena that the specified records are needed for court.

Limited English Proficiency Services

203.1 PURPOSE AND SCOPE

This policy provides guidance to employees when communicating with individuals with limited English proficiency (LEP) (42 USC § 2000d).

203.1.1 DEFINITIONS

Definitions related to this policy include:

Authorized interpreter - A person who has been screened and authorized by the City to act as an interpreter and/or translator for others.

Interpret or interpretation - The act of listening to a communication in one language (source language) and orally converting it to another language (target language), while retaining the same meaning.

Limited English proficiency (LEP) individual - Any individual whose primary language is not English and who has a limited ability to read, write, speak, or understand English. These individuals may be competent in certain types of communication (e.g., speaking, understanding) but still exhibit LEP for other purposes (e.g., reading, writing). Similarly, LEP designations are context-specific; an individual may possess sufficient English language skills to function in one setting, but these skills may be insufficient in other situations.

Qualified bilingual employee - An employee of the City, designated by the City Manager or the authorized designee, who has the ability to communicate fluently, directly, and accurately in both English and another language. Bilingual employees may be fluent enough to communicate in a non-English language but may not be sufficiently fluent to interpret or translate from one language into another.

Translate or translation - The replacement of written text from one language (source language) into an equivalent written text (target language).

203.2 POLICY

It is the policy of the City to reasonably provide LEP individuals with meaningful access to services, programs, and activities, while not imposing undue burdens on the City or its employees.

The City will not discriminate against or deny any individual access to services, rights, or programs based upon national origin or any other protected interest or right.

203.3 LEP COORDINATOR

The City Manager or the authorized designee should delegate certain responsibilities to an LEP coordinator.

The responsibilities of the coordinator should include but not be limited to:

- (a) Coordinating and implementing all aspects of the city's LEP services to LEP individuals.

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- (b) Developing procedures that will enable employees to access LEP services, including telephonic interpreters, and ensuring the procedures are available to all employees.
- (c) Maintaining and making available to employees, as appropriate, a list of all qualified bilingual employees and authorized interpreters. The list should include information regarding:
 - 1. Languages spoken.
 - 2. Contact information.
 - 3. Availability.
- (d) Ensuring signage stating that interpreters are available free of charge to LEP individuals is posted in appropriate areas and in the most commonly spoken languages.
- (e) Reviewing existing and newly developed documents to determine which are vital documents and should be translated, and into which languages the documents should be translated.
 - 1. Content on the city website should be included in this review and should be translated on the website, if appropriate.
- (f) Annually assessing demographic data and other resources, including contracted language services utilization data and data from government and community-based organizations, to determine if there are additional documents or languages that are appropriate for translation.
- (g) Identifying standards and assessments to be used to qualify individuals as qualified bilingual employees or authorized interpreters.
- (h) Periodically reviewing efforts of the City in providing meaningful access to LEP individuals, and, as appropriate, developing reports, developing new procedures, or recommending modifications to this policy.
- (i) Receiving and responding to complaints regarding city LEP services.
- (j) Ensuring appropriate processes are in place to provide for the prompt and equitable resolution of complaints and inquiries regarding discrimination in access to city services, programs, and activities.
- (k) Requiring third parties providing city services, rights, or programs through contract, outsourcing, licensing, or other arrangement to establish reasonable policies and procedures to prohibit discrimination or denial of access or services based upon national origin or any other protected interest or right.

203.4 FOUR-FACTOR ANALYSIS

Because there are many different languages that employees could encounter, the City will utilize the four-factor analysis outlined in the U.S. Department of Justice (DOJ) Guidance to Federal Financial Assistance Recipients, available at the DOJ website, to determine which measures will provide meaningful access to its services and programs. It is recognized that contacts and

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circumstances will vary considerably. This analysis, therefore, must remain flexible and will require an ongoing balance of the following four factors, which are:

- (a) The number or proportion of LEP individuals eligible to be served or likely to be encountered by city employees, or who may benefit from programs or services within the jurisdiction of this city.
- (b) The frequency with which LEP individuals are likely to come in contact with city employees, programs, or services.
- (c) The nature and importance of the contact, program, information, or service provided.
- (d) The cost of providing LEP assistance and the resources available.

203.5 TYPES OF LEP ASSISTANCE AVAILABLE

Employees should never refuse service to an LEP individual who is requesting assistance, nor should they require an LEP individual to furnish an interpreter as a condition for receiving assistance. The City will make every reasonable effort to provide meaningful and timely assistance to LEP individuals through a variety of services.

The City will utilize all reasonably available tools, such as language identification cards, when attempting to determine an LEP individual's primary language.

LEP individuals may choose to accept city-provided LEP services at no cost, or they may choose to provide their own.

City-provided LEP services may include but are not limited to the assistance methods described in this policy.

203.6 WRITTEN FORMS AND GUIDELINES

Vital documents or those that are frequently used should be translated into languages most likely to be encountered. If English versions of any vital documents are published on the city website, the translated versions of the same document must also be posted on the website. The LEP coordinator will arrange to make all translated documents available to employees and other appropriate individuals, as necessary.

203.7 AUDIO RECORDINGS

The City may develop audio recordings of important or frequently requested information in a language most likely to be understood by those LEP individuals who are representative of the community being served.

203.8 QUALIFIED BILINGUAL EMPLOYEES

Bilingual employees may be qualified to provide LEP services when they have demonstrated through established city procedures a sufficient level of skill and competence to fluently communicate in both English and a non-English language. Employees utilized for LEP services

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must demonstrate knowledge of the functions of an interpreter/translator and the ethical issues involved when acting as a language conduit.

When a qualified bilingual employee is not available, personnel from another department who have been identified as having the requisite skills and competence may be requested.

203.9 AUTHORIZED INTERPRETERS

Any person designated by the City to act as an authorized interpreter and/or translator must have demonstrated competence in both English and the involved non-English language, must have an understanding of the functions of an interpreter that allows for correct and effective translation, and should not be a person with an interest in the transaction involving the LEP individual. A person providing interpretation or translation services may be required to establish the accuracy and trustworthiness of the interpretation or translation in a legal or other proceeding.

Authorized interpreters must pass a screening process established by the LEP coordinator that demonstrates their skills and abilities in the following areas:

- (a) The competence and ability to communicate information accurately in both English and in the target language.
- (b) Knowledge, in both languages, of any applicable specialized terms or concepts and of any particularized vocabulary or phraseology used by the LEP individual.
- (c) The ability to understand and adhere to the interpreter role without deviating into other roles, such as counselor or legal adviser.
- (d) Knowledge of the ethical issues involved when acting as a language conduit.

203.9.1 SOURCES OF AUTHORIZED INTERPRETERS

The City may contract with authorized interpreters who are available over the telephone, electronically, or through other remote means. Employees may use these services with the approval of a supervisor and in compliance with established procedures.

Other sources may include:

- Qualified bilingual employees of another department within the City.
- Individuals employed exclusively to perform interpretation services.
- Contracted in-person interpreters, such as court interpreters, among others.

203.9.2 COMMUNITY VOLUNTEERS AND OTHER SOURCES OF LANGUAGE ASSISTANCE

Language assistance may be available from community volunteers who have demonstrated competence in either monolingual (direct) communication and/or in interpretation or translation (as noted in above), and have been approved by the City to communicate with LEP individuals.

Where qualified bilingual employees or other authorized interpreters are unavailable to assist, approved community volunteers who have demonstrated competence may be called upon when appropriate. However, employees must carefully consider the nature of the contact and the

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relationship between the LEP individual and the volunteer to ensure that the volunteer can provide neutral and unbiased assistance.

While family or friends of an LEP individual may offer to assist with communication or interpretation, employees should carefully consider the circumstances before relying on such individuals. For example, children should not be relied upon except in exigent or very informal and non-confrontational situations.

203.10 CONTACT AND DOCUMENTATION

Although all public contacts, services, and individual rights are important, this city will utilize the four-factor analysis to prioritize service to LEP individuals so that such services may be targeted where they are most needed, according to the nature and importance of the particular activity involved.

Whenever any employee of this city is required to complete a report or other documentation that involves a situation in which interpretation services were provided to any involved LEP individual, such services should be noted in the related report or documentation. Employees should document the type of interpretation services utilized and whether the individual elected to use services provided by the City or some other identified source.

203.11 RECEIVING AND RESPONDING TO REQUESTS FOR ASSISTANCE

The City will take reasonable steps to develop in-house language capacity by hiring or appointing qualified employees proficient in languages representative of the community being served.

203.11.1 EMERGENCY ASSISTANCE

City employees will make every reasonable effort to promptly accommodate LEP individuals who appear to be in need of emergency assistance. An employee who determines that a person in need of emergency assistance is an LEP individual should attempt to gather sufficient information to determine what type of assistance the person needs and to initiate an appropriate response to the situation. As soon as possible, if language assistance is still needed and the language is known, the employee should attempt to locate a qualified bilingual employee to assist with the situation.

If a qualified bilingual employee is not available or the employee is unable to identify the primary language used by the LEP individual, the employee should contact the contracted interpretation service for assistance.

203.12 COMMUNITY OUTREACH

Community outreach programs and other such services offered by this city are important to the ultimate success of local government and achievement of the city's mission. This city will continue to work with community groups, local businesses, and neighborhoods to provide equal access to such programs and services.

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203.13 TRAINING

To ensure that all employees who may have contact with LEP individuals are properly trained, the City will provide periodic training on this policy and related procedures, including how to access authorized telephonic and in-person interpreters and other available resources.

New employees should receive LEP training. Those who may have contact with LEP individuals should receive periodic refresher training. Training records should be maintained in each employee's personnel file in accordance with the established records retention schedule.

203.13.1 TRAINING FOR AUTHORIZED INTERPRETERS

All employees on the authorized interpreter list must successfully complete prescribed interpreter training. To complete interpreter training successfully, an interpreter must demonstrate proficiency in and ability to communicate information accurately in both English and in the target language, demonstrate knowledge in both languages of any specialized terms or phraseology, and understand and adhere to the interpreter role without deviating into other roles, such as counselor or legal adviser.

Employees on the authorized interpreter list must receive refresher training annually or they will be removed from the authorized interpreter list. This annual training should include language skills competency (including specialized terminology) and ethical considerations.

Authorized interpreters will receive annual refresher training.

ADA Compliance

204.1 PURPOSE AND SCOPE

The purpose of this policy is to provide guidelines for equal access to government employment, services, programs, and activities for persons with disabilities in accordance with Title II of the Americans with Disabilities Act (ADA).

This policy also includes guidelines to provide effective communication with persons with disabilities and to protect the rights of individuals who use service animals in accordance with the ADA.

204.1.1 DEFINITIONS

Definitions related to this policy include (28 CFR 35.104):

ADA coordinator - As designated by the City Manager, the Director of Human Resources serves to coordinate the City's efforts to comply with the ADA (28 CFR 35.107).

Assistive devices, auxiliary aids, and services - Tools used to communicate with people who have a disability or impairment. They include but are not limited to the use of gestures or visual aids to supplement oral communication; a notepad and pen or pencil to exchange written notes; a computer or typewriter; an assistive listening system or device to amplify sound; a teletypewriter (TTY) or videophones (video relay service or VRS); taped text; qualified readers; or a qualified interpreter.

Disability or impairment - A physical or mental impairment that substantially limits a major life activity, including hearing or seeing, regardless of whether the person uses assistive devices, auxiliary aids, and services. Individuals who wear ordinary eyeglasses or contact lenses are not considered to have a disability (42 USC § 12102; 28 CFR 35.108).

Facility - All aspects of buildings, structures, sites, complexes, equipment, rolling stock or other conveyances, roads, walkways, parking areas, and other real or personal property (28 CFR 35.108).

Modification - Any change, adjustment, alteration, adaptation, or accommodation that renders a city service, program, or activity suitable for use, enjoyment, or participation by a person with a disability. This may include alteration of existing buildings and facilities.

A modification includes any change or exception to a policy, practice, or procedure that allows a person with a disability to have equal access to programs, services, and activities. It also includes the provision or use of assistive devices, auxiliary aids, and services.

Power-driven mobility device - Any mobility device powered by batteries, fuel, or other engine type used by persons with disabilities for mobility assistance, regardless of whether the device was primarily designed for that purpose (e.g., golf carts, Segway® PT, mobility scooters). For purposes of this policy, it does not include wheelchairs.

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Qualified interpreter - A person who is able to interpret effectively, accurately, and impartially, both receptively and expressively, using any necessary specialized vocabulary. Qualified interpreters include oral interpreters, transliterators, sign language interpreters, and intermediary interpreters.

Service animal - A dog that is trained to do work or perform tasks for the benefit of a person with a disability, including a physical, sensory, psychiatric, intellectual, or other mental disability. The work or tasks performed by a service animal must be directly related to the individual's disability.

Service animal also includes a miniature horse if the horse is trained to do work or perform tasks for persons with disabilities, provided the horse is housebroken, is under the handler's control, the building or facility can accommodate the horse's type, size, and weight, and the horse's presence will not compromise legitimate safety requirements necessary for safe operation of the facility (28 CFR 35.136(i)).

204.2 POLICY

The City will ensure that persons with disabilities have equal access to city employment, services, programs, and activities. The City will not discriminate against or deny any individual access to employment, services, programs, or activities based upon disabilities.

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.

204.3 AMERICANS WITH DISABILITIES ACT (ADA) COORDINATOR

As the ADA coordinator, responsibilities of the Director of Human Resources include but are not limited to (28 CFR 35.130):

- (a) Coordinating efforts among each city department to provide equal access to services, programs, and activities including:
 - 1. Establishing procedures to provide for the performance of routine maintenance on buildings, facilities, or equipment that provide access to persons with disabilities (28 CFR 35.133).
- (b) Recommending amendments to this policy, as needed.
- (c) Coordinating a process of periodic self-evaluation. The process should include:
 - 1. Inspection of current city buildings and facilities to identify access issues.
 - 2. Review of current city services, activities, and programs for access issues.

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3. Assessment and update of current compliance measures.
 4. Identification of recurring areas of complaint for which new methods of modification should be considered.
 5. Review of the city's emergency programs, services, and activities as they apply to persons with disabilities.
 6. Recommendation of a schedule to implement needed improvements.
- (d) Acting as a liaison with local disability advocacy groups or other disability groups regarding access to city services, programs, and activities.
 - (e) Developing procedures for the review and processing of requests for assistance or modifications that will help employees provide persons with disabilities access to city services, programs, and activities, as appropriate.
 - (f) Providing notice to the public regarding the rights and protections afforded by the ADA (e.g., posters, published notices, handbooks, manuals, and pamphlets describing city services, programs, and activities and the availability of assistive devices, auxiliary aids, and services, as well as modifications) (28 CFR 35.106).
 - (g) Developing procedures for employees to access assistive devices, auxiliary aids, and services, including qualified interpreters, and making the procedures available, as appropriate.
 1. A list of qualified interpreter services with contact and availability information should be maintained and easily accessible to employees.
 - (h) Developing, implementing, and publishing appropriate procedures to provide for the prompt and equitable resolution of complaints and inquiries regarding discrimination in access to services, programs, and activities (28 CFR 35.107). The complaint procedures should include an appeal process.
 - (i) Requiring third parties providing city services, programs, or activities through contract, outsourcing, licensing, or other arrangement to establish reasonable policies and procedures to prevent discrimination against and denial of access to persons with disabilities.
 - (j) Developing and implementing procedures to provide that new construction and any alteration to an existing building or facility are undertaken in compliance with the ADA (28 CFR 35.151).
 - (k) Developing and implementing procedures to provide that new construction and alteration of city-maintained roadways, highways, and streets include curb ramps or other sloped areas to make pedestrian-level walkways accessible as required by law (28 CFR 35.150(d)(2); 28 CFR 35.151(i)).
 - (l) Coordinating with appropriate city staff to address the needs of persons with disabilities in the City's emergency disaster preparedness planning, including consideration of shelters and care facilities, transportation, means of evacuation, communication methods (e.g., warning and emergency notification systems), and post-disaster canvassing.

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204.4 REQUESTS

The reasonable accommodation process is interactive. The goal of any modification should be to allow the person to participate in employment, services, programs, or activities the same as a person who does not have a disability.

Upon receiving a request for a modification from the public, an employee should notify her or his supervisor of the request. The supervisor, in coordination with the Director of Human Resources, should make reasonable efforts to accommodate the request based on the preference of the person with the disability. Employees should not ask about the nature and extent of a person's disability, but should limit questions to information necessary to determine the need for a modification and the type of modification that is appropriate.

Upon receiving a request for a modification from an employee, the city will attempt to engage in an interactive process with the employee. This process should 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.

204.4.1 DENIAL OF A REQUEST

The following should be considered before denying a request for modification:

- (a) Requests for modifications should be approved unless complying with the request would result in (28 CFR 35.150):
 1. A substantial alteration of the service, program, or activity.
 2. An undue financial or administrative burden on the City.
 3. All resources available for use in the funding and operation of the service, program, or activity at issue should be considered in this determination.
 4. A threat to or the destruction of the historic significance of an historic property.
 5. A direct threat to the health or safety of others (28 CFR 35.139).
- (b) If any of these circumstances are present, the ADA coordinator should work with department staff and the person requesting the modification to determine if an alternative modification is available.
- (c) Where physical modification of an existing building or facility, or new construction, would be unfeasible or unduly burdensome, the ADA coordinator should work with department staff to determine whether alternative modifications are available. Alternative methods that should be considered include (28 CFR 35.150):
 1. Reassigning services, programs, or activities to accessible buildings or facilities.
 2. Utilizing technology, equipment, rolling stock, or other conveyances.
 3. Delivering the services, programs, or activities directly to a person with a disability by way of home visits or meeting the person at an accessible location.

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4. Any other means or methods that would make services, programs, or activities readily accessible.
- (d) If no alternative modification is appropriate, the ADA coordinator shall issue a written statement explaining why a modification of the public service, program, or activity will not be made (28 CFR 35.150).

204.4.2 PERSONAL DEVICES AND ASSISTANCE

Although employees should make every effort to comply with requests, the provision of personal devices or assistance (e.g., wheelchairs, eyeglasses, hearing aids, personal assistance in eating or using the restroom) to persons with disabilities is not required (28 CFR 35.135).

204.4.3 SURCHARGES

Surcharges shall not be imposed upon persons with disabilities to cover the costs of providing modifications to public services, programs, and activities (28 CFR 35.130(f)).

204.4.4 EMPLOYEE AND JOB APPLICANT REQUESTS FOR 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:

- (a) A job applicant may request an accommodation with respect to the job application process;
- (b) A new employee may request an accommodation to perform the essential functions of their job;
- (c) An employee returning to work after experiencing an illness or injury may request an accommodation for any resulting disability;
- (d) 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
- (e) 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 the Department of Human Resources.

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

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on the circumstances, the City may request medical documentation to support the request for accommodation and to evaluate and process the accommodation request.

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

- (a) Is the employee otherwise qualified to perform their essential job functions?
- (b) Will the accommodation accomplish the desired result, i.e., allowing the employee to effectively perform the essential functions of their job?
- (c) 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?
- (d) Will the accommodation be unduly disruptive to the workplace so that business cannot be reasonably conducted or otherwise create an undue burden?
- (e) 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 to discuss their concerns with an EEO Officer.

204.5 MOBILITY DEVICES

Wheelchairs and manually powered mobility devices such as walkers, crutches, canes, and braces are permitted in any areas open to members of the public.

Power-driven mobility devices other than wheelchairs may be restricted only if a legitimate safety interest is identified that warrants the restriction (28 CFR 35.130(h); 28 CFR 35.137).

An employee should not ask a person using a power-driven mobility device to terminate the use of the device or leave the area unless an imminent and legitimate safety issue is present. If an employee is concerned about the use of a power-driven mobility device by a person with a disability, the employee should contact a supervisor.

The determination of whether a reasonable modification should be made for the use of a power-driven mobility device within a public building or facility should be based on whether the device, given its size and speed, can be safely used within the particular building or facility taking into account the layout and design of the building or facility, the amount of pedestrian traffic present

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in the building or facility, and whether there is any risk of damage to the building or facility or its immediate environment as set forth in 28 CFR 35.137.

204.5.1 INQUIRIES REGARDING MOBILITY DEVICES

If an individual is using a power-driven mobility device other than a wheelchair, the city may seek credible assurance from the individual that the device is needed because of a disability. Credible assurance of the device's necessity may be provided in one of the following ways (28 CFR 35.137):

- (a) Presentation of a valid, state-issued disability placard or card
- (b) Presentation of any other state-issued proof of disability
- (c) A verbal statement, not contradicted by observable fact, that use of the device is necessary for mobility purposes

204.6 COMMUNICATIONS WITH PERSONS WITH DISABILITIES

Employees interacting with the public and supervisors interacting with employees should remain alert to the possibility of communication problems when engaging with persons with disabilities. When an employee or supervisor knows or suspects an individual requires assistance to effectively communicate, the employee or supervisor should identify the individual's choice of assistive device, auxiliary aid, and service.

The individual's preferred communication method should be honored unless another effective method of communication exists under the circumstances (28 CFR 35.160).

Factors to consider when determining whether an alternative method is effective include:

- (a) The methods of communication usually used by the individual.
- (b) The nature, length, and complexity of the communication involved.
- (c) The context of the communication.

In emergency situations involving an imminent threat to the safety or welfare of any person, employees or supervisors may use whatever assistive device, auxiliary aid and service reasonably appears effective under the circumstances. This may include, for example, exchanging written notes or using the services of a person who knows sign language but is not a qualified interpreter, even if the person who is deaf or hard of hearing would prefer a qualified sign language interpreter or another appropriate assistive device, auxiliary aid, and service. Once the emergency has ended, the continued method of communication should be reconsidered. The employee or supervisor should inquire as to the individual's preference and give primary consideration to that preference.

204.6.1 TYPES OF ASSISTANCE AVAILABLE

Employees shall not refuse an available type of assistive device, auxiliary aid, and service to a person with a disability who is requesting assistance. The City will not require persons with disabilities to furnish their own assistive device, auxiliary aid, and service as a condition for receiving assistance. The City will make every reasonable effort to provide equal access and timely assistance to persons with disabilities through a variety of assistive devices, auxiliary aids, and services.

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Persons with disabilities may choose to accept city-provided assistive devices, auxiliary aids, and services, or they may choose to provide their own.

City-provided assistive devices, auxiliary aids, and services may include but are not limited to the assistance methods described in this policy.

204.6.2 AUDIO RECORDINGS AND ENLARGED PRINT

The City may develop audio recordings to assist people who are blind or have a visual impairment with accessing important information. If such a recording is not available, employees may read aloud from the appropriate form or provide forms with enlarged print.

204.6.3 QUALIFIED INTERPRETERS

A qualified interpreter may be needed in lengthy or complex interactions (e.g., public meetings or hearings, special or emergency meetings, plan reviews) for individuals who normally rely on sign language or speechreading (lip-reading) to understand what others are saying. The qualified interpreter should not be a person with an interest in the exchange. A person providing interpretation services may be required to establish the accuracy and trustworthiness of the interpretation in a local government or legal proceeding.

Qualified interpreters should be:

- (a) Available within a reasonable amount of time.
- (b) Experienced in providing interpretation services.
- (c) Familiar with the use of VRS and/or video remote interpreting services.
- (d) Certified in either American Sign Language (ASL) or Signed English (SE).
- (e) Able to understand and adhere to the interpreter role without deviating into other roles, such as counselor or legal adviser.
- (f) Knowledgeable of the ethical issues involved when providing interpreter services.

Employees should use city-approved procedures to request a qualified interpreter at the earliest reasonable opportunity or when it is reasonably apparent that an interpreter is needed. Persons with disabilities shall not be required to provide their own interpreters (28 CFR 35.160).

204.6.4 TTY AND RELAY SERVICES

The City will accept all TTY or TDD calls placed by those who are deaf or hard of hearing and received via a telecommunications relay service.

Note that relay services translate verbatim, so the conversation must be conducted as if speaking directly to the caller.

204.6.5 COMMUNITY VOLUNTEERS

Interpreter services may be available from community volunteers who have demonstrated competence in communication services, such as ASL or SE, and have been approved by the City to provide interpreter services.

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When qualified interpreters are unavailable to assist, approved community volunteers who have demonstrated competence may be called upon when appropriate. However, city employees must carefully consider the nature of the interaction and the relationship between the person with the disability and the volunteer to be reasonably satisfied that the volunteer can provide neutral and unbiased assistance.

204.6.6 FAMILY AND FRIENDS

While family or friends may offer to assist with interpretation, employees should carefully consider the circumstances before relying on such individuals. The nature of the interaction and relationship between the person with the disability and the person offering services must be carefully considered to determine whether the family member or friend can provide neutral and unbiased assistance.

Children shall not be relied upon except in emergency or critical situations when there is no qualified interpreter reasonably available.

Adults may be relied upon when (28 CFR 35.160):

- (a) There is an emergency or critical situation and there is no qualified interpreter reasonably available.
- (b) The person with the disability requests that the adult interpret or facilitate communication and the adult agrees to provide such assistance, and reliance on that adult for such assistance is reasonable under the circumstances.

204.6.7 FIELD ENFORCEMENT CONSIDERATIONS

It is important that employees are able to effectively communicate with persons with disabilities even though the location of the communication may hinder the employee's ability to provide assistive devices, auxiliary aids, and other services in a prompt manner.

Employees involved in interactions with persons with disabilities that occur in the field and that could result in any type of civil or criminal enforcement action (e.g., issuing code enforcement citations, shutting off a utility service) should assess each situation to determine if communication assistance is necessary. The length, complexity, and importance of the communication, as well as the individual's preferred method of communication, should be considered when determining what, if any, resources should be used and whether a qualified interpreter or other service is needed.

204.7 SERVICE ANIMALS

Service animals that are assisting persons with disabilities are permitted in all city buildings and facilities and other areas where the general public is allowed. City employees are expected to treat people with service animals with the same courtesy and respect that the City affords to all members of the public (28 CFR 35.136).

204.7.1 IDENTIFICATION AND USE OF SERVICE ANIMALS

Some service animals may be readily identifiable. However, many do not have a distinctive symbol, harness, or collar.

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Service animals may be used in a number of ways to provide assistance, including:

- (a) Guiding people who are blind or have low vision.
- (b) Alerting people who are blind or have low vision.
- (c) Retrieving or picking up items, opening doors, or flipping switches for people who have limited use of their hands, arms, or legs.
- (d) Pulling wheelchairs.
- (e) Providing physical support and assisting with stability and balance.
- (f) Doing work or performing tasks for people with traumatic brain injury, intellectual disabilities, or psychiatric disabilities, such as reminding a person with depression to take medication.
- (g) Alerting a person with anxiety to the onset of panic attacks, providing tactile stimulation to calm a person with post-traumatic stress disorder, assisting people with schizophrenia to distinguish between hallucinations and reality, and helping people with traumatic brain injury to locate misplaced items or follow daily routines.

204.7.2 INQUIRIES REGARDING SERVICE ANIMALS

If it is apparent or if an employee is aware that an animal is a service animal, the individual generally should not be asked any questions as to the status of the animal. If it is unclear whether an animal meets the definition of a service animal, the employee should ask the individual only the following questions (28 CFR 35.136(f)):

- (a) Is the animal required because of a disability?
- (b) What task or service has the service animal been trained to perform?

If the individual explains that the animal is required because of a disability and has been trained to work or perform at least one task, the animal meets the definition of a service animal and no further questions as to the animal's status should be asked. Employees should not question individuals about their disabilities nor should employees ask any individual to provide a license, certification, or identification card for a service animal.

204.7.3 CONTACT WITH SERVICE ANIMALS

Service animals are not pets. City employees should not interfere with the important work performed by a service animal by talking to, petting, or otherwise initiating contact with a service animal.

204.7.4 REMOVAL OF SERVICE ANIMALS

If a service animal is not housebroken or exhibits vicious behavior, poses a direct threat to the health of others, or unreasonably disrupts or interferes with normal business operations, an employee should notify an appropriate supervisor who may direct the handler to remove the animal

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from the premises. Barking alone is not a threat nor does a direct threat exist if the person takes prompt, effective action to control the service animal (28 CFR 35.136(b)).

Each incident must be considered individually, and past incidents alone are not cause for excluding a service animal. Removal of a service animal may not be used as a reason to refuse access to services, programs, or activities to a person with a disability. Employees are expected to provide all services that are reasonably available to a person with a disability, with or without a service animal.

204.8 WEBSITE ACCESS

The ADA coordinator should work with appropriate city employees to develop online content that is readily accessible to persons with disabilities. City web content should be developed in conformance with the most current guidelines issued by the U.S. Department of Justice.

Website content should also be made available to persons with disabilities in an alternative format upon request, if reasonably practicable.

204.9 DOCUMENTATION

Whenever any modification, assistive device, auxiliary aid, and service has been provided, the city should document:

- (a) The type of modification, aid, or service provided.
- (b) Whether the individual elected to use an assistive device, auxiliary aid, and service provided by the city or some other identified source, if applicable.
- (c) Whether the individual's express preference for the modification, assistive device, auxiliary aid, and service was not honored, and the reason why an alternative method was used.

The documentation and any written communications exchanged should be maintained consistent with the Records Maintenance and Release Policy.

204.10 COMPLAINTS

An employee who receives a complaint or becomes aware of potential disability discrimination, an ADA violation, or a person's inability to access a city program, service, or activity should document the complaint and refer the matter to the ADA coordinator (28 CFR 35.107).

204.11 TRAINING

Employees who may have contact with persons with disabilities should receive periodic training on ADA compliance, to include:

- (a) Awareness and understanding of this policy and related procedures, related forms, and available resources.
- (b) Procedures for handling requests for modifications.

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- (c) Accessing assistive devices, auxiliary aids, and services needed to communicate with persons with disabilities.
- (d) General requirements of the ADA, including modifying policies and practices, communicating with and assisting customers, accepting calls placed through alternative systems, and identifying alternate ways to provide access to programs, services, and activities as appropriate to the employee's job duties.

Training records should be maintained in each employee's personnel file in accordance with the established records retention schedule.

Volunteers

206.1 PURPOSE AND SCOPE

This policy establishes the guidelines for volunteers to supplement and assist city personnel in their duties. Trained volunteers can augment city personnel and help complete various tasks.

206.1.1 DEFINITIONS

Definitions related to this policy include:

Volunteer - An individual who performs a service for the City without promise, expectation, or receipt of compensation for services rendered. This may include interns, persons providing administrative support, and individuals participating in school-sponsored, educational, or diversion programs, among others. Volunteers may be youths or adults. 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.

206.2 POLICY

It is the policy of the City that volunteers be appointed, trained, and supervised to carry out specified tasks and duties in an effort to create an efficient local government and improve services to the community.

206.3 ELIGIBILITY

Requirements for participation as a volunteer for the City may include but are not limited to:

- (a) Residency in the City.
- (b) The ability to meet any necessary age requirements.
- (c) Possession of a valid driver's license, if the position requires vehicle operation.
- (d) Possession of liability insurance for any personally owned equipment, vehicles, or animals utilized during volunteer work.
- (e) No conviction of a felony, any crime of a sexual nature or against children, any crime related to assault or violence, any crime related to dishonesty, or any crime that would be inconsistent with volunteer service with the City.
- (f) The ability to meet physical requirements reasonably appropriate to the assignment.
- (g) A personal background history and character suitable for a person representing the City, as validated by a background investigation, as appropriate.

206.3.1 MINORS

Volunteers younger than age 14 must be accompanied by a parent or legal guardian during the performance of their volunteer assignments. Volunteers between the ages of 14 and 18 must have the written consent of a parent or guardian prior to volunteering.

Volunteers

206.4 RECRUITMENT, SELECTION, AND APPOINTMENT

The City shall endeavor to recruit and appoint only those applicants who meet the high ethical, moral, and professional standards set forth by this city.

206.4.1 RECRUITMENT

Volunteers should be recruited on a continuous and ongoing basis consistent with city policy on equal opportunity, nondiscriminatory employment. A primary qualification for participation in the application process should be an interest in and an ability to assist the City in serving the public.

Requests for volunteers should be submitted in writing by interested city employees to the volunteer coordinator through the requester's immediate supervisor. A complete description of the volunteer's duties and a requested time frame should be included in the request. All city employees should understand that the recruitment of volunteers is enhanced by creative and interesting assignments. The volunteer coordinator may withhold assignment of any volunteer until such time as the requester is prepared to make effective use of volunteer resources.

206.4.2 SELECTION

Volunteer candidates shall successfully complete the following process prior to appointment as a volunteer:

- (a) Submit the appropriate written application.
- (b) Interview.
- (c) Successfully complete an appropriate-level background investigation or screening. 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.
- (d) Sign a release agreement.

206.4.3 APPOINTMENT

Service as a volunteer with the City shall begin with an official notice of acceptance or appointment by the City Manager or the authorized designee. Notice may only be given by an authorized representative of the City,.

No volunteer should begin any assignment until officially accepted for the position and all required screening and paperwork has been completed. At the time of final acceptance, each volunteer should complete all required enrollment paperwork and will receive a copy of the position description and agreement of service with the City.

All volunteers shall receive a copy of applicable volunteer orientation materials and shall be required to sign a volunteer agreement. Volunteers should be placed only in assignments or programs that are consistent with their knowledge, skills, and abilities and the needs of the City.

Volunteers serve at the discretion of the City Manager.

All volunteer agreements will be documented in writing and reviewed by the City Attorney.

Volunteers

206.5 IDENTIFICATION AND DRESS CODE

As representatives of the City, volunteers are responsible for presenting a professional image to the community. Volunteers shall dress appropriately for the conditions and performance of their assignment.

Uniforms and necessary safety equipment will be provided for each volunteer, if appropriate for the volunteer position. Identification symbols worn by volunteers shall be different and distinct from those worn by city employees through the inclusion of "Volunteer" on the uniform.

Certain volunteers may be issued city identification cards to be carried at all times while in the performance of their assignment. The identification cards may be the standard city identification cards, except that "Volunteer" will be indicated on the cards.

206.6 PERSONNEL WORKING AS VOLUNTEERS

Qualified regular city personnel, when authorized, may also serve as volunteers. However, this city shall not utilize the services of volunteers in such a way that it would violate employment laws or employment agreements. Therefore, the appointing supervisor should consult with the City Manager or the authorized designee prior to allowing regular city personnel to serve in a volunteer capacity (29 CFR § 553.100 et seq.). 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.

206.7 RESPONSIBILITIES

Volunteers assist city personnel as needed. Volunteers may be assigned to one department to augment the support of paid personnel, but they may be reassigned as needed. Volunteers should be placed only in assignments or programs that are consistent with their knowledge, skills, and abilities and the needs of the City.

206.7.1 POLICIES AND PROCEDURES

Volunteers shall be required to adhere to all city policies and procedures. A copy of the policies and procedures is available to each volunteer upon appointment. The Department of Human Resources can provide a copy of the manual.

Whenever a rule, regulation, or guideline in this Policy Manual refers to city employees, it shall also apply to a volunteer, unless by its nature it is inapplicable.

Volunteers are required to meet city-approved training requirements as applicable to their assignments.

206.7.2 VOLUNTEER MEETINGS

All volunteers are required to attend scheduled meetings. Any absences must be satisfactorily explained.

Volunteers

206.8 TASK-SPECIFIC TRAINING

Task-specific training is intended to provide the required instruction and practice for volunteers to properly and safely perform their assignments. Training should correspond to the volunteer's assignment.

Volunteers will be provided with an orientation program to acquaint them with the policies of the City and procedures applicable to their assignments.

Volunteers should receive position-specific training to ensure they have adequate knowledge and skills to complete the required tasks, and should receive ongoing training as deemed appropriate by their supervisors.

Training should reinforce to volunteers that they shall not intentionally represent themselves as, or by omission imply that they are, full-time employees of the City. They shall always represent themselves as volunteers.

All volunteers shall comply with the standards of conduct and with all applicable orders and directives, either oral or written, issued by the City.

206.8.1 VOLUNTEER TRAINING MATERIALS

Volunteers will be issued training materials when necessary, based upon the volunteer assignment. The materials should outline the subject matter and skills necessary to properly function as a volunteer with the City. The volunteer shall become knowledgeable of the subject matter and proficient with the skills as set forth in the training materials.

206.9 SUPERVISION

Each volunteer must have a clearly identified supervisor who is responsible for direct management of that volunteer. This supervisor will be responsible for day-to-day management and guidance of the work of the volunteer and should be available to the volunteer for consultation and assistance.

Functional supervision of volunteers is the responsibility of the supervisor in charge of the volunteer's assignment. The following are some considerations that supervisors should keep in mind while supervising volunteers:

- (a) Take the time to introduce volunteers to employees on all levels.
- (b) Ensure volunteers have work space and necessary office supplies.

A volunteer may be assigned as a supervisor of other volunteers, provided that the supervising volunteer is under the direct supervision of an employee.

206.9.1 FITNESS FOR DUTY

No volunteer shall report for work or be at work when the volunteer's judgment or physical condition has been impaired due to illness or injury, or by the use of alcohol or drugs, whether legal or illegal.

Volunteers shall report to their supervisors any change in status that may affect their ability to fulfill their assignments.

Volunteers

206.10 CONFIDENTIALITY

Volunteers must abide by all confidentiality provisions required of employees.

206.11 EQUIPMENT

Any property or equipment issued by the City shall be for official and authorized use only. Any property or equipment issued to a volunteer shall remain the property of the City and shall be returned at the termination of service.

206.11.1 VEHICLE USE

Volunteers who operate city vehicles are required to follow all vehicle use provisions required of employees.

206.12 DISCIPLINARY PROCEDURES/TERMINATION

If a volunteer becomes the subject of a complaint or administrative investigation, the matter may be investigated in accordance with city procedures applicable to regular employees.

Volunteers are considered at-will and may be removed from service at the discretion of the City Manager or the authorized designee, with or without cause. Volunteers shall have no property interest in their continued appointments or due process interest in an administrative investigation.

Volunteers may resign from volunteer service with the City at any time. Volunteers who intend to resign should provide advance written notice.

Anti-Fraud

207.1 PURPOSE AND SCOPE

Recognizing that addressing fraud risk is a normal requirement for the conduct of business by all organizations. The City has internal controls, an Anti-Fraud Policy (this Policy), and wide ranging City policies and procedures for personnel, inventory, purchasing, cash verification, and other critical areas of risk that provide guidance for City staff and transparency of City operations.

The purpose of this Anti-Fraud Policy is to safeguard the reputation and financial viability of the City through improved management of fraud risk. It sets out explicit steps to be taken in response to reported or suspected fraud, as well as measures that will be taken to prevent or minimize the risk of fraud. This Policy applies to all City officials and staff as well as external parties. It is an integral part of the City's internal control policy framework and should be read and applied in conjunction with the City Purchasing Policy, and the City's Personnel Policy.

207.2 WHAT IS FRAUD

For purposes of this Policy, fraud is defined as the use of deception by an individual with the intention of obtaining an advantage for themselves or for a third party or parties, avoiding an obligation, or causing loss to another party. The term fraud is used to describe offenses such as, but not limited to, deception, bribery, forgery, extortion, corruption, theft, conspiracy, embezzlement, misappropriation, false representation, concealment of material facts, and collusion. This Policy is intended to apply to both internal and external fraud as defined in the Glossary.

207.3 FRAUD EXAMPLES

Examples of Fraudulent Behavior:

- (a) Obtaining property, financial advantage or any other benefit by deception or abuse of authority granted by virtue of official position or duty.
- (b) Charging the City for goods and services that have not been delivered.
- (c) Development or application of local policies or practices that are knowingly inconsistent with the objectives of City's practices or objectives.
- (d) Seeking to obtain confidential information about a colleague or others, with intent to use it for unauthorized purposes.
- (e) Knowingly providing false, misleading or incomplete information to the City, its partners, or other business relations, or deliberately failing to provide information where there is an obligation to do so.
- (f) Non-permitted use of the City's computers, vehicles, telephones or any other property or services outside of professional duties or without specific authorization.
- (g) Interfering with the City's server or computer system

Anti-Fraud

207.4 FRAUD PREVENTION

City of Moab officials and personnel have a responsibility as well as an obligation to contribute to the management of fraud risk.

The City Manager and City Department Heads all set the tone and lead in the promotion of risk management, internal controls and an anti-fraud culture throughout the City. Management and operational staff design, implement and operate the control actions, recruit the right people, and ensure that physical and IT services promote computer and data security.

City staff shall conduct themselves with integrity and demonstrate awareness of the importance of ethical practices in their day to day work.

The City expresses a zero tolerance policy regarding fraud and will not tolerate any level of fraud or corruption under any circumstances. The City expects all people and organizations associated with it to be honest and fair in their dealings with the City, its members and its partners.

Any detected case will be thoroughly investigated, with disciplinary or criminal sanctions pursued where appropriate and possible, and losses recovered by any lawful means. The City is also committed to ensuring that opportunities for fraud are reduced to the lowest possible level of risk; that effective controls are maintained to prevent fraud, and systems and procedures are reviewed and improved following detected cases of fraud.

There are four major facets to the City's strategy for effective fraud prevention:

Culture of Honesty and Ethics

- (a) The most persuasive and effective method of preventing fraud is the promotion of an ethical and transparent environment that encourages City staff at all levels to actively participate in protecting the City's reputation and resources. This involves:
 - (a) Having a clear statement of ethical values in the City's Personnel Policy which all staff has an obligation to comply with and to promote with third parties, and which the organization applies and enforces consistently.
 - (b) Establishing, disseminating and enforcing a clear anti-fraud policy, including sanctions for wrongdoing.
 - (c) Clarifying and addressing conflict of interest cases.
 - (d) Promoting staff awareness of fraud and training staff in anti-fraud and corruption strategies.
 - (e) Ongoing application of personnel policies that focus on the honesty and integrity of employment candidates and require background checks sufficient to the level and sensitivity of the position.
 - (f) Maintaining staff morale, reasonable working hours, and common basic standards in working conditions.

Risk Management and Internal Control

- (a) Risk management is at the heart of effective fraud control, especially through the development of risk criteria and implementation of effective controls. The City will

Anti-Fraud

periodically undertake a comprehensive evaluation of its overall vulnerability to fraud as well as the scope and magnitude of fraud risk in specific areas, and more frequently as part of an ongoing rolling risk assessment process. The Finance Director will:

1. Exercise proactively their responsibility for the overall management of fraud risk and for the management of specific fraud risks.
2. Will monitor the implementation of actions designed to reduce fraud risk.
3. Establish internal controls to detect report and deter fraud that are cost effective and ensure that City staff is comfortable to report fraud without fear of reprisal.
4. Initiate and facilitate fraud detection and reporting.
5. Determine whether each risk, judged according to its probability and severity, should be prevented, mitigated, transferred, or accepted.
6. Report on the implementation of actions designed to reduce fraud risk.

207.5 FRAUD RESPONSE

The City Manager has overall responsibility for the organizational response in the case of a reported or suspected fraud. Authority for the response can be delegated to City staff, as appropriate, though overall management of the response to suspected fraud will be maintained by the City Manager

207.6 STAFF RESPONSIBILITIES

The City of Moab Staff's Responsibility:

- (a) Staff should be aware of the potential for fraud, and should report any reasonably suspected fraud. Concerns which should be reported include, but are not limited to, staff committing or attempting to commit:
 1. Any dishonest or fraudulent act
 2. Forgery or alteration of documents or accounts
 3. Misappropriation of funds, supplies or other assets
 4. Impropriety in the handling or reporting of money or financial transactions
 5. Profiting personally from an official position or enabling family members or others to do so
 6. Disclosure of official activities or information for advantage
 7. Accepting or seeking value from third parties by virtue of official position or authority
- (b) Theft or misuse of property, facilities or services. External party actions which should be reported include:
 1. Being offered a bribe or inducement by a partner or supplier
 2. Receiving fraudulent (i.e., intentionally inaccurate, rather than erroneous) invoices from a supplier

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3. Known instances of corruption, deception or misuse by a supplier or partner

207.7 REPORTING

Depending on the circumstances of who is thought to be involved in the suspected fraud, the City staff members should report the suspected fraud to one of the following, in order of preference:

- (a) The City Manager
- (b) The Chief Operating Officer/Finance Director
- (c) The Department head(s) or Supervisor(s) of the individual(s) suspected of committing fraud. If the Department head(s) or Supervisor(s) are potential suspect(s), then City staff should report the concern directly to the City Manager.
- (d) If staff prefer to report anonymously they can do so through the confidential Fraud Hotline. The Hotline is a shared hotline for concerns related to both the Code of Conduct and Professional Ethics and the Anti-Fraud Policy.

Employees may contact the Fraud Hotline at:

- (a) Website - <https://auditor.utah.gov/hotline/>Email: auditorhotline@utah.gov
- (b) Fax: (801)-538-1383
- (c) US Mail: OSA Hotline, PO Box 142310, Salt Lake City, Utah 84114-2310
- (d) Complainants may call the hotline at 1-800-622-1243 for more information.

Reports of fraud should include all known details, including all individuals alleged to be involved, the location, the time, and any relevant actions or statements. All information provided to the City Manager or Fraud Hotline will be treated confidentially when possible. All reasonable allegations will be treated seriously and systematically, and will be properly investigated. Confidentiality, in so far as possible, will be maintained for all reports made in good faith, and where reports are made anonymously, such anonymity will be respected. However, if criminal activity is to be reported to the police, the identity of the person reporting may eventually have to be disclosed to enable external investigators or the police to pursue criminal investigation effectively. If an allegation is determined to have been made frivolously, in bad faith, maliciously, for personal gain or for revenge, disciplinary action may be taken against the person making such an allegation

207.8 DEPARTMENT HEAD AND SUPERVISOR RESPONSIBILITY

If informed of a fraud, Department Heads and Supervisors (hereafter referred to as "managers") should listen carefully and with respect to staff, ensure that every report is treated seriously and sensitively, and give every allegation a fair hearing.

Managers should obtain as much documentation and information as possible regarding the alleged fraud, including any notes or evidence, and they should reassure staff members that they will be protected and will not suffer any reprisal for having reported allegations made in good faith. Managers are required to prepare a written report of the details of any suspected fraud that has

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been reported to them, and provide it to the City Manager. If a manager suspects alleged fraud on the part of the City Manager, then a written report should be submitted to the City Attorney. Managers should not confront the alleged perpetrator or carry out an investigation themselves. Instead, the matter should be reported immediately to the City Manager. If the City Manager is not available, then the manager should report to the City Manager's designee, the Chief Operations Officer/Finance Director or the City Attorney.

As a matter of principle, once an alleged fraud is reported to the City Manager, reports will be made to the Chief Operating Officer/Finance Director and City Attorney as required. If the City Manager is thought to be involved, then the report should bypass the person at issue, and be sent directly to the City Attorney, who will take appropriate action in the spirit of this Policy and under State law. The City Manager will determine, in consultation with the City Attorney whether the case can be dealt with internally or whether and to what involvement by external parties is necessary. The City Attorney will advise the City Manager on the involvement of Law Enforcement in the given case.

207.9 INVESTIGATION

The City Manager will determine a course of action appropriate to the seriousness of the alleged offense. Appropriate actions will include any action necessary to expedite the investigation.

The City Manager will inform the individual(s) concerned of the allegations against them, and the course of action to be taken. Simultaneously, the City Manager will ensure that all information in the possession of the individual suspected is secured for investigation.

The City Manager, in consultation with the City Attorney, will mitigate the risk of future losses by immediately adjusting procedures and taking personnel actions in order to protect assets and to preserve evidence using any legal means deemed appropriate given the circumstances.

Relevant insurers will be notified immediately of any loss or damage to the City insured property. The City Manager will report the case to the State Comptroller's Office in compliance with Comptroller regulations regarding fraud.

The City may have a legal obligation to provide early notification to parties such as partners who may potentially suffer losses that a concern is under investigation.

Depending on the magnitude and the complexity of the fraud, investigations will be carried out either in-house by the City Manager, Chief Operation Officer/Finance Director, or by external parties such as External Audit firms with specialized forensic accounting expertise and access to criminal law expertise, or where deemed appropriate, by the police. The decision whether to use internal or external investigation services, or a combination of both, will be made by the City Manager.

Investigations will be conducted without regard to any person's relationship to the organization, position or length of service. The City Manager and City Recorder will keep records of all actions in the investigation, to ensure success in any future criminal, civil or disciplinary action. The City Manager will determine who should not be involved in the investigation to avoid a conflict of interest

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situation for staff members and managers with close working relationships with the individual(s) in question, and may consult with the City Attorney as appropriate.

The City Manager will ensure cooperation to an external body requested to assist in the investigation. All searches are to be conducted in a lawful manner, to ensure that evidence is admissible in court, if required.

The City Manager will issue a report detailing the findings and conclusions of every concluded investigation, including recommendations for future action. Results of investigations will not be disclosed to or discussed with any person except as deemed necessary and appropriate.

207.10 SUBSTANTIATED FRAUD

In the case of substantiated fraud, the City will take immediate steps to mitigate potential loss of the City's reputation and credibility with residents, donors and partners especially when involved in funding or delivering work in the particular context in question.

In cases of fraud, the City Manager or designee shall manage and monitor any media response. City staff may not release information unless directed to by the City Manager.

Where the City has suffered pecuniary loss or loss of other material assets, efforts will be made to seek restitution from the individual(s) responsible for the fraud by any possible method after consulting with the City Attorney, insurance company and law enforcement as applicable.

Where the City Manager's investigation reveals that a City staff member has committed a fraud, the City Manager will pursue disciplinary or legal action as is determined appropriate by the City Manager after consulting with the City Attorney, Human Resources, and law enforcement as applicable.

Following a case of fraud, the City Manager will ensure that all managers and City staff in the affected area are debriefed on the process and outcome of the investigation once pending legal action allows for disclosure of the fraudulent act.

There should also be a follow-up with the individual(s) who reported the initial suspicion of fraud, to provide assurance that their claims have been taken seriously.

Depending on the circumstances, the City Manager will consider the need for communication with City staff, the media, donors and partners on a larger scale.

The City Manager will ensure that the organization conducts a thorough review of operating procedures in the areas affected by the fraud and that improvements are made where necessary. Lessons learned will be disseminated throughout the organization, where applicable, to strengthen the system of internal control and to foster an anti-fraud culture.

Chapter 3 - Facilities

Key and Electronic Access Device Controls

300.1 PURPOSE AND SCOPE

The control and accountability of keys is important to maintain a safe and secure environment for employees and members of the public.

300.1.1 DEFINITIONS

Definitions related to this policy include:

Key - All electronic or mechanical devices used to access or exit city buildings and facilities. It includes proximity cards, key fobs, and other electronic access devices.

300.2 POLICY

It is the policy of the City that all keys used to access local government buildings and facilities are inventoried and controlled.

300.3 KEY IDENTIFICATION

All keys that open any doors or locks to city buildings or facilities should be marked with unique identification codes that will allow for quick inventory. Keys that are bundled together as a set should be numbered or coded with a tag to identify that set and the number of keys on the ring. The identifying numbers or codes on keys should not correspond to numbers/codes on locks.

A separate secure document identifying all keys will be maintained by the Department of Human Resources.

300.4 KEY CONTROL

Keys may be issued to employees or accessed and checked out by authorized employees from secure designated areas. Keys issued to or accessed and checked out by employees shall be limited to only those keys necessary for the employee's position.

Employees shall not loan a key or key set to another person. All keys must be issued or checked out through the control process. Employees shall not possess any key for which they have not been authorized.

All keys issued or checked out to employees remain the property of the City. Employees shall not duplicate, mark, alter, or manufacture any key without written authorization from the City Manager or the authorized designee.

The City Manager or the authorized designee should regularly inventory all city keys.

300.4.1 DISTRIBUTION OF KEYS

Human Resources is responsible for distribution of keys, keypad codes, and security access cards to building occupants. With the exception of the Police Department. Human Resources shall maintain a record of the keys, keypad codes, and security access cards distributed to building occupants. Supervisors are responsible for the collection of all keys and key cards upon employee

Key and Electronic Access Device Controls

separation or suspension. The supervisor is responsible for ensuring that all keys and key cards are returned to Human Resources. The departments shall not loan out keys, duplicate keys, or distribute keypad codes or security access cards.

300.4.2 EMPLOYEE RESPONSIBILITY

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

300.4.3 LOST KEYS

Any lost keys or security access cards shall be reported to the employee's supervisor immediately. The supervisor must notify Human Resources as soon as possible of the lost keys.

300.5 LOCK POLICY

All city buildings and facilities should be kept locked during non-operating hours. Employees shall not leave public entrances to city buildings and facilities unlocked or propped open during non-operating hours. Employees should never leave non-public entrances to city buildings and facilities unlocked or propped open.

300.6 TESTING

The City Manager or the authorized designee should periodically test locks to doors and gates for proper function and document the testing.

300.7 EMERGENCY KEY SET

At least one key set containing every key for city buildings and facilities should be kept separate from all of the other key sets in a secure location and made accessible only to the City Manager or the authorized designee in the event of an emergency.

300.8 MISSING KEYS

Any employee who discovers that a key or key set is missing shall report it to a supervisor immediately. If a reasonable effort to locate the key fails, the supervisor shall notify the Human Resources regarding the loss of the key, when it was discovered, and the circumstances involved.

Human Resources will determine whether to re-key any locks that may have been compromised, and whether this should be done immediately.

300.9 DAMAGED KEYS OR LOCKS

Malfunctioning or damaged keys or locks shall be promptly reported to a supervisor. No part of a broken key should be left in the lock. All portions of the damaged key must be turned in to a supervisor, who will notify Human Resources as soon as possible. Human Resources will provide a replacement key as needed. Damaged locks should be replaced or repaired as soon as practicable. Appropriate security measures should be taken until such time as the lock is properly restored.

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300.10 KEY CONTROL RECORDS

Human Resources will maintain documentation for the accounting and security of all keys and key sets.

Chapter 4 - Equipment and Expenses

Local Government-Owned and Personal Property

400.1 PURPOSE AND SCOPE

This policy addresses the care of city-owned property and the role of the City when personal property, the property of another person or entity, or city-owned property is damaged or lost.

400.2 POLICY

The City will ensure that employees are issued appropriate property and equipment necessary for the employee's job function. The City will take steps to minimize the cost associated with maintaining city property, including personal property authorized for use in the employee's duties.

400.3 LOCAL GOVERNMENT-ISSUED PROPERTY

Supervisors should document all property and equipment issued by the City in the appropriate file at the time of issuance. Receipt of issued items shall be acknowledged by the receiving employee's signature. Upon separation from the City, all issued property and equipment shall be returned. Documentation of the return shall be acknowledged by the signature of a supervisor.

400.3.1 EMPLOYEE RESPONSIBILITIES

Employees shall be responsible for the safekeeping, serviceable condition, proper care, proper use, and replacement of city property that has been assigned or entrusted to them. 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.

- (a) Employees shall promptly report, through their supervisors, any loss of, damage to, or unserviceable condition of any city-issued property or equipment.
- (b) The use of damaged or unserviceable property should be discontinued as soon as practicable, and the item replaced with a comparable item as soon as available.
- (c) Except when otherwise directed by a supervisor or when exigent circumstances exist, city-issued property shall only be used by those to whom it was assigned. Use should be limited to official purposes and in the capacity for which it was designed. The use of City equipment or tools for private purposes is strictly prohibited. City employees shall not use City-owned property or work time in support of outside interests and activities. Unauthorized operation of tools, machinery, or equipment.
- (d) City-issued property shall not be thrown away, sold, traded, donated, destroyed, or otherwise disposed of without prior approval.
- (e) Employees should obtain a supervisor's approval before any attempt to repair damaged or unserviceable property, unless the repair is of a minor or temporary nature.

400.4 PERSONAL PROPERTY

Personal property or equipment shall not be carried during work hours or used for work-related purposes.

Local Government-Owned and Personal Property

The City will not replace or repair personal property.

400.4.1 FILING CLAIMS FOR PERSONAL PROPERTY

An employee requesting reimbursement for damage to, or loss of, personal property must submit the request in writing to the employee's immediate supervisor.

Upon review by the supervisor and a finding that no misconduct or negligence was involved, repair or replacement may be recommended to the City Manager or the authorized designee, who will then forward the claim to the department responsible for issuing payments.

400.5 SUPERVISOR RESPONSIBILITIES

The supervisor receiving a report that property, including personal property authorized for use, has been damaged should conduct an investigation and direct a memo to the City Manager or the authorized designee. The memo should include the result of the investigation and whether reasonable care was taken to prevent the loss, damage, or unserviceable condition.

In cases where the supervisor has reason to believe that misconduct or negligence was involved in the loss, damage, or unserviceable condition of property, the supervisor should consider whether disciplinary or other corrective action would be appropriate.

400.6 DAMAGE TO PROPERTY OF ANOTHER PERSON OR ENTITY

Employees who intentionally or unintentionally damage or cause to be damaged the real or personal property of another person or entity while performing any city function shall promptly report the damage to a supervisor.

400.6.1 DAMAGE BY OTHERS

Employees who observe damage to the real or personal property of the City should report the damage as follows:

- (a) A verbal report should be made to the employee's immediate supervisor and to the employee or department responsible for the property as soon as practicable.
- (b) A written report should be submitted before the end of the employee's workday or as otherwise directed by the supervisor.

Personal Communication Devices

401.1 PURPOSE AND SCOPE

The purpose of this policy is to establish guidelines for the use of mobile telephones and other communication devices, whether issued or funded by the City or personally owned, during work hours or when used for authorized work-related purposes.

This policy generically refers to all such devices as Personal Communication Devices (PCDs) but is intended to include all mobile telephones, personal digital assistants (PDAs), wireless-capable tablets and similar wireless two-way communications, and/or portable internet access devices. PCD use includes but is not limited to placing and receiving calls, text messaging, blogging and microblogging, emailing, using video or camera features, playing games, and accessing sites or services on the internet.

401.2 POLICY

The purpose of this Cell Phone Policy is to describe:

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

The City allows employees to utilize city-issued or funded PCDs and to possess personally owned PCDs in the workplace, subject to certain limitations. Any PCD used during work hours, or during non-work hours in any manner reasonably related to the business of the City, will be subject to monitoring and inspection consistent with the standards set forth in this policy

Employees are advised and cautioned that the use of a personally owned PCD for business-related purposes may subject the employee and the employee’s PCD records to civil or criminal discovery or disclosure under applicable public records laws

Employees who have questions regarding the application of this policy or the guidelines contained herein are encouraged to seek clarification from supervisory staff.

401.3 PRIVACY EXPECTATION

Employees forfeit any expectation of privacy with regard to any communication accessed, transmitted, received, or reviewed on any PCD issued or funded by the City and shall have no

Personal Communication Devices

expectation of privacy in their location should the device be equipped with location detection capabilities (see the Information Technology Use Policy for additional guidance).

401.4 LOCAL GOVERNMENT-ISSUED PCD

Depending on an employee's assignment and the needs of the position, the City may, at its discretion, issue or fund a PCD for the employee's use to facilitate work performance. City-issued or funded PCDs may not be used for personal business during or after work hours unless authorized by the City Manager or the authorized designee. Such devices and the associated telephone number, if any, shall remain the sole property of the City and shall be subject to inspection or monitoring (including all related records and content) at any time without notice and without cause

Unless an employee is expressly authorized by the City Manager or the authorized designee to use the PCD during non-work hours, the PCD will be either secured in the workplace at the completion of the workday or turned off when leaving the workplace.

401.4.1 POSITIONS, LEVEL OF SERVICE, AND COSTS

The City provides cell services to select positions at the level of service listed in the [attached chart](#) 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.

The City will pay for the full cost of the upfront equipment purchase and monthly service for each position listed in the [attached chart](#). Each device will be considered to have a two year life unless otherwise determined by the City Manager 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.

401.5 PERSONALLY OWNED PCD

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, subject to the following conditions and limitations:

- (a) Permission to carry a personally owned PCD may be revoked if it is used contrary to provisions of this policy.
- (b) The City will not reimburse the employee for initial equipment costs.
- (c) If the equipment is damaged during use while conducting City business, the City will reimburse replacement costs of equal or lesser value equipment.
- (d) The employee takes full responsibility for replacing the equipment if it is damaged during personal use.
- (e) If an employee elects to use their personal cell phone number for City business, the employee's personal cell phone number will be listed as a public number.

Personal Communication Devices

- (f) Employees will have a reduced expectation of privacy when using a personally owned PCD in the workplace and have no expectation of privacy with regard to any city business-related communication.
 - 1. Employees may use personally owned PCDs during work hours for routine administrative work as authorized by the City Manager.
- (g) Use of a personally owned PCD for work-related business constitutes consent for the City to access the PCD to inspect and copy data to meet the needs of the City, which may include litigation, records retention and release obligations, and internal investigations. If the PCD is carried during work hours, employees will provide the City with the telephone number of the device.

Except with prior express authorization from their supervisors, non-exempt employees shall not carry, access, monitor, or respond to electronic communications using a personally owned PCD during non-work hours except in exigent circumstances. If an employee is in an authorized status that allows for appropriate compensation consistent with policy or existing employment agreements, or if the employee has prior express authorization from a supervisor, the employee may engage in city business-related communications. Should employees engage in such approved communications or work during non-work hours, employees entitled to compensation shall promptly document the time worked and communicate the information to their supervisors to ensure appropriate compensation. Employees who independently document city-related business activities conducted during non-work hours in any manner shall promptly provide the City with a copy of such records to ensure accurate record keeping.

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 with a Google Voice number. The City will pay the cost for a Google Voice number under specific guidelines for conducting city business as follows:

- (a) 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.
- (b) Employees must 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 City Recorder. Reimbursement levels will be predicated on executed cell phone policy agreements.

Personal Communication Devices

401.6 USE OF PCD

The following protocols shall apply to all PCDs that are carried during work hours or used to conduct city business:

- (a) All PCDs in the workplace shall be set to silent or vibrate mode.
- (b) A PCD may not be used to conduct personal business during work hours, except for brief personal communications (e.g., informing family of extended hours). Employees shall endeavor to limit their use of PCDs to authorized break times, unless an emergency exists.
- (c) Employees may use a PCD to communicate with other personnel in situations where the use of city-provided communications methods is either impracticable or not feasible. PCDs should not be used as a substitute for, as a way to avoid, or in lieu of regular city-provided communications methods.
- (d) Employees are prohibited from taking pictures, audio or video recordings, or making copies of any such picture or recording media unless it is directly related to official city business. Disclosure of any such information to any third party through any means, without the express authorization of the City Manager or the authorized designee, may result in discipline.
- (e) Employees will not access social networking sites for any purpose that is not official city business.
- (f) Using PCDs to harass, threaten, coerce, or otherwise engage in inappropriate conduct with any third party is prohibited. Any employee having knowledge of such conduct shall promptly notify a supervisor.

401.7 SUPERVISOR RESPONSIBILITIES

The responsibilities of supervisors include but are not limited to:

- (a) Ensuring that employees under their supervision are provided appropriate training on the use of PCDs consistent with this policy.
- (b) Monitoring to the extent practicable, PCD use in the workplace and taking prompt corrective action if an employee is observed or reported to be improperly using a PCD.
 - 1. An investigation into improper conduct should be promptly initiated when circumstances warrant.
 - 2. Before conducting any administrative search of an employee's personally owned device, supervisors should consult with the City Manager or the authorized designee.

401.8 OFFICIAL USE

Employees are reminded that PCDs are not secure devices and conversations may be intercepted or overheard. Caution should be exercised while utilizing PCDs to ensure that sensitive information is not inadvertently transmitted. As soon as reasonably possible, employees shall conduct sensitive or private communications on a land-based or other city communications network.

Personal Communication Devices

401.9 USE WHILE DRIVING

Employees operating vehicles shall not use a PCD while driving unless the device is specifically designed and configured to allow hands-free use. Hands-free use should be restricted to urgent business-related calls.

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.

Vehicle Maintenance

402.1 PURPOSE AND SCOPE

The purpose of this policy is to ensure that city vehicles are appropriately maintained.

402.2 POLICY

The City will service department vehicles to ensure they remain operational and maintain their appearance and serviced according to fleet specifications, as resources allow.

402.3 GENERAL DUTIES

Employees are responsible for assisting in maintaining city vehicles so that they are properly equipped, maintained, and refueled and present a clean appearance.

402.4 DEFECTIVE VEHICLES

When a vehicle becomes inoperative or in need of repair that affects the safety of the vehicle, that vehicle shall be removed from service. Proper documentation shall be promptly completed by the employee who becomes aware of the defective condition and forwarded to a supervisor for action.

Documents describing the correction of the safety issue shall be promptly filed by the supervisor with the vehicle history.

402.4.1 DAMAGE OR POOR PERFORMANCE

Vehicles that may have been damaged or perform poorly shall be removed from service for inspections and repairs as soon as practicable.

402.4.2 SEVERE USE

Vehicles operated under severe-use conditions, which include operations for which the vehicle is not designed or that exceed the manufacturer's parameters, should be removed from service and subjected to a safety inspection as soon as practicable. Such conditions may include rough roadway or off-road driving, hard or extended braking, and severe weather exposure.

402.4.3 REMOVAL OF WEAPONS

Only authorized firearms, weapons, or control devices shall be carried in city vehicles. Any authorized firearms, weapons, and control devices shall be removed from a vehicle and properly secured prior to the vehicle being released for maintenance, service, or repair.

402.5 VEHICLE REFUELING

Generally, vehicles should not be operated with less than one-quarter tank of fuel. Vehicles should not be returned to the pool or the assigned department at the end of the workday with less than one-quarter tank of fuel. Vehicles shall only be refueled at an authorized location.

Vehicle Maintenance

402.6 WASHING OF VEHICLES

Vehicles shall be kept clean at all times and, weather conditions permitting, shall be washed as necessary to maintain the professional appearance of the City.

Employees using a vehicle shall remove any trash or debris at the end of their workday. Confidential material should be placed in a designated receptacle that has been provided for shredding this material.

Vehicle Use

403.1 PURPOSE AND SCOPE

The purpose of this policy is to provide guidelines for employees who use vehicles for city business. This policy does not create or imply any contractual obligation by the City to provide assigned vehicles.

Individual department heads may have additional policies for vehicle use to address specific vehicles (e.g., emergency vehicles) and duty assignments (e.g., law enforcement undercover work).

403.2 POLICY

The City authorizes the use of certain vehicles for official city business to enhance operational efficiency and requires that vehicles are operated in a safe and legal manner. The City carries liability insurance covering the operation of City vehicles and covering various other activities of the City.

403.3 USE OF VEHICLES

403.3.1 VEHICLE ASSIGNMENTS

City vehicles may be assigned to individual employees at the discretion of the City Manager or the authorized designee. Vehicles may be assigned for partial or full workday use and/or take-home use. Vehicle assignments may be changed or suspended at any time. Permission to take home a vehicle may be withdrawn at any time.

Vehicle assignments shall be based on the employee's job description, essential functions, and employment status. Vehicles may be reassigned or utilized by other city employees at the discretion of the City Manager or the authorized designee.

The City Manager or the authorized designee is responsible for creating a vehicle assignment roster each day and for maintaining the rosters in accordance with the established records retention schedule.

403.3.2 EMPLOYEE RESPONSIBILITIES

Employees operating a vehicle as part of their job with the City shall:

- (a) Possess a valid driver's license.
 1. Employees shall report any suspensions or revocations of their license and any changes to driving privileges to their supervisor as soon as practicable and before any subsequent city vehicle use or personal vehicle use for city business.
 - (a) The supervisor will then inform the Department Head and the Director of Human Resources.
 - (b) The Director of Human Resources, City Manager and Department Head will decide the appropriate action to be taken, considering the nature of

Vehicle Use

the job and the expected duration of time the employee will be without a driver's license.

2. In accordance with the [accompanying procedure](#), employees must obtain or possess a valid commercial driver's license or special class license when they operate equipment that:
 - (a) Has a gross weight rating of more than 26,000 pounds
 - (b) Has a gross combination weight rating of more than 26,000 pounds inclusive of a towed unit with a gross weight rating of more than 10,000 pounds
 - (c) Carries hazardous materials
 - (d) Carries 16 or more passengers
- (b) Provide the city with a driver's history report upon request.
- (c) Possess appropriate insurance as required for personal vehicles used for city business.
 1. Employees shall notify a supervisor if their automobile insurance has been canceled, declined, or not renewed.
 2. The private insurance of employees using their personal vehicles under this policy shall be considered the primary insurance for any accidents or damage.
- (d) Notify a supervisor of any citations or arrests for motor vehicle-related violations or offenses as soon as practicable.
- (e) Obey all traffic laws.
- (f) Maintain any personal vehicles used for city business in safe working order.

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

403.3.3 INSPECTIONS

Employees shall be responsible for inspecting the interior and exterior of any assigned city vehicle. If the vehicle is assigned for the workday, it should be inspected before use and at the conclusion of the workday. If the vehicle is assigned for less than a workday, it should be inspected before use and upon conclusion of use. Any previously unreported damage, mechanical problems, unauthorized contents, or other problems with the vehicle shall be promptly reported to a supervisor and documented as appropriate.

All city vehicles are subject to inspection and/or search at any time by a supervisor without notice and without cause. No employee assigned to or operating such vehicle shall be entitled to any expectation of privacy with respect to the vehicle or its contents.

403.3.4 SECURITY AND UNATTENDED VEHICLES

Unattended vehicles should be locked and secured at all times to safeguard any city equipment prior to parking or leaving the vehicle.

Vehicle Use

403.3.5 VEHICLE LOCATION SYSTEM

City vehicles, at the discretion of the City Manager, may be equipped with a system designed to track the vehicle's location. While the system may provide vehicle location and other information, employees are not relieved of their responsibility to use any required communication practices to report their location and status.

Employees shall not make any unauthorized modifications to the system. If an employee finds that the system is not functioning properly at any time, the employee should notify a supervisor as soon as reasonably practicable.

System data may be accessed by supervisors at any time. However, access to historical data by other than supervisors will require City Manager approval.

All data captured by the system shall be retained in accordance with the established records retention schedule.

403.3.6 KEYS

Employees who are assigned a specific vehicle should be issued keys for that vehicle. Employees shall not duplicate keys or share them with any person except another employee authorized to use that vehicle. The loss of a key shall be promptly reported in writing to the employee's supervisor.

403.3.7 AUTHORIZED PASSENGERS

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.

403.3.8 PARKING

Employees should obey parking regulations at all times.

City vehicles should be parked in assigned spaces. Employees shall not park personal vehicles in spaces assigned to city vehicles or in other parking areas that are not so designated unless authorized by a supervisor.

403.3.9 ACCESSORIES AND/OR MODIFICATIONS

There shall be no modifications, additions, or removal of any equipment or accessories from city vehicles without written permission from the City Manager or the authorized designee.

403.4 UNSCHEDULED TAKE-HOME USE

Employees may take home city vehicles only with prior approval of a supervisor and shall meet the following criteria:

- (a) The circumstances are unplanned and were created by the needs of the City.
- (b) Other reasonable transportation options are not available.
- (c) The employee lives within a reasonable distance (generally not to exceed a 60-minute drive time) of the city limits.

Vehicle Use

- (d) Off street parking will be available at the employee's residence.
- (e) The vehicle will be locked when not attended.
- (f) All portable city equipment will be removed from the interior of the vehicle and properly secured in the residence when the vehicle is not attended, unless the vehicle is parked in a locked garage.

When such circumstances occur, the City Manager or the authorized designee shall document the unscheduled take-home use in the vehicle assignment roster.

403.5 ASSIGNMENT OF TAKE-HOME VEHICLES

Assignment of take-home vehicles should be based on the location of the employee's residence, the nature of the employee's job, whether the employee performs work outside of regular business hours, the employee's employment status, and available resources. 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.

Employees are cautioned that under federal and local tax rules, personal use of a city vehicle may create an income tax liability for the employee. 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. Questions regarding tax rules should be directed to the employee's tax adviser.

Travel to and from the home will not be considered work time unless the employee is responding to and from an emergency as part of the employee's duties.

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.

Moab Police personnel are subject to the Moab Police Department policy regarding take-home vehicles.

403.5.1 TAKE-HOME VEHICLE AGREEMENT

Employees shall sign a take-home vehicle agreement that outlines how the vehicle shall be used, where it shall be parked, vehicle maintenance responsibilities, and any other appropriate requirements. The agreement should minimally provide that:

- (a) Vehicles shall only be used for work-related purposes and shall not be used for personal reasons, unless special circumstances exist and the City Manager or the authorized designee gives prior authorization.
- (b) Vehicles are to be parked off-street at the employee's residence unless prior arrangements have been made with the City Manager or the authorized designee. If the vehicle is not secured inside a locked garage, all removeable city equipment shall be removed and properly secured in the residence.

Vehicle Use

- (c) Vehicles are to be secured at the employee's residence or the appropriate city facility, at the discretion of the employee's supervisor, when an employee will be away (e.g., on vacation) for periods exceeding one week.
 - 1. If the vehicle remains at the employee's residence, the City shall have access to the vehicle.

403.6 DAMAGE, ABUSE, AND MISUSE

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. Any traffic accident report shall be filed with the agency having jurisdiction, with a copy provided to the Department of Human Resources.

Damage to any city vehicle that was not caused by a traffic accident shall be immediately reported during the shift or workday in which the damage was discovered and documented in memorandum format, which shall be forwarded to the City Manager or the authorized designee. An administrative investigation should be initiated to determine if there has been any vehicle abuse or misuse. Accident with Injury.

403.6.1 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

403.6.2 ACCIDENT WITHOUT 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.

Vehicle Use

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.

403.6.3 ACCIDENT PROCEDURES

An employee who becomes aware of a vehicle accident should immediately notify their supervisor.

- (a) 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 and City Attorney.
- (b) Pictures must be taken at the scene and submitted with the incident report.
- (c) No official or employee shall admit or indicate in any manner that 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.
- (d) The City Attorney will receive and coordinate the resolution of claims and lawsuits made against the City, its officers, employees, or volunteers.
- (e) 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.

403.6.4 INCIDENT REVIEW PROCESS FOR VEHICLE ACCIDENTS

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:

- (a) Non-preventable
- (b) Preventable/Mitigating
- (c) Preventable

Vehicle Use

(d) Preventable/Reckless

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

- (a) Very Minor (Less than \$750)
- (b) Minor (\$750-\$3250)
- (c) 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.

403.7 TOLL ROAD USAGE, FUEL, AND MILEAGE

Employees operating vehicles for city business shall pay the appropriate toll charge or utilize the appropriate tollway transponder.

With the exception of take-home vehicles driven to and from the employee's residence, employees may submit for reimbursement from the City for toll fees and fuel expenses incurred in the course of official business. In lieu of fuel expenses, employees may submit for reimbursement for mileage accrued on personal vehicles used for city business.

Vehicle Safety Restraints/Safety Belts

404.1 PURPOSE AND SCOPE

This policy establishes guidelines for the use of safety belts. This policy will apply to all employees operating or riding in city vehicles.

Individual department policies may provide additional guidance.

404.2 POLICY

It is the policy of the City that employees use safety restraint systems to reduce the possibility of death or injury in a motor vehicle accident.

404.3 WEARING OF SAFETY RESTRAINTS

All employees shall wear properly adjusted safety restraints at all times when operating or riding in a seat equipped with restraints, in any vehicle owned, leased, or rented by this city, or in any privately owned vehicle when conducting city business. The employee driving such a vehicle shall ensure that all other occupants are properly restrained.

404.4 INOPERABLE SAFETY BELTS

City vehicles shall not be operated when the safety belt in the driver's position is inoperable. Persons shall not be transported in a seat in which the safety belt is inoperable.

City vehicle safety belts shall not be modified, removed, deactivated, or altered in any way, except by the vehicle maintenance and repair staff, who shall do so only with the express authorization of the City Manager or the authorized designee.

Employees who discover an inoperable restraint system shall report the defect to the appropriate supervisor. Prompt action will be taken to replace or repair the system.

404.5 VEHICLES MANUFACTURED WITHOUT SAFETY BELTS

Vehicles manufactured and certified for use without safety belts or other restraint systems are subject to the manufacturer's operator requirements for safe use.

404.6 VEHICLE AIRBAGS

In all vehicles equipped with airbag restraint systems, the system will not be tampered with or deactivated. All equipment installed in vehicles equipped with airbags will be installed as per the vehicle manufacturer specifications to avoid the danger of interfering with the effective deployment of the airbag device.

Personal Protective Equipment

405.1 PURPOSE AND SCOPE

This policy addresses the use of personal protective equipment (PPE) provided by the City.

405.1.1 DEFINITIONS

Definitions related to this policy include:

Personal protective equipment (PPE) - Equipment that protects a person from serious workplace injuries or illnesses resulting from contact with chemical, radiological, physical, electrical, mechanical, or other workplace hazards.

405.2 POLICY

The City endeavors to protect employees by supplying certain PPE as provided in this policy.

405.3 SUPERVISOR RESPONSIBILITIES

Supervisors are responsible for identifying and making available PPE appropriate for the work environment.

405.4 EMPLOYEE RESPONSIBILITIES

Employees are required to use PPE pursuant to their training.

Employees are responsible for proper maintenance and storage of issued PPE. PPE should be stored in an appropriate location so that it is available when needed.

Any employee who identifies hazards in the workplace is encouraged to utilize the procedures in the Illness and Injury Prevention Policy to recommend new or improved PPE or additional needs for PPE.

405.5 EQUIPMENT PROCUREMENT AND USE

PPE shall meet or exceed any applicable requirements. Federal or other nationally recognized standards should be used as a guide for the procurement, use, maintenance, and storage of the following safety-related equipment in the absence of other mandatory requirements:

- (a) Hearing protection (29 CFR 1910.95)
- (b) Eye protection (29 CFR 1910.133)
- (c) Respiratory protection (29 CFR 1910.134)
- (d) Head protection (29 CFR 1910.135)
- (e) Foot protection (29 CFR 1910.136)
- (f) Electrical protective equipment (29 CFR 1910.137)
- (g) Hand protection (29 CFR 1910.138)
- (h) Personal fall protection systems (29 CFR 1910.140)

Personal Protective Equipment

405.6 RECORDS

Supervisors and/or safety officers are responsible for maintaining records of all:

- (a) PPE training.
- (b) PPE procurement and distribution.
- (c) Fit tests and medical evaluations related to respiratory protection equipment, when applicable. Medical evaluation questionnaires and any physical examination results related to respirator use shall be maintained in a separate confidential medical file.

The records shall be maintained in accordance with the city records retention schedule.

405.7 TRAINING

Employees should be trained in the hazards to which they may be potentially exposed during routine and emergency situations.

All employees should be trained in the proper use and maintenance of PPE issued to them, including when the use is appropriate; how to put on, remove, and adjust PPE; how to care for PPE; and the limitations of each device (29 CFR 1910.132).

Employees issued respiratory PPE should attend annual training on the proper use of respiratory protection devices (29 CFR 1910.134).

Physical Asset Management

406.1 PURPOSE AND SCOPE

The purpose of this policy is to provide guidelines for maintaining a system of inventory and accountability over the city's physical assets. This policy does not address management of intangible assets (e.g., intellectual property), fluid assets (e.g., cash, stocks, marketable securities), real property, or natural assets (e.g., water, air quality, minerals).

Individual department heads may have additional policies for department-specific assets.

406.1.1 DEFINITIONS

Definitions related to this policy include:

Physical assets – All tangible items of value, including but not limited to materials, machinery, tools and equipment, vehicles, office supplies, and furniture.

406.2 POLICY

It is the policy of this city to accurately inventory, maintain, and dispose of its physical assets in a manner that controls costs, avoids waste, and promotes the mission of the City.

406.3 RESPONSIBILITIES

The City Manager should assign a person or persons to be responsible for the inventory, maintenance, and disposal of city physical assets, including:

- (a) Maintaining compliance with federal, state, and local laws regarding physical asset management, inventory control, and reporting requirements.
- (b) Developing procedures for the implementation of this policy, including:
 1. Procedures for disposal of all city-owned physical assets in accordance with federal, state, and local law.
 2. Procedures for safe disposal of hazardous waste.
 3. Procedures for inter-department transfers of physical assets.
 4. Procedures for each department to inventory assets as according to internal reporting deadlines (e.g., quarterly, annually).
- (c) Developing a physical asset management plan to track the city's physical assets and maintain accurate and complete records related to these assets. The plan should include:
 1. A minimum value of the physical assets that are subject to this policy, the plan, and the implementing procedures.
 2. An inventory control and recordkeeping system to account for the movement, storage, maintenance and use, loss, damage, destruction, and disposal of the city's physical assets.
 3. Routine internal and external audit practices.

Physical Asset Management

4. Procedures to access physical assets for re-use, transfer, recycle, or disposal.
- (d) Designating custodians within each department, as appropriate, for inter-department communication and to serve as inventory liaisons under the physical asset management plan.
- (e) Annual physical asset acquisition planning.

406.4 IDENTIFICATION AND TAGGING

Physical assets should be tagged using a bar code or other system to identify and locate the items. Tags should be affixed in the same manner and location on each item, when feasible. The following information regarding the tagged item should be maintained using the inventory control system and method of recordkeeping established in the physical asset management plan:

- (a) A description of the item, including but not limited to:
 1. Make, model, and serial number
 2. Physical dimensions and weight
 3. Color, material, and other physically distinct qualities
 4. Warranty and/or recall information, if any
- (b) The department and specific location where the item can be found
- (c) The acquisition date of the item, as well as the amount and funding source for the acquisition
- (d) The intended and actual use of the item
- (e) The expiration of an item's lease or loan terms

406.5 SURPLUS OR OBSOLETE ASSETS

A department that no longer utilizes a physical asset should have the asset identified as surplus or obsolete. If the physical asset retains value that may be utilized by another department, the item should be stored as surplus or transferred in accordance with the procedures established pursuant to this policy. If the physical asset is deemed obsolete, the item shall be disposed of in accordance with this policy.

406.5.1 STORAGE

When practicable, physical assets that retain value but are not being utilized should be stored in lieu of disposal. Physical assets in storage are subject to routine inventory and revaluation. If the physical asset's value is less than the cost of storage, the City should pursue disposal of the item in accordance with this policy.

406.5.2 TRANSFERS

When a physical asset is transferred from one department to another, the value of the physical asset should transfer with the asset. Inter-department transfers shall be documented through the inventory control and recordkeeping system implemented by the physical asset management plan.

Physical Asset Management

406.6 LOSS, DAMAGE, OR DESTRUCTION

Circumstances surrounding loss, damage, or destruction of the city's physical assets shall be promptly reported to and investigated by the City Manager or the authorized designee for purposes of inventory, valuation, and recordkeeping. Otherwise, loss, damage, or destruction of such assets shall be handled in accordance with the Local Government-Owned and Personal Property Policy.

406.7 USAGE MONITORING

Physical asset performance should be regularly monitored for functionality, utility, wear-and-tear, and cost-effectiveness. Usage monitoring of the city's physical assets should include the duration of use (e.g., daily use and number of hours in use), user satisfaction, costs of operating the asset, and the asset's contribution to employee performance and overall productivity.

406.8 MAINTENANCE

Routine maintenance of physical assets should be proactive to limit interruption of the city's daily operations. Employees should report any physical asset performance issues to a supervisor.

Maintenance requests and reports shall be recorded in the inventory control and recordkeeping system implemented by the physical asset management plan. The City Manager or the authorized designee shall routinely evaluate maintenance expenditures to determine whether continued maintenance is beneficial.

406.9 DISPOSAL

Physical assets slated for disposal should be evaluated for salvage value (e.g., items containing reusable materials like aluminum or copper) or transfer or storage in accordance with this policy.

406.10 INVENTORY AND REPORTS

Routine inventory of physical assets should be conducted for purposes of loss control, revaluation, retagging, documenting asset movement and condition, disposition and acquisition planning, and obtaining adequate insurance coverage.

All internal controls and inventories related to physical asset management shall be accurately documented and subject to both internal and external audit. Inventory reports should include an explanation of any discrepancies from the previous period.

All inventory documentation shall be retained and stored in accordance with the records retention schedule.

406.11 TRAINING

Employees and supervisors accountable for the proper care, use, transfer, maintenance, storage, loss, and disposition of all city physical assets should receive training regarding their responsibilities under the physical asset management plan.

Travel Expenses

407.1 PURPOSE AND SCOPE

This policy provides guidance regarding reimbursement for travel expenses. This policy applies to all City employees, elected and appointed officials, and City-appointed board members.

407.2 POLICY

The City pays travel-related expenses incurred by employees for the purpose of conducting City business. For employees, travel must be pre-authorized by a supervisor and must have a clear City government purpose. For elected and appointed officials as well as City-appointed board members, travel must be pre-authorized by the City Manager.

407.3 TRAVEL BUDGET

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 and/or City Council.

407.4 LOCAL AND IN STATE TRAVEL

Reasonable travel time for call-back duty, emergency response, 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).

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 below.

The processes for requesting travel pre-authorization and reimbursement are provided in the [accompanying procedure](#).

407.4.1 COMMUTING

Under the Portal to Portal Act, travel from home to work and from work to home is generally non-compensable (29 USC §§251-262). 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.

407.4.2 SAME DAY OUT OF TOWN TRIPS

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

- (a) Time spent traveling between the employee's home and local public transportation
- (b) Meal periods

Travel Expenses

407.4.3 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.

407.5 PERSONAL VEHICLE USE FOR TRAVEL

City employees may use their personal vehicles while on City business in accordance with the [accompanying procedure](#).

- (a) Employees shall carry a \$300,000 excess liability automobile insurance policy on the vehicle(s) to be driven on City business.
- (b) Accidents that occur while on City business shall be covered by the employee's vehicle insurance provider.
 1. 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.
 2. 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.
 3. 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.

407.6 OUT OF STATE TRAVEL

Any travel outside the state of Utah must be approved, in advance, by the City Manager. Travel to Grand Junction, Colorado is considered in-state travel and does not require pre-authorization of the City Manager.

Chapter 5 - Records and Documents

Records Maintenance and Release

500.1 POLICY

The City is committed to providing public access to records in a manner that is consistent with state public records laws.

Any employee who receives a request for any record shall route the request to the City Recorder or the authorized designee. The City of Moab Supplemental Manual provides procedures on records maintenance and release.

Protected Information

501.1 EMPLOYEE RESPONSIBILITIES

Employees accessing or receiving protected information shall ensure the information is not accessed or received by persons who are not authorized to access or receive it. This includes not leaving protected information, such as documents or computer databases, accessible to others when it is reasonably foreseeable that unauthorized access may occur (e.g., on an unattended table or desk, in or on an unattended vehicle, in an unlocked desk drawer or file cabinet, on an unattended computer terminal).

Any employee who is asked to release protected information that should not be released should refer the requesting person to a supervisor or to the City Recorder for information regarding a formal request. Procedures regarding the release of protected information can be found in the City of Moab Supplemental Manual

Personnel Records

502.1 PURPOSE AND SCOPE

This policy governs maintenance and access to personnel records. Personnel records include any file maintained under an individual employee's name.

502.2 POLICY

The City maintains personnel files on each employee. It is the policy of the City to maintain personnel records and preserve the confidentiality of personnel records pursuant to the Constitution and the laws of this state.

502.3 PERSONNEL FILE

A personnel file shall be maintained as a record of a person's employment/appointment with this city. The personnel file should contain, at a minimum:

- (a) Personal data, including photographs, marital status, names of family members, educational and employment history, or similar information.
- (b) Election of employee benefits.
- (c) Personnel action reports reflecting assignments, promotions, and other changes in employment/appointment status.
- (d) Original performance evaluations.
- (e) Discipline records, including copies of sustained personnel complaints.
- (f) Adverse comments such as supervisor notes or memos may be retained in the city file after the employee has had the opportunity to read and initial the comment.
 - 1. Once an employee has had an opportunity to read and initial any adverse comment, the employee shall be given the opportunity to respond in writing to the adverse comment.
 - 2. Any employee response shall be attached to and retained with the original adverse comment.
 - 3. If an employee refuses to initial or sign an adverse comment, at least one supervisor should note the date and time of such refusal on the original comment. Such a refusal, however, shall not be deemed insubordination, nor shall it prohibit the entry of the adverse comment into the employee's file.
- (g) Commendations and awards.
- (h) Beneficiary designation forms
- (i) Any other information, the disclosure of which would constitute an unwarranted invasion of personal privacy.

Personnel Records

502.3.1 EMPLOYEE RESPONSIBILITY

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

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.

502.4 DEPARTMENT, DIVISION, OR AGENCY FILE

Department files may be separately maintained internally by an employee's supervisor for the purpose of completing timely performance evaluations. The employee file maintained by the supervisor is not the official employee file. The file may contain supervisor comments, notes, notices to correct, and other materials that are intended to serve as a foundation for the completion of timely performance evaluations.

502.5 TRAINING FILE

An individual training file should be maintained for each employee whose position requires specialized training or certification. Training files should contain records of all training; original or photocopies of available certificates, transcripts, diplomas, and other documentation; and education and firearms qualifications, as applicable. Training records may also be created and stored remotely, either manually or automatically.

- (a) The involved employee is responsible for providing an immediate supervisor with evidence of completed training/education in a timely manner.
- (b) Supervisors should ensure that copies of such training records are placed in the employee's training file maintained by the Department of Human Resources.

502.6 MEDICAL FILE

A medical file shall be maintained separately from all other personnel records and shall contain all documents relating to the employee's medical condition and history, including but not limited to

- (a) Materials relating to a medical leave of absence, including leave under the Family and Medical Leave Act (FMLA).
- (b) Documents relating to workers' compensation claims or the receipt of short- or long-term disability benefits.
- (c) Fitness-for-duty examinations, psychological and physical examinations, follow-up inquiries, and related documents.
- (d) Medical release forms, doctor's slips, and attendance records that reveal an employee's medical condition.

Personnel Records

- (e) Any other documents or materials that reveal the employee's medical history or medical condition, including past, present, or future anticipated mental, psychological, or physical limitations.

502.7 SECURITY

Personnel records should be maintained in a secured location and locked either in a cabinet or access-controlled room. Personnel records maintained in an electronic format should have adequate password protection.

Personnel records are subject to disclosure only as provided in this policy, the Records Maintenance and Release Policy, or according to applicable discovery procedures.

Nothing in this policy is intended to preclude review of personnel records by the City Manager or representatives of the City in connection with official business.

502.7.1 REQUESTS FOR DISCLOSURE

Any employee receiving a request for a personnel record shall promptly notify the City Recorder or other person charged with the maintenance of such records.

Upon receipt of any such request, the responsible person shall notify the affected employee as soon as practicable that such a request has been made.

The responsible person shall further ensure that an appropriate response to the request is made in a timely manner, consistent with applicable law. In many cases, this may require assistance of available legal counsel.

All requests for disclosure that result in access to an employee's personnel records shall be logged in the corresponding file.

502.8 EMPLOYEES' ACCESS TO THEIR PERSONNEL RECORDS

Employees may request access to their own personnel records during Department of Human Resources business hours to schedule an appointment. Employees seeking the removal of any item from their personnel records should file a written request to the City Manager. The City should remove any such item if appropriate, or within 30 days provide the employee with a written explanation of why the contested item will not be removed. If the contested item is not removed from the file, the employee's request and the written response from the City should be retained with the contested item in the employee's corresponding personnel record. In addition, an employee has the right to attach their own comments to anything in their personnel file.

Employees may be restricted from accessing files containing certain information (e.g., ongoing investigations to the extent that it could jeopardize or compromise the investigation).

502.9 RETENTION AND PURGING

Personnel records shall be maintained in accordance with the established records retention schedule:

Personnel Records

- (a) During the preparation of each employee's performance evaluation, all personnel complaints and disciplinary actions should be reviewed to determine the relevancy, if any, to progressive discipline, training, and career development. Each supervisor responsible for completing the employee's performance evaluation should determine whether any prior sustained disciplinary file should be retained beyond the required period for reasons other than pending litigation or other ongoing legal proceedings.
- (b) If a supervisor determines that records of prior discipline should be retained beyond the required period, approval for such retention should be obtained from the City Manager.
- (c) If, in the opinion of the City Manager, a personnel complaint or disciplinary action maintained beyond the required retention period is no longer relevant, all records of such matter may be destroyed in accordance with the established records retention schedule.

502.10 REFERENCES

Employees shall refer all requests for references to the Department of Human Resources. Only the Department of Human Resources is authorized to respond to requests for references. The Department of Human Resources may provide general information concerning the employee such as date of hire, date of separation, and positions held. Requests for reference information must be in writing, and responses will be in writing.

Chapter 6 - Personnel

Recruitment and Selection

600.1 PURPOSE AND SCOPE

This policy provides a framework for employee recruiting efforts and identifying job-related standards for the selection process. This policy supplements other city rules governing employment practices.

600.2 POLICY

In accordance with applicable federal, state, and local law, the City provides equal opportunities for applicants and employees, regardless of actual or perceived race, ethnicity, national origin, religion, sex, sexual orientation, gender identity or expression, age, disability, pregnancy, genetic information, veteran status, marital status, and any other classification or status protected by law. The City does not show partiality or grant any special status to any applicant, employee, or group of employees unless otherwise required by law.

The City will recruit and hire only those individuals who demonstrate a commitment to service and who possess the traits and characteristics that reflect personal integrity and high ethical standards. 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.

600.3 RECRUITMENT

The Director of Human Resources should employ a comprehensive recruitment and selection strategy to recruit and select employees from a qualified and diverse pool of candidates.

The strategy should include:

- (a) Identification of racially and culturally diverse target markets.
- (b) Use of marketing strategies to target diverse applicant pools.
- (c) Expanded use of technology and maintenance of a strong internet presence. This may include an interactive city website and the use of city-managed social networking sites, if resources permit.
- (d) Expanded outreach through partnerships with media, community groups, local colleges, universities, and the military.
- (e) Posting and outreach within the City for internal candidates, when applicable and/or required.
- (f) Use of local, state, or national professional organizations (e.g., National League of Cities, National Association of Counties, American Society for Public Administration).

The City should avoid advertising, recruiting, and screening practices that tend to stereotype, focus on homogeneous applicant pools, or screen applicants in a discriminatory manner.

The City strives to facilitate and expedite the interview and selection process, and should periodically inform candidates of their status in the recruiting process.

Recruitment and Selection

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, the Department of Human Resources 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.

600.3.1 INTERNAL RECRUITMENT

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.

600.4 SELECTION PROCESS

The City should actively strive to identify a diverse group of candidates who have in some manner distinguished themselves as being outstanding prospects. Minimally, the City should employ a comprehensive screening, background investigation, and selection process that assesses the candidates' aptitude for the position and includes review and verification of the following:

- (a) A comprehensive application for employment (including previous employment, references, current and prior addresses, education, and military record)
- (b) Driving record (if applicable to the position)
- (c) Reference checks
- (d) Employment eligibility, including U.S. Citizenship and Immigration Services (USCIS) Employment Eligibility Verification Form I-9 and acceptable identity and employment authorization documents. This required documentation should not be requested until

Recruitment and Selection

a candidate is hired. This does not prohibit obtaining documents required for other purposes

- (e) Information obtained from public internet sites
- (f) Financial history consistent with the Fair Credit Reporting Act (FCRA) (15 USC § 1681 et seq.) if applicable to the position
- (g) Local, state, and federal criminal history record checks
- (h) Medical and/or psychological examination, as applicable and legally permissible (may only be given after a conditional offer of employment)
- (i) Review board or selection committee assessment

600.4.1 VETERAN PREFERENCE

The City will provide any veteran preference required by law. The City will comply with Title 71, Chapter 10, of the Utah Code Annotated regarding Veteran's Preference.

600.4.2 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.

600.5 BACKGROUND INVESTIGATION

Every candidate shall undergo a background investigation to verify the candidate's application information and ability to perform duties relevant to the position.

600.5.1 NOTICES

Background investigations should be conducted and notices provided in accordance with the requirements of the FCRA and applicable state law (15 USC § 1681d).

600.5.2 REVIEW OF SOCIAL MEDIA SITES

Due to the potential for accessing unsubstantiated, private, or protected information, the City should not require candidates to provide passwords, account information, or access to password-protected social media accounts.

The City should consider utilizing the services of an appropriately trained and experienced third party to conduct open source, internet-based searches and/or review information from social media sites to ensure that:

- (a) The legal rights of candidates are protected.
- (b) Material and information to be considered are verified, accurate, and validated.
- (c) The City fully complies with applicable privacy protections and local, state, and federal law.

Regardless of whether a third party is used, the City Manager or the authorized designee should ensure that potentially impermissible information is not available to any person involved in the candidate selection process.

Recruitment and Selection

600.5.3 RECORDS RETENTION

The background report and all supporting documentation should be maintained in accordance with the established records retention schedule.

600.5.4 DOCUMENTING AND REPORTING

The background investigator should summarize the results of the background investigation in a report that includes sufficient information to allow the reviewing authority to decide whether to extend a conditional offer of employment. The report should not include any information that is prohibited from use, including that from social media sites, in making employment decisions. The report and all supporting documentation should be included in the candidate's background investigation file.

600.6 EMPLOYMENT STANDARDS

All candidates shall meet any minimum standards required by state and local law. Candidates will be evaluated based on merit, ability, competence, and experience, in accordance with the high standards of integrity and ethics valued by the City and the community.

Validated, job-related, and nondiscriminatory employment standards should be established and maintained for each job classification and should minimally identify the training, abilities, knowledge, and skills required to perform the position's essential duties in a satisfactory manner. Each standard should include performance indicators for candidate evaluation.

600.7 JOB DESCRIPTIONS

The City Manager or the authorized designee should maintain a current job description for each position in the City.

600.8 PROBATIONARY PERIODS

All newly hired civilian employees of the City are required to complete a six-month probationary period and all sworn Police Officers are required to complete a twelve-month probationary period. During the probationary period the supervisor shall conduct one or more formal performance appraisals. Successful completion of the probationary period results in the award of "regular" status to the employee, part-time or full-time.

The City Manager or the authorized designee should coordinate with supervisors to identify positions subject to probationary periods and procedures for:

- (a) Appraising performance during probation.
- (b) Assessing the level of performance required to complete probation.
- (c) Extending probation.
- (d) Documenting successful or unsuccessful completion of probation.

Performance Evaluations

601.1 PURPOSE AND SCOPE

This policy provides guidelines for the City performance evaluation system.

601.2 POLICY

The City shall use a performance evaluation system to measure, document, and recognize work performance. The performance evaluation will serve as an objective guide for the recognition of good work and the development of a process for improvement.

The City evaluates employees in a nondiscriminatory manner based upon job-related factors specific to the employee's position, without regard to actual or perceived race, ethnicity, national origin, religion, sex, sexual orientation, gender identity or expression, age, disability, pregnancy, genetic information, veteran status, marital status, and any other classification or status protected by law.

601.3 TYPES AND FREQUENCY OF EVALUATIONS

The City shall use the following types of evaluations:

Probationary - Evaluations of employee job performance should be performed by a supervisor or Department Head at the end of the employee's Probationary Period.

Regular - Evaluations should be completed annually by the employee's immediate supervisor.

When an employee transfers to a different assignment in the middle of an evaluation period and less than six months has transpired since the transfer, the evaluation should be completed by the current supervisor with input from the previous supervisor.

Special - Evaluations that may be completed at any time the supervisor and City Manager or the authorized designee determine an evaluation is necessary to address less than standard performance. The evaluation may include a plan for follow-up action (e.g., performance improvement plan (PIP), remedial training, retraining).

601.3.1 RATINGS

When completing an evaluation, the supervisor will identify the rating category that best describes the employee's performance. The definition of each rating category is as follows:

Outstanding - Performance is well beyond that required for the position. It is exceptional performance, definitely superior or extraordinary.

Exceeds standards - Performance is better than demonstrated by a competent employee. It is performance superior to what is required, but is not of such nature to warrant a rating of outstanding.

Meets standards - Performance of a competent employee. It is satisfactory performance that meets the standards required of the position.

Performance Evaluations

Needs improvement - Performance is less than the standards required of the position. A needs improvement rating shall be thoroughly discussed with the employee.

Unsatisfactory - Performance is inferior to the standards required of the position. It is inadequate or undesirable performance that cannot be allowed to continue.

Supervisor comments may be included in the evaluation to document the employee's strengths, weaknesses, and requirements for improvement. Any job dimension rating marked as unsatisfactory or outstanding shall be substantiated with supervisor comments.

601.3.2 PERFORMANCE IMPROVEMENT PLAN

Employees who receive an unsatisfactory rating may be subject to a PIP. The PIP shall delineate areas that need improvement, any improvement measures, and a timetable in which to demonstrate improvement. The issuing supervisor shall meet with the employee to review the employee's performance and the status of the PIP at least monthly.

601.4 EVALUATION PROCESS

Performance evaluations cover a specific period and should be based upon documented performance dimensions that are applicable to the duties and authorities granted to the employee during that period. Evaluations should be completed by each employee's immediate supervisor. Other supervisors directly familiar with the employee's performance during the rating period should be consulted by the evaluating supervisor for input.

Assessment of an employee's job performance is an ongoing process. Continued coaching and feedback provides supervisors and employees with opportunities to correct performance issues as they arise and to acknowledge good work. Periodic discussions with the employee during the course of the evaluation period are encouraged. Supervisors should document all discussions in the prescribed manner.

Non-probationary employees demonstrating substandard performance shall be notified in writing as soon as possible in order to have an opportunity to remediate the issues. Such notification should occur at the earliest opportunity, with the goal being a minimum of 90 days' written notice prior to the end of the evaluation period.

When meeting with an employee to administer an evaluation, supervisors should discuss expectations and establish performance standards. Each supervisor should discuss the tasks of the position, standards of expected performance, and the evaluation criteria with each employee.

All supervisors shall receive training on performance evaluations within one year of a supervisory appointment.

601.5 EVALUATION INTERVIEW

When the supervisor has completed an evaluation, a private discussion of the evaluation should be scheduled with the employee. The supervisor should discuss the evaluation ratings and respond to any questions the employee may have. The supervisor should provide relevant counseling regarding advancement, specialty positions, and training opportunities. Any performance areas in

Performance Evaluations

need of improvement and goals for reaching the expected level of performance should be identified and discussed. If the employee has reasonable objections to any of the ratings, the supervisor may make appropriate adjustments to the evaluation. The reason for such adjustments shall be documented.

Employees may write comments in an identified section of the evaluation. The supervisor and employee will sign and date the evaluation.

601.5.1 DISCRIMINATORY HARASSMENT FORM

At the time of each employee's annual evaluation, the supervisor shall provide access to and require the employee to read the City Discriminatory Harassment Policy. The supervisor shall give the employee a form to be completed and returned that acknowledges the following:

- (a) The employee understands the policy.
- (b) The employee has had all questions regarding the policy sufficiently addressed.
- (c) The employee knows how to report alleged harassment and discrimination policy violations.
- (d) Whether the employee has been the subject of, or witness to, any unreported conduct that may violate the policy.

The completed form should be returned to the supervisor (or other authorized individual if the employee is uncomfortable returning the form to the presenting supervisor) within one week. If the employee has expressed any questions or concerns, the receiving supervisor or other authorized individual shall ensure that appropriate follow-up action is taken.

601.6 APPEAL

An employee who disagrees with an evaluation may provide a formal written response that will be attached to the evaluation, or may request an appeal.

To request an appeal, the employee shall forward a written memorandum within three days to the City Manager or the authorized designee. The memorandum shall identify the specific basis for the appeal and include any relevant information for the reviewer to consider.

601.7 CHAIN OF REVIEW

The signed performance evaluation and any employee attachment should be forwarded to the City Manager or the authorized designee. The City Manager or the authorized designee shall review the evaluation for fairness, impartiality, uniformity, and consistency, and shall consider any written response or appeal made by the employee.

The City Manager or the authorized designee should evaluate the supervisor on the quality of ratings given.

601.8 RETENTION AND DISTRIBUTION

The original performance evaluation and any original correspondence related to an appeal shall be maintained in accordance with the Personnel Records Policy.

Performance Evaluations

A copy of the evaluation and any documentation of a related appeal shall be provided to the employee.

Discriminatory Harassment

602.1 PURPOSE AND SCOPE

The purpose of this policy is to prevent city employees from being subjected to discriminatory harassment, including sexual harassment and retaliation. Nothing in this policy is intended to create a legal or employment right or duty that is not created by law.

602.2 POLICY

The City is an equal opportunity employer and is committed to creating and maintaining a work environment that is free of all forms of discriminatory harassment, including sexual harassment and retaliation. The City will not tolerate discrimination against an employee in hiring, promotion, discharge, compensation, fringe benefits, and other privileges of employment. The City will take preventive and corrective action to address any behavior that violates this policy or the rights and privileges it is designed to protect.

The nondiscrimination policies of the City may be more comprehensive than state or federal law. Conduct that violates this policy may not violate state or federal law but still could subject an employee to discipline.

602.3 DEFINITIONS

Definitions related to this policy include:

602.3.1 DISCRIMINATION

The City prohibits all forms of discrimination, including any employment-related action by an employee that adversely affects an applicant or employee and is based on actual or perceived race, ethnicity, national origin, religion, sex, sexual orientation, gender identity or expression, age, disability, pregnancy, genetic information, veteran status, marital status, and any other classification or status protected by law.

Discriminatory harassment, including sexual harassment, is verbal or physical conduct that demeans or shows hostility or aversion toward an individual based upon that individual's protected class. It has the effect of interfering with an individual's work performance or creating a hostile or abusive work environment.

Conduct that may, under certain circumstances, constitute discriminatory harassment can include making derogatory comments; making crude and offensive statements or remarks; making slurs or off-color jokes; stereotyping; engaging in threatening acts; making indecent gestures, pictures, cartoons, posters, or material; making inappropriate physical contact; or using written material or city equipment and/or systems to transmit or receive offensive material, statements, or pictures. Such conduct is contrary to city policy and to a work environment that is free of discrimination.

602.3.2 RETALIATION

Retaliation is treating a person differently or engaging in acts of reprisal or intimidation against the person because the person has engaged in protected activity, filed a charge of discrimination,

Discriminatory Harassment

participated in an investigation, or opposed a discriminatory practice. Retaliation will not be tolerated.

602.3.3 SEXUAL HARASSMENT

The City prohibits all forms of discrimination and discriminatory harassment, including sexual harassment. It is unlawful to harass an applicant or an employee because of that person's sex.

Sexual harassment includes but is not limited to unwelcome sexual advances, requests for sexual favors, or other verbal, visual, or physical conduct of a sexual nature when:

- (a) Submission to such conduct is made either explicitly or implicitly as a term or condition of employment, position, or compensation.
- (b) Submission to, or rejection of, such conduct is used as the basis for any employment decisions affecting the employee.
- (c) Such conduct has the purpose or effect of substantially interfering with an employee's work performance or creating an intimidating, hostile, or offensive work environment.

602.3.4 ADDITIONAL CONSIDERATIONS

Discrimination and discriminatory harassment do not include actions that are in accordance with established rules, principles, or standards, including:

- (a) Acts or omission of acts based solely upon bona fide occupational qualifications under the Equal Employment Opportunity Commission and any related state agency guidelines.
- (b) Bona fide requests or demands by a supervisor that an employee improve work quality or output, that the employee report to the job site on time, that the employee comply with City or department rules or regulations, or any other appropriate work-related communication between supervisor and employee.

602.4 RESPONSIBILITIES

This policy applies to all city employees, who shall follow the intent of these guidelines in a manner that reflects city policy, professional standards, and the best interest of the City and its mission.

Employees are encouraged to promptly report any discriminatory, retaliatory, or harassing conduct or known violations of this policy to a supervisor. Any employee who is not comfortable with reporting violations of this policy to an immediate supervisor may make the report to a higher-ranking supervisor, Human Resources, or the City Manager.

Any employee who believes, in good faith, that the employee has been discriminated against, harassed, or subjected to retaliation, or who has observed harassment, discrimination, or retaliation, is encouraged to promptly report such conduct in accordance with the procedures set forth in this policy.

Supervisors receiving information regarding alleged violations of this policy shall determine if there is any basis for the allegation and shall proceed with a resolution as stated below.

Discriminatory Harassment

602.4.1 QUESTIONS OR CLARIFICATION

Employees with questions regarding what constitutes discrimination, sexual harassment, or retaliation are encouraged to contact a supervisor, Human Resources, or the City Manager for further information, direction, or clarification.

602.4.2 SUPERVISOR RESPONSIBILITIES

The responsibilities of supervisors and managers shall include but are not limited to:

- (a) Continually monitoring the work environment and striving to ensure that it is free from all types of unlawful discrimination, including harassment or retaliation.
- (b) Taking prompt, appropriate action within their work units to avoid and minimize the incidence of any form of discrimination, harassment, or retaliation.
- (c) Ensuring that their subordinates understand their responsibilities under this policy.
- (d) Ensuring that employees who make complaints or who oppose any unlawful employment practices are protected from retaliation and that such matters are kept confidential to the extent possible.
- (e) Making a timely determination regarding the substance of any allegation based upon all available facts.
- (f) Notifying Human Resources and the City Manager in writing of the circumstances surrounding any reported allegations or observed acts of discrimination, harassment, or retaliation no later than the next business day.

602.4.3 SUPERVISOR'S ROLE

Supervisors and managers behavior should represent the values of the City and professional standards.

Nothing in this section shall be construed to prevent supervisors or managers from discharging supervisory or management responsibilities, such as determining assignments, evaluating or counseling employees, or issuing discipline in a manner that is consistent with established procedures.

602.5 INVESTIGATION OF COMPLAINTS

During the pendency of any such investigation, the supervisor of the involved employee shall take prompt and reasonable steps to mitigate or eliminate any continuing abusive or hostile work environment. All complaints of discrimination, retaliation, or harassment shall be fully documented and promptly and thoroughly investigated by Human Resources and the Office of the City Attorney.

602.5.1 FORMAL INVESTIGATION

Human Resources or the individual assigned by Human Resources to conduct the investigation will have full authority to investigate all aspects of the complaint. Investigative authority includes access to records and the cooperation of any employees involved. No influence will be used to suppress any complaint and no employee will be subject to retaliation or reprisal for filing a complaint, encouraging others to file a complaint, or for offering testimony or evidence in any investigation.

Discriminatory Harassment

Formal investigation of the complaint will be confidential to the extent possible and will include but is not limited to details of the specific incident, frequency and dates of occurrences, and names of any witnesses. Witnesses will be advised regarding the prohibition against retaliation, and that a disciplinary process, up to and including termination, may result if retaliation occurs.

602.5.2 ALTERNATIVE COMPLAINT PROCESS

No provision of this policy shall be construed to prevent any employee from seeking legal redress outside the City. Employees who believe that they have been harassed, discriminated, or retaliated against are entitled to bring complaints of employment discrimination to federal, state, and/or local agencies responsible for investigating such allegations. Specific time limitations apply to the filing of such charges. Employees are advised that proceeding with complaints under the provisions of this policy does not in any way affect those filing requirements.

602.6 DOCUMENTATION OF COMPLAINTS

All complaints or allegations shall be thoroughly documented by Human Resources. The outcome of all reports shall be maintained in accordance with the established records retention schedule.

602.7 TRAINING

All new employees shall be provided with a copy of this policy as part of their orientation. The policy shall be reviewed with each new employee. The employee shall certify by signing the prescribed form that the employee has been advised of this policy and agrees to abide by its provisions during the employee's term with the City.

All employees shall receive annual training on the requirements of this policy and shall certify by signing the prescribed form that they have reviewed the policy, understand its contents, and agree that they will continue to abide by its provisions.

Grievances

603.1 PURPOSE AND SCOPE

The purpose of this policy is to provide guidelines for the city grievance system. The grievance system is intended to facilitate communication and to promptly and equitably address employee grievances in the workplace.

603.1.1 GRIEVANCE DEFINED

A grievance is a difference of opinion or dispute regarding the meaning, interpretation, or application of any of the following:

- Current employment agreements
- This Policy Manual
- Rules and regulations governing personnel practices or working conditions
- Workplace issues that do not amount to misconduct such as fraud, waste, abuse of authority, gross mismanagement, or any inappropriate conduct or practices, including violations that may pose a threat to the health, safety, or well-being of members
- Employee compensation

Specifically outside the category of grievances are complaints related to allegations of discrimination or harassment subject to the Discriminatory Harassment Policy. Also outside the category of grievances are personnel complaints regarding any allegation of misconduct or improper job performance against any city employee that, if true, would constitute a violation of city policy or federal, state, or local law.

603.2 POLICY

It is the policy of the City to provide a just and equitable system for the prompt handling of employee grievances without discrimination, coercion, restraint, or retaliation against any employee who submits or is otherwise involved in a grievance.

603.3 PROCESS

Grievances may be brought by an individual employee or by an employee group representative. Employees may have representation during the grievance process.

Except as otherwise required under current employment agreements, if an employee wishes to initiate a grievance as defined above, that employee shall:

- (a) Attempt to resolve the issue through informal discussion with the employee's immediate supervisor.
- (b) If after a reasonable amount of time, not to exceed 30 calendar days, the grievance cannot be settled by the immediate supervisor, the employee may request an interview with the head of the department.

Grievances

- (c) If a successful resolution is not found with the head of the department within 15 calendar days, the employee may request a meeting with the Director of Human Resources.
 - 1. If the grievance involves the Department of Human Resources, the employee may request a meeting with the Deputy City Manager.
- (d) If the employee and the Director of Human Resources are unable to arrive at a mutual solution within 15 calendar days, the employee shall proceed as follows:
 - 1. Submit a written statement of the grievance to the City Manager and provide a copy to the employee's immediate supervisor.
 - 2. Include the following information in the written statement:
 - (a) The basis for the grievance.
 - (b) The allegation of any specific wrongful act and the harm done.
 - (c) The specific policies, rules, or regulations at issue.
 - (d) The remedy or goal being sought by the grievance.
- (e) The City Manager shall provide the employee with a signed acknowledgment of the grievance that shall include the date and time of receipt.
- (f) The City Manager should review the grievance and respond to the employee within 15 calendar days.
 - 1. The response will be in writing, and will affirm or deny the allegations.
 - 2. The response shall include any remedies, if appropriate.
- (g) If the employee and the City Manager are unable to arrive at a mutual solution, the employee shall proceed as follows:
 - 1. Submit a written statement of the grievance to the Appeals Authority within 15 calendar days to include all relevant information as previously provided to the City Manager.
 - 2. The decision of the Appeals Authority should be rendered within 30 calendar days of receipt of the appeal and is considered final.

603.4 GRIEVANCE RECORDS

At the conclusion of the grievance process, all documents pertaining to the process shall be the Department of Human Resources for inclusion in a secure file for all written grievances.

Whistle Blowing

604.1 PURPOSE AND SCOPE

Employees have a responsibility to formally identify any waste of public funds, property, staffing, fraud, gross misconduct, or a violation of law, relating to their employment. Employees should give notice to the Director of Human Resources. If the Department of Human Resources is involved, notice should be given to the Deputy City Manager involved.

This policy prohibits retaliation against employees who identify such issues.

This policy does not prohibit actions taken for nondiscriminatory or non-retaliatory reasons, such as discipline for cause.

These guidelines are intended to supplement and not limit employees' access to other applicable remedies. Nothing in this policy shall diminish the rights or remedies of an employee pursuant to any applicable federal law, provision of the U.S. Constitution, state and local law, ordinance, or current employment agreement.

604.2 POLICY

The City has a zero tolerance for retaliation and is committed to taking reasonable steps to protect from retaliation employees who, in good faith, engage in permitted behavior or who report or participate in the reporting or investigation of workplace issues. All complaints of retaliation will be taken seriously and will be promptly and appropriately investigated.

604.3 RETALIATION PROHIBITED

No employee may retaliate against any person for engaging in lawful or otherwise permitted behavior; for opposing a practice believed to be unlawful, unethical, discriminatory, or retaliatory; for reporting or making a complaint under this policy; or for participating in any investigation related to a complaint under this or any other policy.

Retaliation includes any adverse action or conduct, including but not limited to:

- Refusing to hire or denying a promotion.
- Extending the probationary period.
- Unjustified reassignment of duties or change of work schedule.
- Real or implied threats or other forms of intimidation to dissuade the reporting of wrongdoing or filing of a complaint, or as a consequence of having reported or participated in protected activity.
- Taking unwarranted disciplinary action.
- Spreading rumors about the person filing the complaint or about the alleged wrongdoing.
- Shunning or unreasonably avoiding a person because the person has engaged in protected activity.

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604.4 COMPLAINTS OF RETALIATION

Any employee who feels retaliated against in violation of this policy should promptly report the matter to the City Manager or the Director of Human Resources.

Employees shall act in good faith, not engage in unwarranted reporting of trivial or minor deviations or transgressions, and make reasonable efforts to verify facts before making any complaint in order to avoid baseless allegations. Employees shall not report or state an intention to report information or an allegation knowing it to be false or with willful or reckless disregard for the truth or falsity of the information, or otherwise act in bad faith.

Investigations are generally more effective when the identity of the reporting employee is known, thereby allowing investigators to obtain additional information from the reporting employee. However, complaints may be made anonymously. All reasonable efforts shall be made to protect the reporting employee's identity. However, confidential information may be disclosed to the extent required by law or to the degree necessary to conduct an adequate investigation and make a determination regarding a complaint. In some situations, the investigative process may not be complete unless the source of the information and a statement by the employee are part of the investigative process.

604.5 RESPONSIBILITIES OF HUMAN RESOURCES

The responsibilities of the Director of Human Resources include but are not limited to:

- (a) Ensuring complaints of retaliation are investigated.
- (b) Receiving all complaints in a fair and impartial manner.
- (c) Documenting the complaint and any steps taken to resolve the problem.
- (d) Acknowledging receipt of the complaint, notifying the City Manager or the authorized designee, and explaining to the employee how the complaint will be handled.
- (e) Taking appropriate and reasonable steps to mitigate any further violations of this policy.
- (f) Monitoring the work environment to ensure that any employee making a complaint is not subjected to further retaliation.
- (g) Periodic follow-up with the complainant to ensure that retaliation is not continuing.
- (h) Not interfering with or denying the right of an employee to make any complaint.
- (i) Taking reasonable steps to accommodate requests for assignment or schedule changes made by an employee who may be the target of retaliation if it would likely mitigate the potential for further violations of this policy.

604.6 COMPLAINT PROCESS

The City Manager should communicate to all supervisors the prohibition against retaliation.

The Director of Human Resources shall treat all complaints as serious matters and shall ensure that prompt actions take place, including but not limited to:

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- (a) Communicating to all employees the prohibition against retaliation.
- (b) The timely review of complaint investigations.
- (c) Remediation of any inappropriate conduct or condition and instituting measures to eliminate or minimize the likelihood of recurrence.
- (d) The timely communication of the outcome to the complainant.

604.7 RECORDS RETENTION AND RELEASE

The Director of Human Resources shall ensure that documentation of investigations is maintained in accordance with the established records retention schedules.

604.8 TRAINING

This policy should be reviewed with each new employee.

All employees should receive periodic refresher training on the requirements of this policy.

Drug-and Alcohol- Free Workplace

605.1 PURPOSE AND SCOPE

The purpose of this policy is to establish clear and uniform guidelines regarding controlled substances as related to the workplace (41 USC § 8103). Controlled substances include alcohol and illicit drugs as defined in federal and state law.

605.2 POLICY

It is the policy of the City to provide a drug- and alcohol-free workplace for all employees.

605.3 GENERAL GUIDELINES

Controlled substance use in the workplace or on city time can endanger the health and safety of city employees and the public.

Employees who have consumed an amount of an alcoholic beverage or taken any medication, or combination thereof, that would tend to adversely affect their mental or physical abilities shall not report for work. Affected employees shall notify an appropriate supervisor as soon as they are aware of an inability to report to work. If the employee is unable to make the notification, every effort should be made to have a representative contact the supervisor in a timely manner. If the employee is adversely affected while at work, the employee shall be immediately removed and released from work (see the Work Restrictions section in this policy).

605.3.1 USE OF MEDICATIONS

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.

605.3.2 CANNABIS

Possession or use of cannabis during work hours is prohibited and may lead to disciplinary action.

605.4 EMPLOYEE RESPONSIBILITIES

Employees shall report for work in an appropriate mental and physical condition. Employees are prohibited from purchasing, manufacturing, distributing, dispensing, possessing, or using controlled substances on city premises or on city time (41 USC § 8103). The lawful possession or use of prescribed medications or over-the-counter remedies is excluded from this prohibition.

Drug-and Alcohol- Free Workplace

Employees shall notify their immediate supervisor or the Department of Human Resources immediately if they observe behavior or other evidence that they believe demonstrates that a fellow employee is impaired during work hours due to controlled substance use.

Employees are required to notify their immediate supervisors of any criminal drug statute conviction for a violation occurring in the workplace no later than five days after such conviction (41 USC § 8103).

605.4.1 SPECIFIC ALCOHOL PROHIBITIONS

No employee shall:

- (a) Report for duty or remain on duty while having an alcohol concentration greater than 0.01 percent of their Blood Alcohol Content (BAC).
- (b) Be on duty or operate a City motor vehicle while possessing alcohol.
- (c) Use alcohol while performing their daily functions.
- (d) 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.)

605.5 EMPLOYEE ASSISTANCE PROGRAM

Seeking assistance for a controlled substance 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 controlled substance problem are strongly encouraged to seek help. It is the responsibility of each employee to seek assistance before controlled substance problems lead to performance problems.

Employees voluntarily seeking assistance for controlled substance problems may contact the Human Resource Director for information regarding the City's employee assistance program (EAP). Insurance coverage that provides treatment for controlled substance problems may also be available. 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 controlled substance 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 substance testing and sign a return-to-work agreement.

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605.6 WORK RESTRICTIONS

If a supervisor or the Director of Human Resources reasonably believes, based on objective facts, that an employee is impaired by the consumption of any controlled substance, they shall prevent the employee from continuing work and shall ensure that the employee is safely transported away from the workplace. The supervisor shall contact the Department of Human Resources and require a screening test.

The City shall not permit an employee:

- (a) To continue to work after refusing to submit to a required test for controlled substances.
- (b) To work or continue to work after they have tested positive for any controlled substance.
- (c) To represent the City in an official capacity while under the influence or impaired from the influence of any controlled substance.
- (d) 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.

605.7 TESTING FOR CONTROLLED SUBSTANCES

In order to achieve a drug-free workplace, employees shall be required to participate in tests for controlled substances under the circumstances outlined below. All testing of employees for controlled substances shall be done in accordance with [accompanying procedure](#). A supervisor must accompany any employee to controlled substance testing.

Employees shall be immediately placed on administrative leave until a pre-disciplinary hearing is held under the following circumstances:

- (a) Positive test result for an illicit substance or alcohol.
- (b) Positive test result for a prescribed substance that has not been taken in accordance with the prescription.
- (c) Failure or refusal to submit to a screening test.

Employees are prohibited from using anything that will alter screening test results.

The result of the test is not admissible in any criminal proceeding against the employee.

605.7.1 PRE-EMPLOYMENT

After a candidate has been extended a conditional offer of employment but before beginning employment, they shall be required to pass an alcohol and drug test. An applicant who tests positive for alcohol or drugs shall be denied employment with the City. Employees rehired after a 6-month absence will be subject to pre-employment testing.

605.7.2 REASONABLE SUSPICION TESTING

Testing that occurs when a supervisor observes behavior or appearance that is characteristic of a controlled substance. The City reserves the right to require an employee to submit to a

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controlled substance test when there is reasonable suspicion that the employee is working under the influence of a controlled substance. 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. Reasonable suspicion factors are provided in the [accompanying procedure](#).

Supervisors have a duty to act when they have reasonable suspicion that an employee has a controlled substance problem.

- (a) The supervisor reasonably believes, based upon objective facts, that the employee is under the influence of controlled substance that is impairing the employee's ability to perform work safely and efficiently.
- (b) The employee uses property owned or approved by the City in a manner that results in injury, death, or substantial property damage.
- (c) The employee drives a motor vehicle in the performance of the employee's work and becomes involved in an incident that results in bodily injury, death, or substantial damage to property.

605.7.3 INCIDENT-RELATED TESTING

Incident-related controlled substance testing shall occur as soon as practicable and prior to 24 hours following an incident such as a work-related vehicle accident, other incident resulting in injury, or with incident that may result in possible liability for the City, including worker's compensation liability. This testing shall occur in accordance with the [accompanying procedure](#). Public Safety Officers injured in the line of duty by another person will not be required to submit a controlled substance test unless otherwise required by another policy.

605.7.4 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 percent of all City employees whose positions require them to be CDL holders. The minimum annual percentage rate for random alcohol testing shall be 25 percent 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. Random drug testing for CDL holders shall be conducted in accordance with the [accompanying procedure](#).

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. This percentage may be changed from time to time. Random testing for safety sensitive positions shall be conducted in accordance with the [accompanying procedure](#).

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605.7.5 RETURN TO DUTY

Return to duty controlled substance testing is required in accordance with the [accompanying procedure](#) when:

- (a) An employee returns to duty following voluntary substance abuse rehabilitation.
- (b) A holders of a Commercial Driver's License (CDL) has violated the policy and must pass a return-to-duty test before engaging in safety-sensitive functions.

605.8 COMPLIANCE WITH THE DRUG-FREE WORKPLACE ACT

No later than 30 days following notice of any drug statute conviction for a violation occurring in the workplace involving an employee, the City will take appropriate disciplinary action, up to and including dismissal, and/or requiring the employee to satisfactorily participate in a drug abuse assistance or rehabilitation program (41 USC § 8104).

605.9 CONFIDENTIALITY

The City recognizes the confidentiality and privacy due to its employees. The City's designated agent shall maintain records of its alcohol misuse and controlled substance use prevention programs as provided in this policy and the [accompanying procedure](#). These records shall be maintained separate from personnel records, in a secure location with controlled access. Post-accident records must be made available to the National Transportation Safety Board when requested.

605.9.1 SCREENING TEST RESULTS

The written results of any screening tests and all documents generated by the employee assistance program are considered confidential medical records and shall be maintained in the employee's confidential medical file in accordance with the Personnel Records Policy.

Exceptions to these confidentiality provisions are limited to:

- (a) Department of Transportation (DOT), any DOT agency, and any state or local official with regulatory authority over the employer or any of its drivers when license or certification actions are required.
- (b) To a decision maker in arbitration, litigation or administrative proceedings arising from a positive drug test.
- (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 controlled substance testing.

605.10 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 policy.

Communicable Diseases

606.1 PURPOSE AND SCOPE

This policy provides general guidelines to assist in minimizing the risk of employees contracting and/or spreading communicable diseases.

606.1.1 DEFINITIONS

Definitions related to this policy include:

Communicable disease - A human disease caused by microorganisms that are present in and transmissible through human blood, bodily fluid, or tissue, or by breathing or coughing. These diseases commonly include but are not limited to hepatitis B virus (HBV), HIV, and tuberculosis.

Exposure - When an eye, the mouth, a mucous membrane, or non-intact skin comes into contact with blood or other potentially infectious materials, or when these substances are injected or infused under the skin; when an individual is exposed to a person who has a disease that can be passed through the air by talking, sneezing, or coughing (e.g., tuberculosis), or the individual is in an area that was occupied by such a person. Exposure only includes those instances that occur due to an employee's position with the City.

606.2 POLICY

The City is committed to providing a safe work environment for its employees. Employees should be aware that they are ultimately responsible for their own health and safety.

606.3 EXPOSURE PREVENTION AND MITIGATION

606.3.1 GENERAL PRECAUTIONS

All employees are expected to use good judgment and follow training and procedures related to mitigating the risks associated with communicable disease. This includes but is not limited to (29 CFR 1910.1030):

- (a) Stocking disposable gloves, antiseptic hand cleanser, CPR masks, or other specialized equipment in the work area or city vehicles, as applicable.
- (b) Wearing city-approved disposable gloves when contact with blood, other potentially infectious materials, mucous membranes, and non-intact skin can be reasonably anticipated.
- (c) Washing hands immediately or as soon as feasible after removal of gloves or other PPE.
- (d) Treating all human blood and bodily fluids/tissue as if it is known to be infectious for a communicable disease.
- (e) Using an appropriate barrier device when providing CPR.
- (f) Using a face mask or shield if it is reasonable to anticipate an exposure to an airborne transmissible disease.

Communicable Diseases

- (g) Decontaminating non-disposable equipment (e.g., clothing, shoes, work equipment) as soon as possible if the equipment is a potential source of exposure.
 - 1. Clothing that has been contaminated by blood or other potentially infectious materials should be removed immediately or as soon as feasible and stored/decontaminated appropriately.
- (h) Handling all sharps and items that cut or puncture (e.g., needles, broken glass, razors, knives) cautiously and using puncture-resistant containers for their storage and/or transportation.
- (i) Avoiding eating, drinking, smoking, applying cosmetics or lip balm, or handling contact lenses where there is a reasonable likelihood of exposure.
- (j) Disposing of biohazardous waste appropriately or labeling biohazardous material properly when it is stored.

606.3.2 IMMUNIZATIONS

Employees who could be exposed to HBV due to their positions may receive the HBV vaccine and any routine booster at no cost (29 CFR 1910.1030). Additional immunizations may also be required or provided.

606.4 POST EXPOSURE

606.4.1 INITIAL POST-EXPOSURE STEPS

Employees who experience an exposure or suspected exposure shall (29 CFR 1910.1030):

- (a) Begin decontamination procedures immediately (e.g., wash hands and any other skin with soap and water, flush mucous membranes with water).
- (b) Obtain medical attention as appropriate.
- (c) Notify a supervisor as soon as practical.

606.4.2 REPORTING REQUIREMENTS

Supervisors should investigate every exposure or suspected exposure that occurs as soon as possible following the incident. Supervisors should document the following information (29 CFR 1910.1030):

- (a) Identification of the employee exposed
- (b) Date and time of incident
- (c) Location of incident
- (d) Potentially infectious materials involved and the source of exposure (e.g., identification of the person who may have been the source)
- (e) Work being done during exposure
- (f) How the incident occurred or was caused
- (g) PPE in use at the time of the incident
- (h) Actions taken post-event (e.g., clean-up, notifications)

Communicable Diseases

Supervisors should advise their employees that disclosing the identity and/or infectious status of a source to the public or to anyone who is not involved in the follow-up process is prohibited. Supervisors should complete the incident documentation in conjunction with other reporting requirements that may apply (see the Work-Related Illness and Injury Reporting and Illness and Injury Prevention policies).

606.4.3 MEDICAL CONSULTATION, EVALUATION, AND TREATMENT

City employees have the opportunity to have a confidential medical evaluation immediately after an exposure and follow-up evaluations as necessary through the workers compensation process.

606.5 CONFIDENTIALITY OF REPORTS

Medical information shall remain in confidential files and not be disclosed to anyone without the employee's written consent (except as required by law). Test results from persons who may have been the source of an exposure are to be kept confidential as well (29 CFR 1910.1030).

606.6 TRAINING

Training regarding communicable diseases should be provided to employees commensurate with the requirements of their position. The training (29 CFR 1910.1030):

- (a) Should be provided at the time of initial assignment to tasks where an occupational exposure may take place and at least annually after the initial training.
- (b) Should be provided whenever the employee is assigned new tasks or procedures affecting potential exposure to communicable disease.
- (c) Should provide guidance on what constitutes an exposure, what steps can be taken to avoid an exposure, and what steps should be taken if a suspected exposure occurs.

Smoking and Tobacco Use

607.1 PURPOSE AND SCOPE

This policy establishes limitations on smoking and the use of tobacco products by employees and others during work hours or while in city facilities or vehicles.

For the purpose of this policy, smoking and tobacco use includes but is not limited to any tobacco product, such as cigarettes, cigars, pipe tobacco, snuff, tobacco pouches, and chewing tobacco, as well as any device that is intended to simulate smoking, such as an electronic cigarette or personal vaporizer.

607.2 POLICY

The City recognizes that smoking and tobacco use is a health risk and can be offensive to others. All forms of smoking and tobacco use also present an unprofessional image for the City and its employees. Therefore, all forms of smoking and tobacco use are prohibited by employees and visitors in all city facilities, buildings, and vehicles, and as is further outlined in this policy. No employee shall smoke or vape near any entrance, window, or other location where other persons may be subject to breathing smoke or vapor.

607.3 POSTING

Signs or other notices should be posted at appropriate locations to notify employees and the public where smoking and tobacco use is prohibited.

Meal Periods and Breaks

608.1 PURPOSE AND SCOPE

This policy provides general guidance regarding meal periods and breaks for employees.

608.2 POLICY

It is the policy of the City to provide meal periods and breaks to employees in accordance with the law and any employment agreements.

608.3 MEAL 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.)

608.4 BREAK PERIODS

Two (2) paid break periods shall be authorized for each non-exempt employee during the regular workday. Only one break should be taken during each four hours of work. The break 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 break period.

Lactation Breaks

609.1 PURPOSE AND SCOPE

The purpose of this policy is to provide reasonable accommodations to employees desiring to express breast milk for the employee's infant child.

609.2 POLICY

It is the policy of the City to provide, in compliance with the Fair Labor Standards Act (FLSA), reasonable break time and appropriate facilities to accommodate any nonexempt employee desiring to express breast milk for a nursing child for up to one year after the child's birth (29 USC § 207).

Employees should advise management and Human Resources 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 Human Resources with questions regarding this policy.

609.3 LACTATION BREAK TIME

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.)

A rest period should be permitted each time the employee has the need to express breast milk (29 USC § 207). In general, lactation breaks that cumulatively total 30 minutes or less during any four-hour work period or major portion of a four-hour work period would be considered reasonable. However, individual circumstances may require more or less time.

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.

Employees desiring to take a lactation break shall notify a supervisor prior to taking such a break. Such breaks may be reasonably delayed if they would seriously disrupt city operations.

Once a lactation break has been approved, the break should not be interrupted except for emergency or exigent circumstances.

609.4 PRIVATE LOCATION

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

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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.

609.5 STORAGE OF EXPRESSED MILK

Any employee storing expressed milk shall clearly label it as such and shall remove it when the employee's workday ends.

Time Reporting and Payroll Administration

610.1 PURPOSE AND SCOPE

This policy provides the guidelines for reporting of employee time as well as completing and submitting payroll records of city employees who are eligible for the payment of wages.

610.2 POLICY

Employees are expected to accurately report all of their time worked and leave time taken. The City processes payroll in a timely and accurate manner and maintains accurate payroll records.

610.3 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 40 hours within a seven 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 their normal hourly wage for all time worked in excess of 86 hours in each two-week period, unless otherwise required by law. All non-exempt employees are required to report a minimum combination of 40 hours per week including time worked, holiday hours, and leave time.

Each work week stands alone in computing hours worked (except for Public Safety). Averaging hours worked over two or more periods is not allowed.

610.4 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 Department of Human Resources.

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:

- (a) Full-day absences for personal reasons, as allowed by applicable regulation.
- (b) Full-day absences for sickness or disability, as allowed by applicable regulation.
- (c) Full-day disciplinary suspensions for infractions of City written policies and procedures, as allowed by federal regulation.

Time Reporting and Payroll Administration

- (d) Family and Medical Leave absences (either full- or partial-day absences).
- (e) To offset amounts received as payment from the court for jury and witness fees or from the military as military pay.
- (f) The first or last week of employment in the event the employee works less than a full week.
- (g) 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:

- (a) Partial day absences for personal reasons, sickness or disability.
- (b) An absence because the City has decided to close a facility on a scheduled work day.
- (c) Absences for jury duty, attendance as a witness, or military leave in any week in which the employee performed work (subject to the offsets provided above).
- (d) 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 Department of 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 Department of Human Resources.

Exempt employees shall report leave in eight-hour increments when practical. Exempt employees are not obligated to report leave time that will exceed 80 hours in each pay period.

610.5 RESPONSIBILITIES

Employees are responsible for the accurate completion and timely submission of their payroll records for the payment of wages.

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.

Time Reporting and Payroll Administration

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.

Supervisors are responsible for approving the payroll records of employees under their supervision.

610.6 TIME REQUIREMENTS

Employees who are eligible for the payment of wages are paid on a scheduled, periodic basis, generally on the same day or date each period, with certain exceptions, such as holidays. Payroll records shall be completed and submitted as established by the city payroll procedures.

610.7 RECORDS

The City shall maintain accurate and timely payroll records as required by 29 CFR 516.2 for a minimum of three years (29 CFR 516.5).

Overtime Compensation

611.1 PURPOSE AND SCOPE

This policy establishes guidelines and procedures regarding overtime for employees, in conformance with the Fair Labor Standards Act (FLSA) (29 USC § 201 et seq.).

611.2 POLICY

The City will compensate nonexempt employees who work authorized overtime either by payment of wages or by the accrual of compensatory time (29 CFR 553.22). Employees who are salary exempt from FLSA are not compensated for overtime worked.

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.

611.3 COMPENSATION

Payment of wages to nonexempt employees for overtime, or accrual of compensatory time in lieu of compensation for overtime worked, shall be at the rate of not less than one and one-half hours for each hour of employment for which overtime compensation is required (29 USC § 207(o)(1)).

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.

611.3.1 OVERTIME COMPENSATION ELECTION

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.

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.

611.4 REQUESTS FOR OVERTIME COMPENSATION

Overtime Compensation

611.4.1 EMPLOYEE RESPONSIBILITIES

Generally, no employee is authorized to work overtime without the prior approval of a supervisor. If circumstances do not permit prior approval, approval shall be sought as soon as practicable during the overtime shift and in no case later than the end of the shift in which the overtime is worked.

Nonexempt employees shall:

- (a) Obtain supervisory approval, verbal or written, prior to working the overtime.
- (b) Record the actual time worked in an overtime status using the city-approved form or method. Informal notations on reports, logs, or other forms not approved for overtime recording are not acceptable.
- (c) Submit the request for overtime compensation pursuant to city payroll procedures.

611.4.2 SUPERVISOR RESPONSIBILITIES

Employee's supervisors will attempt to provide employees with reasonable notice when the need for overtime work arises. Advance notice may not always be possible.

Supervisors shall:

- (a) Prior to authorizing an employee to work overtime, evaluate the need for the overtime. Supervisors should not authorize any request to work overtime if the overtime would not be an appropriate use of city resources.
- (b) Upon receipt of a request for overtime compensation, confirm that the overtime was authorized and then verify the actual time worked.
- (c) After verifying and approving the overtime amount, promptly forward the request for compensation to the employee's department director for final approval.

Supervisors may not authorize or approve their own overtime.

611.4.3 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.

611.5 VARIATION IN TIME REPORTED

When two or more employees are assigned to the same activity and the amount of time for which overtime compensation is requested varies among the employees, the City Manager, authorized designee, or other approving supervisor may require each employee to include the reason for the variation on the overtime compensation request.

Overtime Compensation

611.6 REQUESTING USE OF COMPENSATORY TIME

Employees who have accrued compensatory time shall be allowed to use that time for time off within a reasonable period after making a request, if the request does not unduly disrupt city operations (29 USC § 207(o)). Requests to use compensatory time will be submitted to the employee's supervisor at least 24 hours in advance of its intended use. Supervisors may make exceptions in unusual or extraordinary circumstances.

Supervisors shall not unreasonably deny employee requests to use compensatory time (29 CFR 553.25).

Work-Related Illness and Injury Reporting

612.1 PURPOSE AND SCOPE

The purpose of this policy is to provide guidance regarding timely reporting of work-related conditions such as a physical injury or an occupational illness.

612.1.1 DEFINITIONS

Definitions related to this policy include:

Work-related condition - Any significant medical or mental condition suspected to have been caused by an employee's service to the City. Any condition that would reasonably require some form of treatment should be considered significant.

612.2 POLICY

The City will address work-related conditions and will comply with applicable state workers' compensation requirements.

On-the-job injuries are covered by the City's workers' compensation insurance policy, which is provided at no cost.

612.3 RESPONSIBILITIES

612.3.1 EMPLOYEE RESPONSIBILITIES

Employees shall report work-related injuries, no matter how slight, to their supervisor or Department Head immediately, and seek medical care when appropriate. Failure to follow the City's procedures may affect the ability of the employee to receive Workers Compensation benefits.

612.3.2 SUPERVISOR RESPONSIBILITIES

A supervisor learning of any work-related condition should:

- (a) Ensure the employee receives medical care as appropriate.
- (b) Determine whether the Illness and Injury Prevention Policy applies and take additional action as required.
- (c) Review the report for accuracy and determine whether the work-related condition is required to be reported to the state or workers' compensation entity and whether any additional action should be taken.
- (d) Forward the report to the Department of Human Resources to be maintained in the employee's confidential medical file.

612.4 OTHER ILLNESS OR INJURY

Work-related conditions that do not qualify for workers' compensation reporting shall be documented on the designated report of injury form, which shall be signed by a supervisor. A copy of the completed form shall be forwarded to the City Manager or the authorized designee.

Work-Related Illness and Injury Reporting

Unless the injury is extremely minor, the affected employee shall sign the form indicating no desire for medical treatment. Signing the form does not preclude the employee's ability to later seek medical attention.

612.5 FAMILY MEDICAL LEAVE ACT

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.

Temporary Modified- Duty Assignments

613.1 PURPOSE AND SCOPE

This policy establishes procedures for providing temporary modified-duty assignments. This policy is not intended to affect the rights or benefits of employees under federal or state law, city rules, or applicable employment agreements. For example, nothing in this policy affects the obligation of the City to engage in a good faith, interactive process to consider reasonable accommodations for any employee with a temporary or permanent disability that is protected under federal or state law.

613.2 POLICY

Subject to operational and business considerations, the City may identify temporary modified-duty assignments for employees who have an injury or medical condition resulting in temporary work limitations or restrictions. A temporary assignment allows the employee to work, while providing the City with a productive employee during the temporary period.

613.3 GENERAL CONSIDERATIONS

Priority consideration for temporary modified-duty assignments will be given to employees with work-related injuries or illnesses that are temporary in nature. Employees having disabilities covered under the Americans with Disabilities Act (ADA) or state law shall be treated equally, without regard to any preference for a work-related injury.

No position should be created or maintained as a temporary modified-duty assignment.

Temporary modified-duty assignments are a management prerogative and not an employee right. The availability of temporary modified-duty assignments will be determined on a case-by-case basis, consistent with the operational and business needs of the City. Temporary modified-duty assignments are subject to continuous reassessment, with consideration given to operational and business needs and the employee's ability to perform in a modified-duty assignment.

The City Manager or the authorized designee may restrict employees working in temporary modified-duty assignments from wearing a uniform, operating a city vehicle, or engaging in outside employment.

Temporary modified-duty assignments should generally not exceed a cumulative total of 1,040 hours in any one-year period.

Employees who refuse a temporary modified-duty assignment offer are permitted to use available approved leave, if eligible.

613.4 PROCESS

Employees may request a temporary modified-duty assignment for short-term injuries or illnesses.

Employees seeking a temporary modified-duty assignment should submit a written request to their immediate supervisors or the authorized designees. The request should, as applicable, include a certification from the treating medical professional containing:

Temporary Modified- Duty Assignments

- (a) An assessment of the nature and probable duration of the illness or injury.
- (b) The prognosis for recovery.
- (c) The nature and scope of limitations and/or work restrictions.
- (d) A statement regarding any required workplace accommodations, mobility aids, or medical devices.
- (e) A statement that the employee can safely perform the duties of the temporary modified-duty assignment.

Supervisors will make a recommendation to Human Resources regarding temporary modified-duty assignments that may be available based on the needs of the City and the limitations of the employee.

Requests for a temporary modified-duty assignment of 20 hours or less per week may be approved and facilitated by the supervisor, with notice to Human Resources.

613.5 ACCOUNTABILITY

Written notification of assignments, work schedules, and any restrictions should be provided to employees assigned to temporary modified-duty assignments and their supervisors. Those assignments and schedules may be adjusted to accommodate city operations and the employee's medical appointments, as mutually agreed upon by the employee and the employee's supervisor.

613.5.1 EMPLOYEE RESPONSIBILITIES

The responsibilities of employees assigned to temporary modified duty include but are not limited to:

- (a) Communicating and coordinating any required medical and physical therapy appointments in advance with their supervisors.
- (b) Promptly notifying their supervisors of any change in restrictions or limitations after each appointment with their treating medical professionals.
- (c) Communicating a status update to their supervisors no less than once every 30 days while assigned to temporary modified duty.
- (d) Submitting a written status report to Human Resources that contains a status update and anticipated date of return to full duty when a temporary modified-duty assignment extends beyond 60 days.

613.5.2 SUPERVISOR RESPONSIBILITIES

The employee's immediate supervisor should monitor and manage the work schedule of those assigned to temporary modified duty.

The responsibilities of supervisors include but are not limited to:

- (a) Periodically apprising Human Resources of the status and performance of employees assigned to temporary modified duty.

Temporary Modified- Duty Assignments

- (b) Notifying Human Resources and ensuring that the required documentation facilitating the employee's return to full duty is received from the employee.
- (c) Ensuring that employees returning to full duty have completed any required training and certification.

613.6 MEDICAL EXAMINATIONS

Prior to returning to full-duty status, employees shall be required to provide certification from their treating medical professionals stating that they are medically cleared to perform the essential functions of their jobs without restrictions or limitations.

The City may require a fitness-for-duty examination prior to returning an employee to full-duty status.

613.7 PREGNANCY

If an employee is temporarily unable to perform regular duties due to a pregnancy, childbirth, or a related medical condition, the employee will be treated the same as any other temporarily disabled employee (42 USC § 2000e(k)). A pregnant employee shall not be involuntarily transferred to a temporary modified-duty assignment.

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,

- (a) Accommodating lifting or other physical restrictions;
- (b) Temporary transfers to vacant, funded positions for which the employee is qualified;
- (c) Leaves of absence under the Family and Medical Leave Act or other available leave policy.

Nothing in this policy limits a pregnant employee's right to a temporary modified-duty assignment if required under state law.

613.7.1 NOTIFICATION

Employee's requesting an accommodation based on pregnancy, childbirth, or related medical condition, should make a request in writing and provide a statement from their medical providers identifying any pregnancy-related job restrictions or limitations to Human Resources. Human Resources will assist employees in completing the form at their request. If at any point during the pregnancy it becomes necessary for the employee to take a leave of absence, such leave shall be granted in accordance with the city's personnel rules and regulations regarding family and medical care leave.

Temporary Modified- Duty Assignments

613.8 PROBATIONARY EMPLOYEES

Probationary employees who are assigned to a temporary modified-duty assignment may have their probation extended by a period of time equal to their assignment to temporary modified duty.

613.9 MAINTENANCE OF CERTIFICATION AND TRAINING

Employees assigned to temporary modified duty shall maintain all certification, training, and qualifications appropriate to both their regular and temporary duties, provided that the certification, training, or qualifications are not in conflict with any medical limitations or restrictions. Employees who are assigned to temporary modified duty shall inform their supervisors of any inability to maintain any certification, training, or qualifications.

Speech, Expression, and Social Networking

614.1 PURPOSE AND SCOPE

This policy is intended to address issues associated with the use of social networking sites, and provides guidelines for the regulation and balancing of employee speech and expression with the needs of the City.

This policy applies to all forms of communication, including but not limited to film, video, print media, public or private speech, and use of all internet services, including the web, email, file transfer, remote computer access, news services, social networking, social media, instant messaging, blogs, forums, video, and other file-sharing sites.

The City recognizes the right of all employees to engage in concerted activity as allowed by Section 7 of the National Labor Relations Act. Nothing in this policy is intended to prohibit or infringe upon any communication, speech, or expression that is protected under law. This includes speech and expression protected under state or federal constitutions as well as labor or other applicable laws. For example, this policy does not limit an employee from speaking as a private citizen, including acting as an authorized member of an employee group, about matters of public concern, such as misconduct or corruption.

Employees are encouraged to consult with their supervisors regarding any questions arising from the application or potential application of this policy.

614.2 POLICY

Employees of public entities occupy a trusted position in the community, and thus, their statements have the potential to contravene the policies and performance of the City. Due to the nature of the work and influence associated with local government employees, it is necessary that city personnel be subject to certain reasonable limitations on their speech and expression. To achieve its mission and efficiently provide service to the public, the City will carefully balance the individual employee's rights against the needs and interests of the City when exercising a reasonable degree of control over its employees' speech and expression. Use of personal social media platforms during City time or on City equipment is prohibited.

614.3 PROHIBITED SPEECH, EXPRESSION, AND CONDUCT

Employees should demonstrate sound judgment in speech, expression, and conduct that relates to or affects the City. In order to meet the safety, performance, and public-trust needs of the City, the following are prohibited unless the speech is otherwise protected (e.g., an employee is speaking as a private citizen on a matter of public concern):

- (a) Speech or expression that is disruptive to the work environment, undermines authority, and is destructive to close working relationships.
- (b) Speech or expression made pursuant to an official duty that tends to compromise or damage the mission, function, reputation, or professionalism of the City or its employees.

Speech, Expression, and Social Networking

- (c) Knowingly or recklessly false speech or expression that, while not made pursuant to an official duty, is significantly linked to, or related to, the City and tends to compromise or damage the mission, function, reputation, or professionalism of the City or its employees. Examples may include:
 - 1. Making a false accusation of wrongdoing without exercising reasonable caution to verify the truth of the matter.
 - 2. Intentionally misrepresenting on social media actions taken by the City that would damage the city's reputation.
- (d) Speech or expression of any form that could reasonably be foreseen as having a negative impact on the safety of city employees. Use or disclosure, through whatever means, of any information, photograph, video, or other recording obtained or accessible as a result of employment or appointment with the City for financial or personal gain, or any disclosure of such materials without the express authorization of the City Manager or the authorized designee.
- (e) Posting, transmitting, or disseminating any photographs, video or audio recordings, likenesses or images of city logos, emblems, uniforms, badges, patches, marked vehicles, equipment, or other material that specifically identifies the City on any personal or social networking or other website or web page, without the express authorization of the City Manager or the authorized designee.
- (f) 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 policy manual or general policies and procedures.
- (g) 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:
 - 1. Work information included in a personal profile, to include city name, job title, and job duties.
 - 2. Status updates regarding an employee's own job promotion.
 - 3. Personal participation in City sponsored events, including volunteer activities.

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.

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.

Speech, Expression, and Social Networking

Employees must take reasonable and prompt action to remove any content, including content posted by others, that is in violation of this policy from any web page or website maintained by the employee (e.g., social or personal website).

614.3.1 UNAUTHORIZED ENDORSEMENTS AND ADVERTISEMENTS

While employees are not restricted from engaging in the following activities as private citizens, employees may not represent the City or identify themselves in any way that could be reasonably perceived as representing the City in order to do any of the following, unless specifically authorized by the City Manager or the authorized designee:

- (a) Endorse, support, oppose, or contradict any political campaign or initiative.
- (b) Endorse, support, oppose, or contradict any social issue, cause, or religion.
- (c) Endorse, support, or oppose any product, service, company, or other commercial entity.
- (d) Appear in any commercial, social, or nonprofit publication; in any motion picture, film, video, or public broadcast; or on any website.

Additionally, when it can reasonably be construed that an employee, acting in an individual capacity or through an outside group or organization is affiliated with this city, the employee shall give a specific disclaiming statement that any such speech or expression is not representative of the City.

Employees retain their rights to vote as they choose, to support candidates of their choice, and to express their opinions as private citizens on political subjects and candidates at all times during non-work hours. However, employees may not use their official authority or influence to interfere with or affect the result of elections or nominations for office. Employees are also prohibited from directly or indirectly using their official authority to coerce, command, or advise another employee to pay, lend, or contribute anything of value to a party, committee, organization, agency, or person for political purposes (5 USC § 1502).

614.4 PRIVACY EXPECTATION

Employees forfeit any expectation of privacy with regard to emails, texts, or anything published or maintained through file-sharing software or any internet site (e.g., Facebook, Twitter, LinkedIn) that is accessed, transmitted, received, or reviewed on any city technology system (see the Information Technology Use Policy for additional guidance).

However, the City may not require an employee to disclose a personal username or password or to open a personal social website, except when legally permitted and relevant to the investigation of allegations of work-related misconduct.

614.5 CONSIDERATIONS

In determining whether to grant authorization of any speech or conduct that is prohibited under this policy, the factors that the City Manager or the authorized designee should consider include:

Speech, Expression, and Social Networking

- (a) Whether the speech or conduct would negatively affect the efficiency of delivering public services.
- (b) Whether the speech or conduct would be contrary to the good order of the City or the efficiency or morale of its employees.
- (c) Whether the speech or conduct would reflect unfavorably upon the City.
- (d) Whether the speech or conduct would negatively affect the appearance of impartiality in the performance of the employee's duties.
- (e) Whether similar speech or conduct has been previously authorized.
- (f) Whether the speech or conduct may be protected and outweighs any interest of the City.

614.6 TRAINING

Subject to available resources, the City should provide training regarding the limitations on speech, expression, and use of social networking to all employees.

Illness and Injury Prevention

615.1 PURPOSE AND SCOPE

The purpose of this policy is to establish an ongoing and effective plan to reduce the incidence of illness and injury for employees of the City.

This policy specifically applies to illness and injury that results in lost time or that requires medical treatment beyond first aid.

615.2 POLICY

The City is committed to providing a safe environment for its employees and to minimizing the incidence of work-related illness and injuries. The City should establish and maintain an illness and injury prevention plan and provide tools, training, and safeguards designed to reduce the potential for accidents, injuries, and illness. It is the intent of the City to comply with all laws and regulations related to occupational safety.

Employees are required to be conscientious about workplace safety, including proper operating methods, and recognize dangerous conditions or hazards.

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.

615.3 ILLNESS AND INJURY PREVENTION PLAN

The Safety Specialist is responsible for developing an illness and injury prevention plan that should include:

- (a) Workplace safety and health training programs.
- (b) Review of city workplace safety policies and procedures of each department.
- (c) Regularly scheduled safety meetings.
- (d) Posted or distributed safety information.
- (e) A system for employees to anonymously inform management about workplace hazards.
- (f) Establishment of a safety and health committee that will:
 1. Meet regularly.
 2. Include representation from each department.
 3. Prepare a written record of safety and health committee meetings.
 4. Review the results of periodic scheduled inspections.
 5. Review investigations of accidents and exposures.
 6. Make suggestions to supervisors for the prevention of future incidents.

Illness and Injury Prevention

7. Review investigations of alleged hazardous conditions.
 8. Submit recommendations to assist in the evaluation of employee safety suggestions.
 9. Assess the effectiveness of efforts made by the City to meet applicable standards.
- (g) Establishing a process to ensure illnesses and injuries are reported as required under state law.

615.4 SAFETY SPECIALIST RESPONSIBILITIES

The responsibilities of the Safety Specialist include but are not limited to:

- (a) Managing and implementing a plan to reduce the incidence of employee illness and injury.
- (b) Ensuring that a system of communication is in place that facilitates a continuous flow of safety and health information between supervisors and employees. This system shall include:
 1. New employee orientation that includes a discussion of safety and health policies and procedures.
 2. Regular employee review of the illness and injury prevention plan.
- (c) Ensuring that all safety and health policies and procedures are clearly communicated and understood by all employees.
- (d) Taking reasonable steps to ensure that all employees comply with safety rules in order to maintain a safe work environment. This includes but is not limited to:
 1. Informing employees of the illness and injury prevention guidelines.
 2. Recognizing employees who perform safe work practices.
 3. Ensuring that the employee evaluation process includes employee safety performance.
 4. Ensuring compliance with any applicable safety standards related to:
 - (a) Communicable diseases
 - (b) Personal Protective Equipment (PPE) (see the Personal Protective Equipment Policy)
 - (c) Emergency Action Plan
 - (d) Walking-working surfaces
- (e) Making available a form to document inspections, unsafe conditions or unsafe work practices, and actions taken to correct unsafe conditions and work practices.
- (f) Making available a form to document individual incidents or accidents.

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- (g) Making available a form to document the safety and health training of each employee. This form will include the employee's name or other identifier, training dates, type of training, and training providers.
- (h) Conducting and documenting a regular review of the illness and injury prevention plan.

615.5 SUPERVISOR RESPONSIBILITIES

Supervisor responsibilities include but are not limited to:

- (a) Ensuring employee compliance with illness and injury prevention guidelines and answering questions from employees about this policy.
- (b) Training, counseling, instructing, or making informal verbal admonishments any time safety performance is deficient. Supervisors may also initiate discipline when it is reasonable and appropriate.
- (c) Establishing and maintaining communication with employees on health and safety issues. This is essential for an injury-free, productive workplace.
- (d) Completing required forms and reports relating to illness and injury prevention and submitting such forms and reports to the City Manager.
- (e) Notifying the Safety Specialist when:
 - 1. New substances, processes, procedures, or equipment that present potential new hazards are introduced into the work environment.
 - 2. New, previously unidentified hazards are recognized.
 - 3. Work-related illnesses and injuries occur.
 - 4. New and/or permanent or intermittent employees are hired or reassigned to processes, operations, or tasks for which a hazard evaluation has not been previously conducted.
 - 5. Workplace conditions warrant an inspection.
- (f) Notifying Human Resources when work-related illnesses and injuries occur.

615.6 HAZARDS

All employees should report and/or take reasonable steps to correct unsafe or unhealthy work conditions, practices, or procedures in a timely manner. Employees should make their reports to a supervisor (as a general rule, their own supervisors).

Supervisors should make reasonable efforts to correct unsafe or unhealthy work conditions in a timely manner, based on the severity of the hazard. These hazards should be corrected when observed or discovered, when it is reasonable to do so. When a hazard exists that cannot be immediately abated without endangering employees or property, supervisors should protect or remove all exposed employees from the area or item, except those necessary to correct the existing condition.

Employees who are necessary to correct the hazardous condition shall be provided with the necessary protection.

Illness and Injury Prevention

All significant actions taken and dates they are completed shall be documented on the appropriate form. This form should be forwarded to the Safety Specialist.

The Safety Specialist will take appropriate action to ensure the illness and injury prevention plan addresses potential hazards upon such notification.

615.7 INSPECTIONS AND EVALUATION

Safety inspections are crucial to a safe work environment. These inspections identify and evaluate workplace hazards and permit mitigation of those hazards. A hazard assessment checklist should be used for documentation and to ensure a thorough assessment of the work environment.

The Safety Specialist or the authorized designee should ensure that the appropriate documentation is completed for each inspection.

All existing operations, programs, equipment, and facilities of the City shall be evaluated on a regular basis to determine potential risk.

615.7.1 EQUIPMENT

Employees are charged with daily inspections of their assigned equipment or work environment, as applicable, prior to beginning their workday. Employees should complete the appropriate form if an unsafe condition cannot be immediately corrected. Employees should forward this form to their supervisors.

615.8 INVESTIGATIONS

Any employee sustaining any work-related illness or injury, as well as any employee who is involved in any work-related accident or hazardous substance exposure, shall report such event as soon as practicable to a supervisor. Employees observing or learning of a potentially hazardous condition are to promptly report the condition to their immediate supervisors.

The Safety Specialist receiving such a report should personally investigate the incident or ensure that an investigation is conducted. Investigative procedures for workplace accidents and hazardous substance exposures should include:

- (a) A visit to the accident scene as soon as possible.
- (b) An interview of the injured employee and witnesses.
- (c) An examination of the workplace for factors associated with the accident/exposure.
- (d) Determination of the cause of the accident/exposure.
- (e) Corrective action to prevent the accident/exposure from reoccurring.
- (f) Documentation of the findings and corrective actions taken.
- (g) 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.

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- (h) Pictures must be taken at the scene and submitted with the incident report.
- (i) 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.
- (j) The City Attorney will receive and coordinate the resolution of claims and lawsuits made against the City, its officers, employees, or volunteers.

Additionally, the supervisor should proceed with the steps to report a work-related injury, as required under the Work-Related Illness and Injury Reporting Policy, in conjunction with this investigation to avoid duplication and ensure timely reporting.

615.8.1 INCIDENT REVIEW PROCESS

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:

- (a) Non-preventable
- (b) Preventable/Mitigating
- (c) Preventable
- (d) Preventable/Reckless

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

- (a) Very Minor (Less than \$750)
- (b) Minor (\$750-\$3250)
- (c) 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.

615.9 TRAINING

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.

Employees, including supervisors, should be provided with training on general and job-specific workplace safety and health practices. Training should be provided:

Illness and Injury Prevention

- (a) To supervisors to familiarize them with the safety and health hazards to which employees under their immediate direction and control may be exposed.
- (b) To all employees with respect to hazards specific to each employee's job assignment.
- (c) To all employees given new job assignments for which training has not previously been provided.
- (d) Whenever new substances, processes, procedures, or equipment are introduced to the workplace and represent a new hazard.
- (e) Whenever the City is made aware of a new or previously unrecognized hazard.

615.9.1 TRAINING TOPICS

Training topics should include, as applicable:

- (a) Reporting unsafe conditions, work practices, and injuries, and informing a supervisor when additional instruction is needed.
- (b) Use of appropriate clothing, including gloves and footwear.
- (c) Use of respiratory equipment.
- (d) Availability of toilet, hand-washing, and drinking-water facilities.
- (e) Provisions for medical services and first aid.
- (f) Handling of bloodborne pathogens and other biological hazards.
- (g) Prevention of heat and cold stress.
- (h) Identification and handling of hazardous materials, including chemical hazards to which employees could be exposed, and review of resources for identifying and mitigating hazards (e.g., hazard labels, Safety Data Sheets (SDS)).
- (i) Mitigation of physical hazards.
- (j) Identification and mitigation of ergonomic hazards, including working on ladders or in a stooped posture for prolonged periods.
- (k) Back exercises/stretchers and proper lifting techniques.
- (l) Avoidance of slips and falls.
- (m) Good housekeeping and fire prevention.
- (n) Other job-specific safety concerns.

615.10 OCCUPATIONAL SAFETY AND HEALTH ADMINISTRATION

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.

Illness and Injury Prevention

615.11 RECORDS

Records and training documentation relating to illness and injury prevention will be maintained in accordance with the established records retention schedule.

Workplace Violence

616.1 PURPOSE AND SCOPE

The purpose of this policy is to make clear that the City does not tolerate any direct or implied threats of violence or violent behavior in the workplace or any act or behavior that is or can be perceived as threatening, hostile, and/or violent.

616.2 POLICY

It is the policy of the City to provide and maintain a safe work environment for its employees, volunteers, and members of the public.

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.

In responding to any violent behavior in the workplace, the City is committed to providing protection to all involved parties, including protection from future physical and/or mental harm and the protection of the legal rights of victims, witnesses, and those instigating the harm.

616.3 PROHIBITED BEHAVIOR

No employee shall engage in, encourage, or promote violent or bullying behavior toward any person while conducting city business or on city property.

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.

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;

Workplace Violence

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).

616.4 REPORTING AND INVESTIGATING

616.4.1 EMPLOYEE RESPONSIBILITY

Employees who experience, observe, or have knowledge of prohibited behaviors and actions including threats by coworkers in the workplace have a responsibility to report the situation as soon as practicable to a supervisor, a manager, or a human resources representative and to the local police department, if a threat has been made or a crime has occurred.

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.

616.4.2 SUPERVISOR AND MANAGER/ADMINISTRATOR RESPONSIBILITIES

Upon receipt of a report of potential or actual workplace violence, supervisors shall gather as much information as possible to assess and determine the severity and potential of the situation. If the report is found to be credible, the City Manager or the authorized designee shall be notified as soon as practicable and appropriate action taken.

Local law enforcement personnel shall be notified immediately of all threatening or violent behavior.

616.4.3 INVESTIGATION

The City Manager or the authorized designee will promptly, impartially, and with as much confidentiality as practicable coordinate the investigation of all reports of violent behavior.

City employees are required to cooperate in any investigation. A timely resolution of each report should be reached and communicated to all parties involved as quickly as possible.

Workplace Violence

616.4.4 REPORTING NON-WORK-RELATED THREATENING OR VIOLENT BEHAVIOR

City employees who are victims of domestic violence or other threatening behavior outside of the workplace, or who believe they are potential victims of such behavior and fear it may enter the workplace, are encouraged to report the situation as soon as possible to their supervisors.

Supervisors receiving any such report shall contact the City Manager or the authorized designee as soon as practicable so that any appropriate safety measures or plans may be developed.

The City intends to take effective measures to protect everyone from the threat of a violent act by an employee or by anyone else.

616.5 RETALIATION PROHIBITED

Any form of retaliation against an employee for making a report concerning violent behavior in the workplace is prohibited.

Any employee who becomes aware of any retaliation or threatened retaliation shall immediately notify a supervisor.

616.6 RESTRAINING ORDERS

Employees who obtain a restraining order listing their workplace, person, or the City property as a protected area must provide a copy of the restraining order to the Department of Human Resources. The City needs this information in order to provide a safe workplace.

616.7 FOLLOW-UP AND CORRECTIVE ACTIONS

Any employee reported to have exhibited violent or potentially violent behavior will be afforded all rights provided by law and applicable employment agreements before the City takes any disciplinary action.

Actions that may be taken when an employee has been found to have violated this policy include but are not limited to the following:

- Mandatory participation in counseling
- Placing the employee on paid administrative leave pending investigation into an alleged threat or act
- Corrective/disciplinary action up to and including termination
- Criminal arrest and prosecution
- Special procedures, such as job relocation or initiation of a court order
- Placing the involved employee on administrative leave pending further review and determination of permanent action.
- Administrative leave would be unpaid in the case of a volunteer.
- Reassigning the employee to a different work location.
- Referring the employee to conflict resolution training sessions.

Workplace Violence

- Referring the employee to the employee assistance program (EAP).
- Modifying workstation designs and office traffic flow patterns.
- Requiring the employee to attend a fitness-for-duty evaluation.
- Developing specific workplace violence procedures for incident response, prevention, and corrective actions.

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 the Department of Human Resources.

If, upon investigation, it is determined that an allegation is false or was made maliciously, the employee who provided the false information will be subject to disciplinary action, up to and including termination, as well as possible criminal arrest and prosecution.

616.8 LEGAL ACTION

The City Manager or the authorized designee, in consultation with legal counsel, will determine if a temporary restraining order or injunction should be sought on behalf of the City to reduce future or threatened violent behavior in the workplace.

616.9 WORKPLACE VIOLENCE PREVENTION

All city employees are responsible for assisting in the prevention of violence in the workplace.

The City will provide appropriate training to employees regarding workplace violence.

In the event a violent incident occurs in the workplace, the City Manager or the authorized designee is responsible for ensuring that all responsibilities have been met and actions carried out, as detailed in this policy, and shall review the results of any investigation and ensure appropriate action is taken. Information gathered during an investigation should be used for the continuous improvement of policies and procedures to prevent workplace violence.

Outside Employment

617.1 PURPOSE AND SCOPE

This policy provides guidelines for city employees who seek to engage in authorized outside employment.

617.1.1 DEFINITIONS

Definitions related to this policy include:

Outside employment - Duties or services performed by employees of the City for another employer, organization, or individual when wages, compensation, or other consideration for such duties or services is received. Outside employment also includes duties or services performed by those employees who are self-employed and receive compensation or other consideration for services, products, or benefits rendered.

617.2 POLICY

City employees shall obtain written approval from the City Manager or the authorized designee prior to engaging in any outside employment. Approval of outside employment shall be at the discretion of the City Manager or the authorized designee in accordance with the provisions of this policy. Failure to obtain prior written approval for outside employment, or engaging in outside employment that is prohibited by this policy, may lead to disciplinary action.

Employment with the City should be considered the priority. Employees should be mindful that outside employment is secondary and that employees are subject to recall by the City at any time, particularly when in an on-call status and for emergencies.

617.3 OUTSIDE EMPLOYMENT

617.3.1 REQUEST AND APPROVAL

Employees must submit a written request to engage in outside employment to their immediate supervisors. The request shall include information about the job duties, hours worked, and any potential conflict. The immediate supervisor will review the request and forward to the Department Head. If approved, the Department Head will forward to the City Manager and the Department of Human Resources.

In evaluating the effect that outside work may have on an employee's job performance and other job-related responsibilities, the below will be considered regarding 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.

Outside Employment

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.

If approved, the employee will be provided with a written notification of approval. Unless otherwise indicated in writing, approval for outside employment will be valid through the end of the calendar year in which the request is approved. Employees seeking to continue outside employment must submit a new request at the start of each calendar year.

617.3.2 DENIAL

Any employee whose request for outside employment has been denied should be provided with a written notification of the reason at the time of the denial.

617.3.3 REVOCATION

Any employee whose approval for outside employment is revoked or suspended should be provided with a written notification of the reason for revocation or suspension.

Approval for outside employment may be revoked or suspended:

- (a) When a supervisor determines the employee's performance is failing to meet standards and the outside employment may be related to the deficient performance.
 - 1. Approval for the outside employment may be re-established when the employee's performance has reached a satisfactory level and with a supervisor's authorization.
- (b) When an employee's conduct or outside employment conflicts with city policy or any law.
- (c) When the outside employment creates an actual or apparent conflict of interest with the City.

617.3.4 APPEAL

If an employee's request for outside employment is denied or if previous approval is revoked or suspended, the employee may file a written notice of appeal with the City Manager or the authorized designee within 10 days of receiving notice of the denial, revocation, or suspension.

A revocation or suspension will only be implemented after the employee has completed the appeal process.

If the employee's appeal is denied, the employee may file a grievance as provided in the Grievances Policy.

617.4 REQUIREMENTS

617.4.1 PROHIBITED OUTSIDE EMPLOYMENT

The City reserves the right to deny any request for outside employment that involves:

- (a) The use of city time, facilities, equipment, or supplies.
- (b) The use of any city badge, uniform, or influence for private gain or advantage.

Outside Employment

- (c) The employee's receipt or acceptance of any money or other consideration for the performance of duties or services required or expected of the employee in the normal course of employment or appointment.
- (d) The performance of duties or services that may later be subject directly or indirectly to the control, inspection, review, audit, or enforcement of any other employee of the City.
- (e) Demands upon the employee's time that would render the employee's work performance for the City deficient or substandard.
- (f) Activities that may conflict with any other policy or rule of the City.

617.4.2 LOCAL GOVERNMENT RESOURCES

Employees are prohibited from using any city equipment or resources in the course of, or for the benefit of, any outside employment. This shall include the prohibition against employees using their position with the City to gain access to official records or databases.

617.4.3 LEAVE OR RESTRICTED DUTY STATUS

Employees who are placed on leave or other restricted duty status shall inform their immediate supervisors in writing within five days as to whether they intend to continue their outside employment while on such leave or restricted status. The immediate supervisor shall review the duties of the outside employment, along with any related orders (e.g., administrative, medical), and make a recommendation to the City Manager or the authorized designee regarding whether such employment should continue.

In the event that the City Manager or the authorized designee determines that the outside employment should be discontinued, or if the employee fails to promptly notify an immediate supervisor of the employee's intention regarding outside employment, a notice revoking approval of the outside employment will be forwarded to the employee and a copy attached to the original outside employment request.

Criteria for revoking approval due to leave or restricted duty status include but are not limited to:

- (a) The outside employment is medically detrimental to the total recovery of the employee.
- (b) The outside employment requires performance of the same or similar physical ability as would be required in the employee's city job.
- (c) The employee fails to give timely notice of intent regarding outside employment to an immediate supervisor.

When the employee returns to full duty with the City, a written request may be submitted to the City Manager or the authorized designee to approve the outside employment request.

Personal Appearance Standards

618.1 PURPOSE AND SCOPE

This policy provides guidelines for the personal appearance of city employees.

Dress code requirements for uniformed and non-uniformed employees are addressed in the Dress Code Policy.

618.2 POLICY

City employees shall maintain their personal hygiene and appearance to project a professional image that is appropriate for public service and for the department in which they work. Personal appearance standards are primarily based on safety requirements, appearance conformity, and the social norms of the community served, while considering matters important to city employees.

618.3 GROOMING

The following appearance standards shall apply to all employees unless the employee's supervisor has granted an exception.

618.3.1 PERSONAL HYGIENE

All employees must maintain proper personal hygiene. Examples of improper personal hygiene include but are not limited to dirty fingernails, bad breath, body odor, and dirty or unkempt hair.

Employees should adhere to the following general guidelines in their personal appearance when presenting to work. Employees may be subject to additional personal hygiene standards set forth in supplemental policies established by each department.

- (a) Hair shall be neatly trimmed or arranged.
- (b) Facial hair (e.g., beards, sideburns, mustaches, eyebrows) must be clean and well-groomed. Facial hair for certain employees may be prohibited if it creates a safety hazard (i.e., facial hair for employees who regularly wear certain types of respirators).
- (c) Fingernails should be clean and neatly trimmed to a length that does not present a safety concern.

618.4 APPEARANCE

618.4.1 JEWELRY

For the purpose of this policy, jewelry refers to rings, earrings, necklaces, bracelets, wristwatches, and tie tacks or tie bars. Jewelry shall present a professional image and may not create a safety concern for the employee or others. Jewelry that depicts racial, sexual, discriminatory, gang-related, or obscene language is not allowed.

618.4.2 TATTOOS

At no time while an employee is representing the City in any official capacity shall any offensive tattoo or other body art be visible. Examples of offensive tattoos include but are not limited to

Personal Appearance Standards

those that exhibit or advocate discrimination; those that exhibit gang, supremacist, or extremist group affiliation; and those that depict or promote drug use, sexually explicit acts, or other obscene material.

618.4.3 BODY PIERCING OR ALTERATION

Body piercing or alteration to any area of the body that is visible while representing the City in any official capacity shall not be extreme.

618.5 EXEMPTIONS

City employees may request exemptions from portions of this policy when application would affect a disability, a religious practice or belief, or other protected characteristics. Requests for exemptions should be addressed to the City Manager or the authorized designee. The City Manager should be advised any time a request for accommodation is denied.

Workplace Attire

619.1 PURPOSE AND SCOPE

This policy provides dress code guidelines for city employees.

Other related topics are addressed in the Local Government-Owned and Personal Property and Personal Appearance Standards policies.

619.2 POLICY

It is the policy of the City that uniformed employees are readily identifiable to the public through the proper use and wearing of city uniforms and that the appearance of all employees is suitable and appropriate for their position.

Employees should contact their supervisor or the Department of Human Resources if they have a question as to whether or not a certain item is considered acceptable attire.

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.

619.3 WORK ATTIRE FOR NON-UNIFORMED EMPLOYEES

Non-uniformed employees shall dress in a manner appropriate for their position and any department-specific standards. The following guidelines apply to all non-uniformed employees:

- (a) Clothing shall fit properly, be clean and free of stains, and not be damaged or excessively worn.
- (b) For employees assigned primarily to an office environment, including management, administrative, and support positions, a casual dress code is appropriate.
- (c) Variations from this policy are allowed at the discretion of the employee's immediate supervisor or the head of the department based upon the employee's assigned job duties.
- (d) No item of civilian attire that would adversely affect the reputation of the City or employee morale may be worn during work hours.
- (e) The following items shall not be worn during work hours or when representing the City in any official capacity:
 1. Clothing that is overly revealing
 2. Exposed undergarments
 3. Swimsuits or tube tops
 4. Sweatshirts, sweatpants, or similar exercise clothing
 5. Clothing, buttons, or pins displaying racial, sexual, discriminatory, gang-related, or obscene language

Workplace Attire

619.4 UNIFORMS

The City will provide uniforms for employees in specific assignments who are required to wear them in the appropriate manner, quantity, and frequency. The City may provide other employees with uniforms at the direction of the City Manager.

The City Manager or the authorized designee shall maintain and update uniform and equipment specifications, which should be consulted by employees as needed. Uniforms shall be worn as described therein and as specified in this policy and any supplemental department policies.

The following shall apply to those employees assigned to wear city-issued uniforms:

- (a) Uniforms and equipment shall be maintained in a serviceable condition and shall be ready at all times for immediate use. Uniforms shall be neat, clean, and appear professionally pressed, as necessary for the position.
- (b) Uniforms shall be worn in compliance with any applicable city specifications.
- (c) Uniforms are only to be worn during work hours, at official city functions or events, while in transit to or from work, or when authorized by the City Manager or the authorized designee.
- (d) Employees are not to purchase or drink alcoholic beverages while wearing any part of city-issued uniforms.
- (e) Supervisors shall monitor employee compliance with this policy through periodic inspections of employees within their department who wear a city-issued uniform.

All uniforms and equipment issued to city employees shall be returned to the City upon termination or resignation.

619.4.1 PUBLIC WORKS UNIFORMS

As designated by the Director of Public Works, new Public Works employees will receive at the time of hire, the following:

- (a) Five work shirts
- (b) One retro reflective coat
- (c) One pair of coveralls
- (d) Proper safety gear/wear
- (e) Steel-toed boot reimbursement

Public Works Employees will receive a replacement retro reflective coat and coveralls every other year of employment.

To receive a steel-toed boot reimbursement, employees must submit proof of purchase including vendor and purchase price to Accounts Payable. 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.

Workplace Attire

619.4.2 FIELD PERSONNEL

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

619.4.3 POLICE PERSONNEL

Eligible members of the Police Department shall receive an annual uniform allowance as approved by the City Council through the budget process.

619.5 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 Department of Human Resources.

Equal Employment Opportunity

620.1 PURPOSE AND SCOPE

This policy provides guidance for ensuring equal opportunity for all City employees.

620.2 POLICY

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.

620.2.1 COOPERATION

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

620.2.2 CONFORMITY WITH LAW

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.

Religious Accommodation and Prohibition on Discrimination

621.1 PURPOSE AND SCOPE

This policy provides guidance regarding religious accommodation and prohibition on discrimination.

621.2 POLICY

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.

621.3 RELIGIOUS ACCOMMODATION

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,

- (a) Scheduling changes or allowing the use of paid or unpaid time off to accommodate religious holidays, the observance of Saturday or Sunday Sabbath, etc.
- (b) Allowing the wearing of religious dress.

621.3.1 RELIGIOUS ACCOMMODATION REQUESTS

Employee requests for a religious accommodation should be made in writing to the Department of Human Resources. The Department of Human Resources 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.

Separation and Reinstatement

622.1 PURPOSE AND SCOPE

This policy provides guidance regarding separation from employment with the City of Moab as well as reinstatement.

622.1.1 DEFINITIONS

Good standing - The status provided to a separation if the separating employee has provided two weeks notice, has returned all City equipment, and was not subject to disciplinary action at the time of separation.

Service credit - The length of time that City employees spend as active full-time employees with the City of Moab. 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. Time between separation and any reinstatement date is not as service credit.

622.2 POLICY

Employees separating from employment with the City of Moab may be eligible for certain benefits dependent upon the type of separation and length of service. Separated employees may also be eligible for reinstatement under certain conditions.

622.3 GENERAL PROCEDURES FOR SEPARATION

Regardless of the reason for separation, separating employees should contact the Department of Human Resources to:

- Ensure that all necessary forms have been completed
- Leave a forwarding address for the mailing of the W-2 at the end of the year
- Ensure that all City property has been turned in

City property includes uniforms, keys, identification tags, badges, and other issued City equipment.

622.4 RETIREMENT

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

Retiring 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.

Separation and Reinstatement

622.4.1 RETIREMENT GIFT

A full-time employee qualifying as a retired employee will qualify to receive a gift certificate from the City based on their service credit.

Years of Service	Gift Certificate Amount
1 to 9	\$100
10 to 19	\$200
20 or more	\$300

622.5 RESIGNATION

Employees who resign and desire to remain in good standing with the City should give a minimum of two 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. This notice also 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.

Employees who voluntarily resign may receive an exit interview administered by the Department Head, Director of Human Resources, or designee.

622.6 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 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.

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 week notice, the employee shall be paid two weeks’ separation pay in lieu of two weeks’ notice.

The reduction in force process is available in the [accompanying procedure](#).

Employees laid off through a reduction in force who:

- (a) Leave the City in good standing
- (b) Have an overall satisfactory performance review rating, and
- (c) 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 year of the employee’s termination.

Separation and Reinstatement

It is the terminated employee's responsibility to notify the Director of Human Resources 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. 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.

622.7 STATUTORY APPOINTEES

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

- (a) 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 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 weeks total separation pay (unless otherwise obligated by contract);
- (b) Appointees who resign their employment or are terminated for cause shall not be eligible for separation pay.
- (c) 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.
- (d) 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 weeks.

622.8 BENEFITS FOR SEPARATED EMPLOYEES

622.8.1 LIFE INSURANCE CONTINUATION

The City's life insurance plan generally has a conversion option. When an employee leaves City employment, they may be able to convert to an individual policy. Separating employees should contact the Department of Human Resources for more information.

622.8.2 HEALTH INSURANCE PORTABILITY AND ACCOUNTABILITY ACT (HIPAA)

The Health Insurance Portability and Accountability Act (HIPAA) 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.

Separation and Reinstatement

622.8.3 COBRA

The federal Consolidated Omnibus Budget Reconciliation Act (COBRA) provides eligible employees and their qualified beneficiaries the opportunity to continue group insurance coverage under the City's health plan upon separation of an employee for up to 18 months. Under COBRA, the employee or beneficiary pays the full cost of coverage at the City's group rates plus an administration fee.

Coverage is subject to the terms and conditions of the group policy and applicable legal standards for extensions of insurance coverage under the law. The terms, limitations, conditions and length of extensions of coverage are specific in each individual case.

The City ensures that each eligible employee receives a written notice describing rights granted under COBRA when the employee becomes eligible for coverage. The notice contains important information about the employee's rights and obligations.

622.9 REINSTATEMENT

An employee may be reinstated to City employment if:

- (a) There is a vacancy in the position
- (b) The employee was in good standing when they separated

Employees may be eligible to have their previous service credit reinstated if they return:

- (a) To employment with the City within one year of their separation date
- (b) To the department, field of work, and position which they separated from

If all of the above conditions are met, service credit may be provided for retirement vesting and vacation accrual. Reinstated employees may also have their prior forfeited sick-leave balances reinstated upon 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 Director of Human Resources with approval of the City Manager.

Employees returning for reinstatement must:

- (a) Submit an application for the open position
- (b) Meet with the hiring authority
- (c) Have the reinstatement approved by the City Manager

Supervisor and Subordinate Relationships/Anti-Nepotism

623.1 PURPOSE AND SCOPE

This policy provides guidance regarding the supervision of relatives and household members in conformance with state law.

623.1.1 DEFINITIONS

Nepotism - Favoritism granted to relatives or close friends without regard to merit.

Relatives - 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, and grandchild.

Supervisor - Any supervisor within the same line of authority as the subordinate or any person charged with evaluating the subordinate.

623.2 POLICY

State law prohibits the supervision of relatives and household members. In accordance with this law, the City of Moab 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, a relative or household member (Utah Code 52-3-1). The City also prohibits romantic relationships between supervisors and subordinates.

623.3 RELATIVES AND HOUSEHOLD MEMBERS

Employees shall not be supervised by a relative or household member, whether the supervisory role is formal or informal. Relatives will not be given preference or advantage during the recruitment, interview and selection processes. The City Manager's approval is required for any new hire of employees related to current Cityemployees, regardless of whether they would be in a supervisory relationship.

623.4 ROMANTIC RELATIONSHIPS

The City also prohibits romantic relationships, dating, and cohabitation between supervisors and subordinates. This is due to the potential for misunderstanding, miscommunication, misuse of authority, and negative effect on employee morale in the workplace. If such a relationship develops, the supervisor involved must immediately disclose the existence of the relationship in writing to the Director of Human Resources.

Compensation

624.1 PURPOSE AND SCOPE

Total employee compensation consists not only of salary but also the cost of various benefits such as group health and life insurance and retirement plans. This policy provides guidance regarding employee pay. Employee benefits are addressed primarily in the Employee Benefits Policy.

624.2 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 are recommended by the City Manager, Human Resource Director and/or Job Classification Committee for approval by the Mayor and City Council.

624.3 GENERAL WAGE AND 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 City Manager, 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.

624.3.1 MARKET ANALYSIS

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

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

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.

Compensation

624.3.2 COST OF LIVING ADJUSTMENTS (COLA)

The City may consider adjustments to the salary schedule annually through analysis of market trends in comparison to cost-of-living. The City may utilize market survey results or cost-of-living index data (federal) or a combination of both.

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 are 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.

All employees, regardless of employment status, except those being red circled (frozen), receive the benefits of such general COLA adjustments to the pay plan.

624.4 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 unless approved by the City Manager.

624.5 INITIAL APPOINTMENT

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

- (a) An employee cannot be recruited for the position at the beginning rate.
- (b) 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 in the pay plan under the second exception:

- (a) 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.
- (b) Initial placement may not exceed 95 percent of the midpoint of the pay range.
- (c) Current City employees awarded new City jobs may receive one percent for each year of directly related experience which exceeds the number of years required to meet the minimum qualifications.
- (d) Initial placement of current City may exceed the midpoint of the pay range if the employee has over seven years of experience with the City

Exceptions for exempt initial appointments may be considered for approval by the City Manager by means of written justification showing extraordinary circumstances or unique market challenges in filling exempt positions.

The Director of Human Resources shall monitor recommended starting rates for compliance to policy.

Compensation

624.6 PROBATIONARY INCREASE

624.7 PROMOTIONAL INCREASE

Current City employees who are promoted into a position in a higher classification are eligible for a salary increase of at least six percent. The pay increase may exceed six percent if adjusting to the minimum for the new pay range exceeds six percent.

624.8 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 Director of Human Resources subject to approval given by the City Manager. In making recommendations for pay progression, the Department Head shall consider compliance with city policies and procedures, performance, level of competence, and job knowledge.

The below table provides the Performance Adjustment and Performance Incentive based on the corresponding Performance Score.

If the Employee pay rate falls below the midpoint. Increases are added to the Base Pay.

Score	<3	3-4	4-5
Base Pay Increase	2.00%	3.00%	4.00%

If the Employee pay rate falls at or above the midpoint. Increases are added to the Base Pay plus a Onetime Bonus.

Score	<3	3-4	4-5
Base Pay Increase	0%	1%	1%
Onetime Bonus	0%	2.5%	3.5%

Compensation

624.8.1 MINIMUM TO MIDPOINT PROGRESSION

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. 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.

624.8.2 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.

624.8.3 RED CIRCLE RATE

The red circle rate 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 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.

624.9 LONGEVITY PAY

Classified employees, statutory appointees, and contractual employees may receive longevity pay after completion of five years of employment. Longevity pay will be reviewed annually by the City Manager 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, will be paid annually as follows:

- (a) One percent of base annual salary upon completion of 5 full years of continuous service

Compensation

- (b) Two percent of base annual salary upon completion of 10 full years of continuous service
- (c) Three percent of base annual salary upon completion of 15 full years of continuous service
- (d) Five percent of base annual salary upon completion of 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.

624.10 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 stipend equal to one hour at the employee's current overtime rate. If the employee is designated on-call during a holiday, the employee will receive a stipend equal to four hours at the employee's current overtime rate for the holiday 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 applicable 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.

624.11 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

Compensation

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 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.

624.12 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 Director of Human Resources and City Manager. 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.

Classification

625.1 PURPOSE AND SCOPE

This policy addresses classification and compensation as provided by the City of Moab, including changes in classification.

625.2 CHANGES IN CLASSIFICATION

The City of Moab utilizes the following changes in classification as needed:

- (a) Promotion
- (b) Reclassification
- (c) Reorganization
- (d) Acting positions

625.3 PROMOTION

A promotion is an advancement to a higher ranked position. A reclassification is not a promotion. Employees who are promoted will begin a new probationary period for the new position related to work performance only. The employee's anniversary date will remain the same.

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 three percent increase, whichever is greater. If the employee's qualifications and experience warrant, the employee will be eligible for an increase as provided for in the Compensation Policy with City Manager approval. The City Manager shall approve all promotional salary increases.

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 approval.

625.4 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 Director of Human Resources. The Director of Human

Classification

Resources reviews the updated draft job description and may revise the 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, the Director of Human Resources, and the City Manager. 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 Director of Human Resources for approval by the City Manager. In all instances, particular attention should be given to the impact the proposed reclassification will have on existing employees.

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

625.5 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 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 potential approval by the City Manager. In all instances, attention should be given to the impact the proposed reorganization will have on existing employees.

Classification

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.

625.6 ACTING POSITION

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 16 calendar days. The position must be 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 percent 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.

Group Insurance Benefits

626.1 PURPOSE AND SCOPE

This policy provides a brief outline of the group insurance benefit programs the City makes available to employees. The information presented here is intended to serve only as a guideline.

626.2 POLICY

It is the City's intention to provide a combination of group insurance benefits to all eligible employees. These group insurance benefits include health, dental, vision, disability, and life insurance. The City continuously evaluates its benefits programs to meet present and future requirements.

626.2.1 DISCLAIMER

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 Director of Human Resources. 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 policy.

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 Department of Human Resources.

626.3 HEALTH, DENTAL, AND VISION INSURANCE

Eligible employees may participate in the City's group insurance programs. Eligible employment classifications are:

- (a) Full-time employees
- (b) 3/4 time employees

Under the City's group insurance plans, employees may 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

Group Insurance Benefits

documents. Upon becoming eligible to participate in these plans, employees will receive summary plan descriptions (SPDs) describing the benefits in detail.

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.

Employees may make changes to group benefit plans:

- (a) Upon appointment as a new employee
- (b) Annually during Open Enrollment
- (c) At any time based on a qualifying life event

Domestic Partners may be eligible for coverage.

626.3.1 NEW EMPLOYEE COVERAGE

To ensure timely and complete coverage for new employees and their dependents, it is the responsibility of each new employee to complete and return all enrollment forms and applications by the date specified by the Department of Human Resources. If a date is not specified by the Department of Human Resources, the new employee must turn in the forms and applications no later than 30 days after hire in order for coverage to become effective.

626.3.2 OPEN ENROLLMENT

Open enrollment traditionally takes place in the City of Moab in November of each year.

626.3.3 QUALIFYING LIFE EVENT

It is also each employee's responsibility to notify the Department of Human Resources within 30 days of any qualifying life event, such as:

- (a) Marriage
- (b) Birth
- (c) Adoption
- (d) Divorce
- (e) Death

Failure to notify the Department of Human Resources of a qualifying life event within 30 days of the event may result in loss of dependent coverage and/or personal financial responsibility for any claims paid for ineligible dependents.

626.3.4 HEALTH REIMBURSEMENT ARRANGEMENT PROGRAM

In accordance with City Council Resolution #13-93, the City of Moab wishes to equalize health care benefits provided to its employees 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

Group Insurance Benefits

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 coverage should be reported in accordance with the health insurance procedures.

626.4 LONG-TERM DISABILITY INSURANCE

All full-time and 3/4 time employees are eligible for long-term disability insurance. 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. 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.

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 as provided in the Leave Policy or other applicable policy.

626.5 SHORT-TERM DISABILITY INSURANCE

All full-time and 3/4 time employees are eligible for short-term disability insurance. 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. The purpose of providing income protection against the loss of an employee's ability to work and earn income for periods of time less than 90 days.

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 as provided in the Leave Policy or other applicable policy.

626.6 LIFE INSURANCE

The City provides a life insurance benefit of \$25,000 for each City employee and \$2,000 for a spouse or dependents. All full-time and 3/4 time City employees are eligible for this benefit. Additional life insurance is available for eligible employees and their families as an option and is paid by the employee.

Retirement Benefits

627.1 PURPOSE AND SCOPE

This policy provides a brief outline of the retirement benefit programs the City makes available to employees including phased retirement. The information presented here is intended to serve only as a guideline.

627.2 POLICY

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.

627.3 UTAH RETIREMENT SYSTEM (URS)

The Utah Retirement System (URS) 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 URS.

Appointed and elected employees who began working before July 1, 2011 may be eligible to opt out of URS. Non-benefited temporary or part-time (fewer than 32 hours per week) employees are not eligible for URS. Eligible employees must work a minimum of 32 hours per week and receive benefits from the City.

URS has designated two categories of employees according to enrollment date. Once an employee is enrolled as 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 returns at a later date.

627.3.1 BENEFITS PAID

The amount of benefit paid is determined by all of the following factors for each employee:

- (a) Hire date
- (b) Age
- (c) Years of service
- (d) Final average salary
- (e) A benefit formula designed by URS

627.3.2 TIER 1 EMPLOYEES

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

Retirement Benefits

627.3.3 NONCONTRIBUTORY SYSTEM

If an employee leaves employment covered by URS, the employee is not eligible for a refund. 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.

627.3.4 TIER 2 EMPLOYEES

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

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

Eligible Employees are:

- (a) 3/4 and Full Time Employees
- (b) Appointed positions including, City Recorder, City Treasurer, and Finance Director
- (c) Elected Officials are not eligible for Tier 2 retirement.

627.3.5 DEFINED CONTRIBUTION PLAN

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

627.3.6 HYBRID PLAN

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

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

627.3.7 URS 401(K) PLAN

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

627.3.8 URS ACCOUNT ACCESS

Employees may access their URS account at www.urs.org. Employees can login to "my URS," which provides the employee's years of service and account information. Employees can also view account statements, update their address and beneficiaries and print forms.

Retirement Benefits

627.4 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.

Wellness

628.1 PURPOSE AND SCOPE

This policy provides information about the City's wellness program, fitness and wellness benefit, and employee assistance program.

628.2 POLICY

The City offers a wellness program and fitness and wellness benefits to encourage employees to stay physically fit and maintain good physical and mental health.

628.3 WELLNESS PROGRAM

The City's 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 three-quarter time employees.

The wellness program has the following objectives:

- (a) Enhance quality of life for employees and family members.
- (b) Improve morale, motivation and personal development.
- (c) Strengthen interpersonal relationships.
- (d) Lower health, life, and disability insurance costs.
- (e) Decrease work-related injuries and workers' compensation costs; and 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, employees should contact the Department of Human Resources.

628.4 FITNESS AND 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.

628.5 EMPLOYEE ASSISTANCE PROGRAM

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

Wellness

- (a) Marital difficulties
- (b) Family problems
- (c) Personal emotional difficulties
- (d) Legal issues
- (e) Financial problems
- (f) Referrals to medical professionals
- (g) Alcohol/drug abuse
- (h) Critical incident counseling etc.

All full-time and three-quarter 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 confidential.

Professional Development

629.1 PURPOSE AND SCOPE

This policy provides information about the City's education assistance program.

629.2 POLICY

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

629.3 COLLEGE COURSES

Dependent upon budget appropriations, the City may provide educational financial assistance to eligible employees for tuition, fees, and books. Full-time and three-quarter time employees who have completed probation may be reimbursed up to 75 percent of the costs of approved courses not to exceed \$2,000 per year per employee. Eligible 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. The City has sole discretion to determine approval for any educational financial assistance requested.

In order to qualify for educational financial assistance, eligible employees must:

- (a) Prior to enrollment, submit a request for approval from:
 - 1. The Director of Human Resources
 - 2. The City Manager
- (b) Complete the course with:
 - 1. A grade of "B" or better if it is a graded course
 - 2. A "pass" if the course is pass/fail
- (c) Submit to the City Manager within 30 calendar days of course completion:
 - 1. A request for reimbursement
 - 2. Documentation of successful completion of the course

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. Employees must agree to sign a promissory note to repay the loan in full. The terms of the promissory note will be:

- (a) A negotiated monthly payment;
- (b) Zero-percent interest; and
- (c) Full repayment of the outstanding balance within one year of the employee leaving employment with the City.

Professional Development

629.4 OTHER EDUCATION AND TRAINING OPPORTUNITIES

Pending approval of the employee's Department Head and available budget, the City may pay 100 percent of costs:

- When a 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).
- For certain occupations where ongoing training or education is necessary to maintain a certification or is 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.

Firearms in the Workplace

630.1 POLICY

Some employees may wish to carry a gun for personal protection. If an employee does so, the employee must have any permit 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.

Workplace Searches

631.1 POLICY

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 Fourth Amendment.

Disciplinary Action

632.1 PURPOSE AND SCOPE

This policy provides information about the City's disciplinary action process. The City has the option of deviating from these steps when circumstances dictate.

632.2 POLICY

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.

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 them.

632.3 ADMINISTRATION OF DISCIPLINE

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

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. 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.

632.4 INITIAL DISCIPLINE

Initial discipline includes verbal and written warnings.

632.4.1 VERBAL WARNING

A verbal warning is an informal warning, presented in a private meeting with a supervisor, and documented in writing but not placed in the employee's permanent file in the Department of Human Resources. 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

Disciplinary Action

Equal Employment Opportunity policies (e.g., discrimination based on race, religion, gender, or other protected class; unlawful harassment; inappropriate sexual conduct, etc.) shall be forwarded to the Department of Human Resources 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. A copy of this evaluation will be maintained by the Department of Human Resources.

632.4.2 WRITTEN WARNING

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

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 written warning serves as notification that if the problem is not corrected, the consequences will result in additional disciplinary action up to and including termination.

632.5 SUSPENSION OF TWO DAYS OR LESS

Suspension of two days (without pay) or less may be applied only with prior approval of the Department Head and the Department of Human Resources.

632.6 SEVERE DISCIPLINARY ACTION

If an employee does not show improvement in their performance, they may be subjected to severe disciplinary action, which includes:

- Suspension (without pay) of more than two days
- Disciplinary demotion
- Termination

632.6.1 PRE-DETERMINATION HEARING

Prior to initiating severe disciplinary action, it is the responsibility of the Department Head and the Director of Human Resources to conduct a pre-determination meeting. Only non-probationary regular full-time employees are entitled to a pre-determination hearing. As outlined in Utah Code Ann. §10-3-1105, part-time, probationary, seasonal, and temporary employees are not entitled to

Disciplinary Action

due process in the form of a pre-determination hearing. The purpose of the hearing is to present information regarding allegations of misconduct to the subject employee and allow the employee to present any information or evidence that they believe 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 the Department of Human Resources present to offer input. Written notice of the disciplinary hearing shall be given to the employee at least two 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 policy manual, applicable laws, and any other policies and procedures. The employee should also be told they 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 Director of Human Resources, 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 Director of Human Resources within 14 calendar days from the date of the hearing. The Department Head may request an extension of up to 30 calendar days from the date of the hearing.

The employee is asked to read and sign the disciplinary 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 Department of Human Resources. 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.

632.6.2 SUSPENSION OF MORE THAN TWO DAYS AND DISCIPLINARY DEMOTION (INVOLUNTARY TRANSFER TO A POSITION WITH LESS REMUNERATION)

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

632.6.3 TERMINATION (DISCHARGE)

Prior to the effective date of termination, an employee may request a meeting with their Department Head and/or the City Manager or the Deputy City Manager, as determined by the City Manager, to discuss the decision. The employee must request the meeting within five business days after receipt of the disciplinary decision from their Department Head.

If the final pre-determination hearing decision is to terminate the employee's employment, the Department Head shall confer with the Director of Human Resources and the City Manager prior

Disciplinary Action

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 Director of Human Resources must be informed of any pending employee termination. The Department Head must contact the Director of Human Resources prior to terminating an employee to coordinate the preparation of final wage and benefit payments. The termination document will include the reasons for termination. It will also inform the employee of the termination appeals process.

The Department Head conducts a termination meeting with the department supervisor, Director of Human Resources, and/or the 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.

632.7 RIGHT TO APPEAL SEVERE DISCIPLINARY ACTION

Except as otherwise provided in Utah Code Section §10-3-1105(2), as amended, any employee who is subject to severe disciplinary action has the right to appeal the decision to a Hearing Officer (Utah Code Sections 10-3-1105 and 10-3-1106, as amended). 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:

- (a) City Manager
- (b) Deputy City Manager
- (c) City Attorney
- (d) City Recorder
- (e) City Engineer
- (f) Police Chief
- (g) Assistant Police Chief
- (h) Department Heads
- (i) Probationary employees
- (j) Seasonal or temporary employees
- (k) Person who works in the office of elected officials
- (l) Administrative support positions specifically designated as a position to assist an elected official or Department Head

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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 Director of Human Resources 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. Due to the administrative nature of the proceeding, 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 Director of Human Resources, 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 consent.

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

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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.

632.7.1 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.

Police Lateral Hire Bonus

633.1 SECTION TITLE

This policy provides information about the City's Lateral Hire Bonus program.

633.2 BONUS AMOUNT AND PAYOUT

Upon the hire of an experienced law enforcement officer ("Lateral Hire") the Police Chief may authorize a hiring bonus of up to \$15,000, subject to the eligibility requirements in Section 633.3. If offered, the hiring bonus shall be paid out on the employees first pay period, or in such other increments as the Police Chief determines necessary based on market conditions and budget constraints.

633.3 ELIGIBILITY

A Lateral Hire is eligible for a hiring bonus if the individual:

- (a) Is POST Certified;
- (b) Is recruited from or has experience with another law enforcement department or agency which is at least of comparable size or a similar operation as the Moab City Police Department;
- (c) Has not been employed by the Moab City Police Department in the 5 years preceding the acceptance of the offer; and
- (d) Has not previously received a Lateral Hire Bonus from the Moab City Police Department.

POST Training Stipends and Reimbursement

634.1 PURPOSE AND SCOPE

This policy provides information about the City's POST Training Stipends and Reimbursement program.

634.2 STIPEND AMOUNT

In order to facilitate training of prospective employees, the Chief of Police may approve the payment of a stipend to a prospective employee, subject to a reimbursement agreement, to pay the cost, as may be determined from time to time, for specialized training, uniform allowance, and living expenses for the prospective employee while the prospective employee completes the specialized training necessary to be eligible for employment with the Moab City Police Department.

634.3 REIMBURSEMENT OF STIPEND

As a condition of receiving a training stipend, the prospective employee will agree to repay the amount of the training stipend to the City the as follows:

- (a) If the prospective employee fails to successfully complete the training paid for by the City, the prospective employee shall repay the full amount of the training stipend within 10 business days of the date prospective employee completed or should have completed the training.
- (b) If the prospective employee voluntarily terminates employment with the City or is terminated for cause before the expiration of three (3) years from the date of hire, the prospective employee shall reimburse the City one thirty-six (1/36) of the Cost of Training for each month less than thirty-six (36) months of employment with the City police department after the date of hire. The prospective employee shall repay this amount within 10 business days of leaving employment with the City.
- (c) The Chief of Police may include other conditions for reimbursement to the City of the training stipend.

Telecommuting

635.1 PURPOSE AND SCOPE

Telecommuting allows employees to work at home, on the road or in a satellite location for all or part of their workweek. Generally, telecommuting is not a viable work option because Moab City provides services to the public. However, under certain circumstances, teleworking may be approved on a case-by-case basis. Accordingly, telecommuting may be appropriate for some employees and jobs but not for others. Telecommuting is not an entitlement or guarantee, and it in no way changes the terms and conditions of employment with the City.

635.2 PROCEDURES

Telecommuting can be informal, such as working from home for a short-term project or on the road during business travel; alternatively, it can be a formal, set schedule of working away from the office as described below. Either an employee or a supervisor can suggest telecommuting as a possible work arrangement. Any telecommuting arrangement made will be on a trial basis for the first three months and may be discontinued at will and at any time at the request of either the telecommuter or the City. Every effort will be made to provide 30 days' notice of such change to accommodate commuting, child care and other issues that may arise from the termination of a telecommuting arrangement. There may be instances, however, when no notice is possible.

635.3 ELIGIBILITY

Individuals requesting formal telecommuting arrangements must be employed with the City for a minimum of 12 months of continuous, regular employment and must have a satisfactory performance record. Before entering into any telecommuting agreement, the employee and supervisor, with the assistance of the human resource department, will evaluate the suitability of such an arrangement, reviewing the following areas:

- (a) Employee suitability. The employee and manager will assess the needs and work habits of the employee, compared to traits customarily recognized as appropriate for successful telecommuters.
- (b) Job responsibilities. The employee and manager will discuss the job responsibilities and determine if the job is appropriate for a telecommuting arrangement.
- (c) Equipment needs, workspace design considerations, and scheduling issues. The employee and manager will review the physical workspace needs and the appropriate location for the telework.
- (d) Tax and other legal implications. The employee must determine any tax or legal implications under IRS, state and local government laws, and/or restrictions of working out of a home-based office. Responsibility for fulfilling all obligations in this area rests solely with the employee. If the employee and supervisor agree, and the human resource department concurs, a draft telecommuting agreement will be prepared and signed by all parties, and a three-month trial period will commence.

Telecommuting

Evaluation of telecommuter performance during the trial period will include regular interaction by phone and e-mail between the employee and the supervisor, and weekly face-to-face meetings to discuss work progress and problems. At the end of the trial period, the employee and manager will each complete an evaluation of the arrangement and make recommendations for continuance or modifications. Evaluation of telecommuter performance beyond the trial period will be consistent with that received by employees working at the office in both content and frequency but will focus on work output and completion of objectives rather than on time-based performance. An appropriate level of communication between the telecommuter and supervisor will be agreed upon as part of the discussion process and will be more formal during the trial period. After conclusion of the trial period, the manager and telecommuter will communicate at a level consistent with that of employees working at the office or in a manner and frequency that is appropriate for the job and the individuals involved.

635.4 EQUIPMENT

On a case-by-case basis, the City will determine, with information supplied by the employee and the supervisor, the appropriate equipment needs (including hardware, software, modems, phone and data lines, and other office equipment) for each telecommuting arrangement. The human resource and information systems departments will serve as resources in this matter. Equipment supplied by the City will be maintained by the City. Equipment supplied by the employee, if deemed appropriate by the City, will be maintained by the employee. The City accepts no responsibility for damage or repairs to employee-owned equipment. The City reserves the right to make determinations as to appropriate equipment, subject to change at any time. Equipment supplied by the City is to be used for business purposes only. The telecommuter must sign an inventory of all City property received and agree to take appropriate action to protect the items from damage or theft. Upon termination of employment, all City property will be returned to the City, unless other arrangements have been made. The City will supply the employee with appropriate office supplies (pens, paper, etc.) as deemed necessary. The City will also reimburse the employee for business-related expenses, such as phone calls and shipping costs, which are reasonably incurred in carrying out the employees job as long as the employee receives prior authorization for each expense. The employee will establish an appropriate work environment within his or her home for work purposes. The City will not be responsible for costs associated with the setup of the employee's home office, such as remodeling, furniture, or lighting, nor for repairs or modifications to the home office space.

635.5 SECURITY

Consistent with the City's expectations of information security for employees working at the office, telecommuting employees will be expected to ensure the protection of proprietary City information accessible from their home office. Steps to ensure such protection include the use of locked file cabinets and desks, regular password maintenance, and any other measures appropriate for the job and the environment.

Telecommuting

635.6 CHILD CARE

Telecommuting is not designed to be a replacement for appropriate child care. Although an individual Employee's schedule may be modified to accommodate child care needs, the focus of the arrangement must remain on job performance and meeting business demands. Prospective telecommuting employees are encouraged to discuss expectations of telecommuting with family members prior to entering a trial period.

635.7 TIME WORKED

Telecommuting employees who are not exempt from the overtime requirements of the Fair Labor Standards Act will be required to accurately record all hours worked using the City's time-keeping system. Hours worked in excess of those scheduled per day and per workweek require the advance approval of the telecommuter's supervisor. Failure to comply with this requirement may result in the immediate termination of the telecommuting agreement.

635.8 AD HOC ARRANGEMENTS

Temporary telecommuting arrangements may be approved for circumstances such as inclement weather, special projects, or business travel. These arrangements are approved on an as-needed basis only, with no expectation of ongoing continuance. Other informal, short-term arrangements may be made for employees on family or medical leave to the extent practical for the employee and the City and with the consent of the employee's health care provider, if appropriate.

635.9 SECTION TITLE

Moving Reimbursement

636.1 PURPOSE AND SCOPE

The City may, upon approval of the City Manager, offer a moving reimbursement for newly hired employees.

636.2 ELIGIBLE ITEMS

Items eligible for the moving reimbursement are:

- (a) Moving company fees
- (b) Rental cost of a moving truck or trailer
- (c) Gas costs from the originating location to Moab
- (d) Hotel stay up to \$200.00, if moving over 500 miles
- (e) Temporary storage unit, not to exceed \$200.00
- (f) Moving supplies up to \$500.00

636.3 PROCESS

All receipts for eligible items must be submitted to the Human Resource Department within 30 days of relocation. Reimbursements will be processed with the payroll following submittal.

Chapter 7 - Leave Policies

Paid Holidays

700.1 PURPOSE AND SCOPE

This policy provides information about paid holidays provided to eligible employees by the City of Moab.

700.2 POLICY

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

Holiday	Occurrence
New Year's Day	January 1
Martin Luther King Jr. Day	Third Monday in January
President's Day	Third Monday in February
Memorial Day	Last Monday in May
Juneteenth	June 19
Independence Day	July 4
Pioneer Day	July 24
Labor Day	First Monday in September
Columbus Day	Second Monday in October
Veterans' Day	November 11
Thanksgiving Day	Fourth Thursday in November
Day after Thanksgiving	Fourth Friday in November
Christmas Eve	December 24
Christmas Day	December 25

Paid Holidays will be reviewed annually by the City Manager 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 and with the approval of the City Council.

700.3 COMPENSATION FOR HOLIDAYS

All full-time, regular employees receive fourteen floating holidays per year. These fourteen floating holidays may be used for religious or cultural holidays or other state or federal holidays. Floating holidays are available the pay period prior to the actual holiday for all employees. Employees must specify the event for which they are requesting to use a floating holiday. The request must be scheduled and approved in advance by the employee's immediate supervisor. Floating Holiday

Paid Holidays

Hours can not be used prior to the actual assigned holiday. Floating holidays will not be carried over to the next calendar year, and may be cashed out if not taken by the end of the fiscal year.

If a holiday falls within an eligible employee's approved vacation period, the eligible employee will be paid for the holiday and will deduct those days from the scheduled vacation leave.

If a holiday falls within a jury duty or bereavement leave, the eligible employee will be paid for the holiday and will deduct those days from the other scheduled leave.

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.

Vacation Leave

701.1 PURPOSE AND SCOPE

This policy provides information about paid vacation leave provided to eligible employees by the City of Moab.

701.2 POLICY

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.

701.3 VACATION ACCRUAL

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

	Hours Accrued per Pay Period	
	Exempt Employees	Non-Exempt Employees
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

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

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 12 weeks.

A maximum of 240 hours shall be allowed to be accrued and carried forward from one year to the next. Any amount in excess of 240 hours at the end of the calendar year will be forfeited.

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.

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

Vacation Leave

701.4 VACATION USE

Vacation leave shall be requested and pre-approved by the employee's supervisor. Advancing vacation leave to any employee is prohibited.

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. A holiday that falls during an employee's vacation leave shall be counted as a paid holiday.

701.5 VACATION CASH OUT

Payment for accrued vacation, up to 240 hours, shall be made upon favorable separation, of employment or death, and only if the employee has successfully completed their probationary period.

Sick Leave

702.1 PURPOSE AND SCOPE

This policy provides general guidance regarding the use and processing of sick leave. Additional terms for the use of sick leave for eligible employees may be covered in another applicable city policy or employment agreement.

This policy is not intended to cover all types of sick leave. For example, employees may be entitled to additional paid or unpaid leave for certain family and medical reasons as addressed in the Family and Medical Leave Policy.

702.1.1 DEFINITIONS

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

702.2 POLICY

It is the policy of the city to provide eligible employees with a sick leave benefit.

702.3 USE OF SICK LEAVE

Sick leave is intended to be used for qualified absences. Sick leave is not considered vacation. Abuse of sick leave may result in discipline, denial of sick leave benefits, or both.

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:

- (a) 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.
- (b) The employee's exposure to a contagious disease.
- (c) 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.
- (d) 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. Qualified appointments should be scheduled during an employee's non-working hours when it is reasonable to do so.
- (e) Emergency leave due to the death or imminent death of family members (refer to the Bereavement Leave Policy).

Employees on sick leave shall not engage in other employment or self-employment or participate in any sport, hobby, recreational activity, or other activity that may impede recovery from the injury or illness (see the Outside Employment Policy).

Sick Leave

702.3.1 NOTIFICATION

All employees should notify the appropriate supervisor as soon as they are aware that they will not be able to report to work and no less than one hour before the start of their scheduled shifts. If, due to an emergency, an employee is unable to contact the supervisor, every effort should be made to have a representative for the employee contact the supervisor.

When the necessity to be absent from work is foreseeable, such as planned medical appointments or treatments, the employee shall, whenever possible and practicable, provide the City with no less than 10 days' notice of impending absence.

Upon return to work, employees are responsible for ensuring their time off was appropriately accounted for, and for completing and submitting the required documentation describing the type of time off used and the specific amount of time taken.

702.3.2 LEAVE BALANCES

When an employee's sick leave balance has been exhausted, other leave balances will be charged. If other leave balances have been exhausted, the time off may be considered leave without pay.

Employees who use all their sick leave and other accumulated leave and require more time off work due to medical emergency or major disaster may qualify for additional leave under the City's sick leave bank program (refer to Leave Donations)

702.4 SICK LEAVE ACCRUAL

Sick leave accrues at a rate of four hours per pay period. No additional hours over the maximum of 480 hours shall be accrued. Sick leave is not compensable upon separation from the City.

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.

Advancing of sick leave is not permitted.

702.5 EXTENDED ABSENCE OR EXCESSIVE USE

Employees absent from work for more than three consecutive days may be required to furnish a statement from a health care provider or verification supporting the need to be absent and/or the ability to return to work. Employees on an extended absence shall, if possible, contact their supervisor at specified intervals to provide an update on their absence and expected date of return.

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 require medical information be provided to the Department of Human Resources.

702.6 SUPERVISOR RESPONSIBILITIES

The responsibilities of supervisors include but are not limited to:

Sick Leave

- (a) Monitoring and regularly reviewing the attendance of employees to ensure that the use of sick leave and absences is consistent with this policy.
- (b) Attempting to determine whether an absence of four or more days may qualify as family medical leave and consulting with legal counsel or the Department of Human Resources as appropriate.
- (c) Addressing absences and sick leave use in the employee's performance evaluation when excessive or unusual use has:
 - 1. Negatively affected the employee's performance or ability to complete assigned tasks.
 - 2. Negatively affected city operations.
- (d) When appropriate, counseling employees regarding excessive absences and/or inappropriate use of sick leave.
- (e) Referring eligible employees to an available employee assistance program when appropriate.

Paid Time Off (PTO)

703.1 PURPOSE AND SCOPE

This policy provides general guidance regarding the accrual and processing of paid time off.

This policy is not intended to cover all types of paid time off. For example, employees may be entitled to additional paid or unpaid leave for certain family and medical reasons as addressed in the Family and Medical Leave Policy.

703.2 PAID TIME OFF NEW HIRE AWARD

This policy provides information about PTO leave awards provided to eligible employees by the City of Moab.

The City may award PTO leave to eligible career level employees upon hire 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 health.

703.3 PAID TIME OFF SAFETY AWARD

The City may award PTO leave quarterly to eligible employees as a safety award. Any PTO hours awarded for safety purposes must be used within three months. The purpose of providing employees the opportunity to take paid time off from their job responsibilities is a reward for being safe in the work place.

703.4 OTHER PAID TIME OFF AWARDS

The City may award PTO for other various reasons as determined by and at the discretion of the City Manager.

Leave Donation

704.1 PURPOSE AND SCOPE

This policy provides information about the City's sick leave donation program.

704.2 POLICY

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.

704.3 REQUIREMENTS

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. 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, Director of Human Resources, and the City Manager. All donations are made on a confidential basis. Each case will be considered separately based upon the merits of the situation.

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.

Medical or Dental Leave

705.1 PURPOSE AND USE

Bereavement Leave

706.1 PURPOSE AND SCOPE

This policy provides information about bereavement leave provided to eligible employees by the City of Moab.

706.1.1 DEFINITIONS

Immediate family member - 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.

706.2 POLICY

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 days bereavement leave with the availability of an additional two 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 employee's immediate family member.

Bereavement leave is paid and 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 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).

Military Service

707.1 PURPOSE AND SCOPE

This policy provides information about military leave provided to eligible employees by the City of Moab.

707.2 POLICY

The City of Moab recognizes the sacrifice of employees who serve in the military through benefits provided in this policy including those mandated by federal law.

707.3 PAID MILITARY LEAVE

Up to three weeks per year of paid military leave is provided for annual training or other non-deployment activity. This leave shall be in addition to annual vacation leave with pay. A copy of orders will be required for salary payment.

707.4 MILITARY PAY DIFFERENTIAL

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.

707.5 UNIFORMED SERVICES EMPLOYMENT AND REEMPLOYMENT RIGHTS ACT (USERRA)

The Uniformed Services Employment and Reemployment Rights Act (USERRA) protects civilian job rights and benefits for veterans and members of reserve components.

707.5.1 MILITARY LEAVE OF ABSENCE

Service members are able (but are not required) to use accrued vacation or other qualifying leave while performing military duty that exceeds 21 days annually.

707.5.2 RE-EMPLOYMENT DEADLINES

The period an individual has to make application for reemployment or report back to work after military service is based on time spent on military duty. For service of:

- (a) **30 days or less:** The service member must return at the beginning of the next regularly scheduled work period on the first full day after release from service, taking into account safe travel home plus an eight-hour rest period.
- (b) **31-180 days:** The service member must submit an application for reemployment within 14 days of release from service.
- (c) **181 days of more:** An application for reemployment must be submitted within 90 days of release from service.

Military Service

707.5.3 RE-EMPLOYMENT RIGHTS

Under the terms of the federal USERRA, a person who leaves a civilian job to enter active duty is entitled to return to their civilian job after discharge or release from active duty (38 U.S.C. § 4301-4335). An employee must meet all of the basic eligibility criteria under federal law. The employee must:

- (a) Ensure that the City of Moab receives advance written or verbal notice of the employee's service;
- (b) Have five years or less of cumulative service in the uniformed services while with the City of Moab;
- (c) Return to work or apply for reemployment in a timely manner after conclusion of service; and
- (d) Have not been separated from service with a disqualifying discharge or under other than honorable conditions.

If the employee is eligible to be reemployed, the employee must be restored to the job and benefits they would have attained if the employee had not been absent due to military service or, in some cases, a comparable job.

707.6 POSITION WITH THE CITY

While on approved military leave, an employee's 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. 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.

707.6.1 CITY BENEFIT PROGRAMS

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 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. The employee serving on active duty with the

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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.

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.

707.6.2 RETIREMENT SERVICE CREDIT

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, or 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:

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

Jury Duty

708.1 PURPOSE AND SCOPE

This policy provides information about jury duty for eligible employees of the City of Moab.

708.2 POLICY

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.

708.3 PROCEDURE

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 week of receipt. Verification of jury and witness duty will be required.

Family and Medical Leave

709.1 PURPOSE AND SCOPE

The purpose of this policy is to provide general guidance for managing unpaid leave for eligible employees for qualified medical and family reasons, including (29 USC § 2612):

- The birth, adoption, or foster care placement of a child.
- To care for an immediate family member (spouse, child, or parent) with a serious health condition.
- When an employee is unable to work because of the employee's own serious health condition.
- To care for a spouse, son, daughter, parent, or next of kin who is a service member of the United States Armed Forces and who has a serious injury or illness incurred in the line of duty.

This policy does not address all possible situations and circumstances that may arise when an employee requests leave for family or medical reasons. As these leave situations arise, supervisors should consult with the City Manager or authorized designee to obtain specific guidance regarding leave rights and obligations.

Nothing in this policy supersedes any provision of any employment agreement, civil service or other local rule, or any law that provides greater family or medical leave rights.

Employees are encouraged to talk with their supervisors, Department Head, or the Department of Human Resources 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.

709.1.1 DEFINITIONS

Definitions related to this policy include:

Child - A child under 18 years of age, or 18 years of age or older who is incapable of self-care because of a mental or physical disability (29 USC § 2611; 29 CFR 825.102; 29 CFR 825.122). An employee's child is one for whom the employee has actual day-to-day responsibility for care and includes a biological, adopted, or foster child; stepchild; or a child for whom the employee is standing in loco parentis (in place of a parent).

FMLA - The federal Family and Medical Leave Act (29 USC § 2601 et seq.).

Qualified health care professional - A physician, surgeon, doctor of osteopathy, podiatrist, dentist, psychologist, optometrist, nurse practitioner, nurse midwife, clinical social worker, or physician assistant duly licensed and authorized to practice medicine; chiropractors for some purposes; any health care provider from whom the city benefits plan will accept certification of the existence of a serious health condition to substantiate a claim for benefits (29 CFR 825.125).

Family and Medical Leave

Spouse - The person with whom an employee has entered into a marriage defined or recognized by the location in which the marriage was entered into (29 USC § 2611(13); 29 CFR 825.102; 29 CFR 825.122).

709.2 POLICY

It is the policy of the City to manage unpaid leave for eligible employees for qualified medical and family reasons in compliance with federal law and any applicable employment agreement.

709.3 ELIGIBLE EMPLOYEES

Employees are eligible for FMLA after working for the City for at least one year and completing 1,250 hours over the 12 months prior to the commencement of the leave (29 USC § 2611; 29 CFR 825.110). Employees may not be eligible for leave if there are fewer than 50 other employees within 75 miles of the employee's work site.

709.4 TYPE AND DURATION OF LEAVE

Generally, eligible employees are entitled under FMLA to 12 workweeks of unpaid leave during a 12-month period (29 USC § 2612; 29 CFR 825.100). Up to 26 weeks of unpaid leave during a single 12-month period may be available to care for certain injured military service members. The 12-month period is measured backward from the date leave is taken and continuously with each additional leave day taken.

709.4.1 SERIOUS HEALTH CONDITIONS

Eligible employees may take up to 12 weeks of leave to care for a spouse, child, or parent with a serious health condition or when the employee is unable to work because of the employee's own serious health condition (29 USC § 2612(a)(1); 29 CFR 825.200).

If both spouses are employed by the City, the combined number of workweeks to care for a sick parent is limited to 12 workweeks during any 12-month period (29 USC § 2612(f); 29 CFR 825.201).

Generally, a serious health condition is an illness, injury, impairment, or physical or mental condition that involves (29 USC § 2611; 29 CFR 825.113):

- An overnight stay in a hospital, hospice, or residential medical care facility (29 CFR 825.114).
- Continuing treatment by a qualified health care professional due to a serious health condition of more than three full consecutive calendar days (29 CFR 825.115(a)).
- Any period of incapacity due to pregnancy complications or prenatal care (29 CFR 825.115(b)).
- A chronic condition that requires treatment (29 CFR 825.115(c)).
- A permanent condition for which treatment may not be effective (such as Alzheimer's or the terminal stages of a disease) (29 CFR 825.115(d)).

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- Any period of absence to receive multiple treatments, including any recovery period, either for restorative surgery after an accident or other injury, or for a condition that would likely result in a period of incapacity of more than three consecutive calendar days without medical intervention or treatment (such as cancer chemotherapy or physical therapy for arthritis) (29 CFR 825.115(e)).

709.4.2 BIRTH OR PLACEMENT OF A CHILD

Eligible employees may take up to 12 weeks of leave for the birth, adoption, or foster care placement of a child of the employee (29 USC § 2612; 29 CFR 825.200). The leave must be concluded within one year of the birth or placement of the child (29 CFR 825.120; 29 CFR 825.121).

If both parents are employed by the City, the combined number of workweeks of leave is limited to 12 workweeks during any 12-month period (29 USC § 2612(f); 29 CFR 825.120; 29 CFR 825.121).

709.4.3 MILITARY EXIGENCY LEAVE

Eligible employees may take service member leave of up to 12 weeks for qualifying exigencies occurring because a spouse, child, or parent is on covered active duty or has been notified of an impending order to active duty (29 USC § 2612(a)(1)(E); 29 CFR 825.200). This type of leave is available to a family member of a person in the National Guard, Reserves, or members of the regular Armed Forces deployed to a foreign country. Qualifying exigencies include (29 CFR 825.126):

- Addressing issues that arise from a short notice (seven or less days) deployment.
- Attending military events related to the active duty or call to duty.
- Attending family support or assistance programs.
- Making child care or educational arrangements or attending school activities arising from active duty or a call to active duty.
- Making financial and legal arrangements.
- Spending time with a military member who is on short-term rest-and-recuperation leave during a period of deployment.
- Attending post-deployment activities.
- Addressing issues that arise from the death of a military member, such as making funeral arrangements.
- Caring for a military member's parent who is incapable of self-care, such as providing care on an immediate-need basis or arranging for alternative care.

709.4.4 MILITARY CAREGIVER LEAVE

Eligible employees may take up to 26 weeks of leave in a single 12-month period to care for a spouse, son, daughter, parent, or next of kin who has incurred an injury or illness in the line of duty while on active duty in the Armed Forces, provided that such injury or illness may render the family member medically unfit to perform work (29 USC § 2612; 29 CFR 825.200).

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Military caregiver leave is also available to family members of covered veterans who were members of the Armed Forces, including the National Guard or Reserves, at any point in the five years preceding the date on which the veteran undergoes medical treatment, recuperation, or therapy (29 USC § 2612; 29 CFR 825.127).

During the single 12-month period, employees are entitled to no more than a combined total of 26 weeks of FMLA leave. In any case in which both spouses are employed by the City, the combined number of workweeks of leave is limited to 26 workweeks during any 12-month period (29 USC § 2612(f); 29 CFR 825.127).

Service member FMLA leave runs concurrent with other leave entitlements provided under federal, state, and local law. Where FMLA leave qualifies as both military caregiver leave and care for a family member with a serious health condition, the leave will be designated as military caregiver leave first.

709.4.5 INTERMITTENT LEAVE

An employee may take leave for the employee's own serious health condition, for the serious health condition of the employee's spouse, child, or parent, or to care for a covered service member with a serious injury or illness, intermittently or on a reduced schedule if medically necessary, and if that medical need can best be accommodated by an intermittent schedule as defined in federal law (29 USC § 2612(b); 29 CFR 825.202; 29 CFR 825.124).

Leave due to a military exigency may be taken on an intermittent or reduced leave schedule (29 CFR 825.202).

Intermittent leave for the birth, adoption, or foster care placement of a child is only available if granted at the discretion of the Department of Human Resources, unless the employee has a serious health condition in connection with the birth or if the newborn child has a serious health condition (29 CFR 825.120; 29 CFR 825.121).

Intermittent leave for any employee shall be tracked and calculated.

709.4.6 PREGNANCY DISABILITY LEAVE

Pregnant employees who are disabled by pregnancy may be entitled to a disability leave in addition to any FMLA leave. The duration of leave is dependent on the circumstances. The Department of Human Resources shall defer to a pregnant employee's qualified health care professional in assessing the employee's ability to work.

709.5 EMPLOYMENT BENEFITS WHILE ON LEAVE

While on leave, employees will continue to be covered by any group health insurance to the same extent that coverage is provided while the employee is on the job (29 USC § 2614(c); 29 CFR 825.209). Employees will continue to be covered under additional benefit plans (dental, vision, life) at the discretion of the City.

Employees are responsible for any health plan employee contributions while on leave (29 CFR 825.210). Employee contribution rates are subject to any change in rates that occurs while the

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employee is on leave. If an employee fails to return to work after the leave entitlement has been exhausted or expires, the City may recover its share of health plan premiums for the entire leave period unless the employee does not return because of the continuation, recurrence, or onset of a serious health condition of the employee or the employee's family member that would entitle the employee to leave, or because of circumstances beyond the employee's control (29 CFR 825.213). The City may recover premiums through deduction from any sums (e.g., unpaid wages, vacation pay).

709.6 SUBSTITUTION OF PAID ACCRUED LEAVES

Subject to applicable employment agreements and civil service rules, employees are required to exhaust all applicable paid accrued leave before taking unpaid leave. Paid accrued leave includes vacation leave, sick leave, personal leave, and compensatory time earned in lieu of overtime, pursuant to the Fair Labor Standards Act, during FMLA leave. Employees may not use paid accrued leave to extend FMLA leave beyond 12 workweeks per year.

709.7 USE OF FMLA LEAVE

If an employee takes a leave of absence for any reason that is FMLA qualifying, the City may designate that non-FMLA leave as running concurrently with the employee's 12-week FMLA leave entitlement.

709.8 PROCEDURES

The following procedures will apply for all employees requesting leave under FMLA:

- (a) When a leave is requested for a medical or other FMLA-related treatment appointment, the employee must make a reasonable effort to schedule the appointment at a time that minimizes disruption to city operations (29 USC § 2612; 29 CFR 825.302).
- (b) An employee who wishes to take FMLA leave must provide the employee's supervisor with 30 days' advanced notice when the leave is foreseeable or as soon as practicable if the need for leave is not foreseeable (29 USC § 2612; 29 CFR 825.302; 29 CFR 825.303).
- (c) At the time of the request, the employee must complete an FMLA request form.

Requests for medical leave shall be accompanied by a qualified health care professional statement, including the date on which the serious health condition began and the estimated date of return to work (29 USC § 2613; 29 CFR 825.302).

Once the leave is requested or designated by the City, the employee should provide the request and any medical certifications to the Department of Human Resources. The Department of Human Resources should ensure that the employee is provided the necessary forms and FMLA information and required notices within five business days (29 CFR 825.300).

Employees are required to provide medical certification of a qualified health care professional or military documentation, if requested (29 CFR 825.305; 29 CFR 825.308; 29 CFR 825.309; 29 CFR 825.310).

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Employees shall be required to periodically report on their status and intent to return to work (29 USC § 2614; 29 CFR 825.311). This may assist in avoiding a delay in reinstatement when the employee is ready to return to work.

Employees returning from a medical leave for the employee's own serious health condition will be required to present medical verification from a qualified health care professional of the employee's ability to return to work (fitness for duty) and a list of any restrictions that need to be accommodated (29 USC § 2614; 29 CFR 825.100; 29 CFR 825.312).

709.9 REINSTATEMENT FOLLOWING LEAVE

Generally, employees returning from FMLA leave within the qualified period will be restored to their original job or to an equivalent job with equivalent pay and benefits (but not seniority), unless the employee would not otherwise have been employed at the time reinstatement is requested (e.g., in the case of a layoff) (29 USC § 2614; 29 CFR 825.214; 29 CFR 825.216).

If the same position is no longer available, such as in a layoff, the employee will be entitled to a position that is comparable in pay, job content, and promotional opportunities and geographic location, if such a comparable position exists.

If upon return from leave an employee is unable to perform the essential functions of the job because of a physical or mental disability, the supervisor should work with the Department of Human Resources or the authorized designee to engage in an interactive process with the employee to identify a potential reasonable accommodation.

After exhausting paid FMLA leave, non-paid leave will continue until the conclusion of the protected 12- or 26-week time limit. Following the protected leave, the Department of Human Resources in consultation with the legal counsel will determine whether non-FMLA leave should apply.

709.10 RESPONSIBILITY

The responsibilities of the Department of Human Resources include but are not limited to (29 CFR 825.108; 29 CFR 825.110; 29 CFR 825.112; 29 CFR 825.300; 29 CFR 825.301):

- (a) Attempting to determine whether an employee absence of four or more days may qualify as FMLA leave.
- (b) Determining if an employee is eligible for FMLA leave.
- (c) Determining if leave is for an FMLA-qualifying reason.
- (d) Granting or denying a request for FMLA leave and providing designation notice to the employee within five business days of designation.
- (e) Providing eligibility notice to the employee within five business days of the request for FMLA leave or when acquiring knowledge that an employee's leave may be for FMLA.
 1. If the employee is not eligible for FMLA leave, the notice must state at least one reason why the employee is not eligible.

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- (f) Providing a written rights and responsibilities notice each time the eligibility notice is provided to an employee.

The Department of Human Resources should work with legal counsel regarding questions relating to leave or reinstatement from leave under this policy.

709.11 RECORDS

The City will maintain leave-related records as required by 29 CFR 825.500 for at least three years and in compliance with the city's established records retention schedule.

Records and documents related to doctor certifications and other medical information created for purposes of complying with FMLA and this policy shall be maintained as confidential medical records in separate files from employee personnel files.

709.12 NOTICE TO EMPLOYEES

The Department of Human Resources should ensure that a notice explaining the FMLA's provisions and procedures is prominently posted in conspicuous places in the City where it can be readily seen by all employees and applicants for employment. Electronic posting is sufficient as long as the other posting requirements have been met as provided by 29 CFR 825.300 (29 CFR 825.300).

Leave of Absence and Leave without Pay

710.1 PURPOSE AND SCOPE

The purpose of this policy is to provide general guidance for managing leaves of absence, including unpaid leave, for eligible employees.

710.2 POLICY

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

- (a) 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.
- (b) Eligible leave covered under the Family and Medical Leave Act or the Americans with Disabilities Act.
- (c) Other medical absences of less than five working days when the Department Head determines that absence will not adversely impact operations.
- (d) Temporary leaves of absence to mitigate budget shortfalls.
- (e) Disciplinary action.
- (f) 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 the Department of Human Resources.

710.3 LEAVE OF ABSENCE

Under special circumstances, employees may find it necessary to request a leave of absence for a reason other than Family or Medical Leave. 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.

Full-time employees who have successfully completed their probationary period are eligible to request an unpaid leave of absence. Eligible employees may be granted:

- (a) Up to 30 consecutive calendar days of leave without pay on a rolling year basis.
- (b) Up to 60 additional consecutive calendar days if the initial period of absence proves insufficient,

Eligible employees interested in an unpaid leave of absence must submit a written request to their Department Head detailing the nature of the leave. Requests for leave of absence will be considered based on criteria such as:

Leave of Absence and Leave without Pay

- (a) The nature of the request
- (b) The impact to the organization, and
- (c) 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. Prior written approval will be obtained from the employee's Department Head, Director of Human Resources, and the City Manager.

710.4 CITY BENEFIT PROGRAMS

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.

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.

710.5 POSITION WITH THE CITY

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. 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.

Time Off to Vote

711.1 POLICY

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.

Administrative Leave

712.1 POLICY

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

- (a) Pending the outcome of an investigation to determine possible disciplinary action against the employee.
- (b) 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.

School Assistance Leave

713.1 PURPOSE AND USE

Employees may, upon written approval of the supervisor, take up to one hour per week paid School Assistance Leave to assist children in the Grand County School System. Request for said leave shall be in writing and shall be available to full-time non-probationary employees in good standing. Employee performance and productivity, as well as scheduling and workload issues, may be considered in granting or denying the request.

Chapter 8 - Glossary

City of Moab Policy Manual Definitions

800.1 DEFINITIONS

In General - Terms in common usage and words defined in ordinances, rules, and regulations shall have the meaning thereby defined.

- City Manager - The Chief Administrative Officer, or a person designated or appointed by the City Council to act as City Manager in the City Manager's absence.
- Contractor - A person not employed by the City who contracts to perform or furnish services, materials, or anything of value.
- Demotion - A change in appointment status to a position of less responsibility, lower classification, or lower salary.
- Dependents - The employee's lawful spouse (or domestic partner) and children, whether natural or adoptive, who have not yet attained the age of 26.
- Employee - A person performing labor or providing services to the city in exchange for pay and whose work is subject to the direction, supervision, and control by other supervising employees or the Governing Body of the City of Moab. Employees do not include independent contractors performing services or labor pursuant to a written contract.
- Employee, Contractual - Contractual employees are persons who hold employment with the City under a written contract.
- Employee, Exempt - An employee who is exempt from the collection of overtime pay or compensatory time-off for time worked in excess of his/her normally scheduled work time.
- Employee, Full Time - An employee who works at least 40 hours per week and accrues benefits.
- Employee, 3/4 Time - An employee who works at least 32 hours per week and accrues benefits.
- Employee, Part Time - An Employee who works less than 29 hours per week and does not accrue benefits.
- External Fraud - Fraud committed by vendors, customers or competitors.
- Fraud - Wrongful or criminal deception intended to result in financial or personal gain.
- Internal Fraud - Fraud committed by a person working for the City.
- Probation - A period of time during which an employee's performance is continually reviewed, and the employee is expected to prove fitness for continued employment.
- Promotion - A change in employee's position to more responsibility and higher salary.
- Range, Salary - The minimum and maximum rates of pay for a position.
- Resignation - Voluntary separation from municipal services.

City of Moab

Policy Manual

City of Moab Policy Manual Definitions

- Suspension - Temporary separation of an employee from duty without pay.
- Work Week - The work week begins Monday at 12:00 AM and ends on Sunday at 11:59 PM.

Attachments

Level by Position.pdf

Department & Position	Level of Service	Purpose
Administration	Cell Phone 2	
<ul style="list-style-type: none"> ● City Manager/Personnel Officer ● Assistant City Manager ● Communications & Engagement Director ● City Attorney 		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.
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 Arts/Special Events Assistant 		Contact and be available to supervisor, employees, vendors 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 		Contact and be available to supervisor, employees, vendors

<ul style="list-style-type: none"> ● Sewer Worker 		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.

Sick_Leave_Donation.pdf

Cell Phone Service.pdf

Levels of Service.pdf

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

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