

Resolution 15-2024

A RESOLUTION AMENDING THE CITY OF MOAB PERSONNEL MANUAL.

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

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

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

WHEREAS, the amendment to the City of Moab Personnel Manual has been presented to this meeting of the Moab City Council.

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

This resolution shall take effect immediately upon passage.

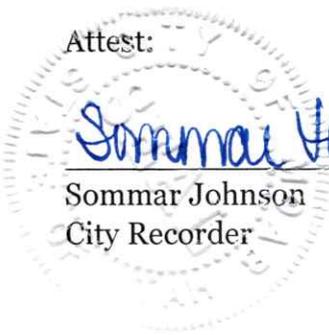
Passed and adopted by action of the Governing Body of the City of Moab in open session this 11th day of June 2024.

CITY OF MOAB

By: 
Joette Langianese

Attest:


Sommar Johnson
City Recorder



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. [If an Employee tests positive for THC during a random drug test and is a medical cannabis card holder, the City must consult with legal counsel and obtain approval of the Mayor before any adverse employment action against an employee may be taken.](#)

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

Drug and Alcohol Free Workplace

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.

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.

Drug and Alcohol Free Workplace

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.

Drug and Alcohol Free Workplace

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 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 SUPERVISOR RESPONSIBILITIES

The supervisor shall prepare a written record documenting the specific facts that led to the decision to require the test, and shall inform the employee in writing of the following:

- (a) The test will be given to detect either alcohol or drugs, or both.
- (b) The result of the test is not admissible in any criminal proceeding against the employee.
- (c) The employee may refuse the test, but refusal may result in dismissal or other disciplinary action.

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 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

Drug and Alcohol Free Workplace

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](#).

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.

Drug and Alcohol Free Workplace

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.

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:

- (a) Ensure that all necessary forms have been completed
- (b) Leave a forwarding address for the mailing of the W-2 at the end of the year
- (c) Ensure that all City property has been turned in
- (d) 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	\$ 250 100
10 to 19	\$ 350 200
20 or more	\$ 450 300

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

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 \$5 2,000 per calendar 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: ~~F~~ the Director of Human Resources.

The

- (a) 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
- (b) Submit to the City Recorder -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:

- (a) 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).
- (b) 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.

Conscience Protection Policies

639.1 DEFINITIONS

The following definitions relate only to this Conscience Protection Policy ("Policy"):

"Confidential Information" means any information related to an employee's requests under this Policy or a record created under this Policy.

"Conscience" means a sincerely held belief as to the rightness or wrongness of an action or inaction.

"Employee" means an individual employed by Moab City ("City") but does not include (1) an elected official or (2) an individual who is appointed or employed to be on an elected official's personal staff to assist the elected official in fulfilling the elected official's duties.

"First responder" means:

- (a) a law enforcement officer, as that term is defined in Utah Code Section 53-13-103;
- (b) an emergency medical technician, as that term is defined in Utah Code Section 53-2e-101;
- (c) an advanced emergency medical technician, as that term is defined in Utah Code Section 53-2e-101;
- (d) a paramedic, as that term is defined in Utah Code Section 53-2e-101;
- (e) a firefighter, as that term is defined in Utah Code Section 53B-8c-102; or
- (f) a dispatcher, as that term is defined in Utah Code Section 53-6-102.

"Retaliatory action" means any of the following actions taken by the City against an employee as a result of the employee filing a request under this Policy:

- (a) a dismissal;
- (b) a reduction of compensation;
- (c) a failure to increase compensation by an amount that the employee is otherwise entitled to or was promised;
- (d) a failure to promote if the employee would otherwise be promoted; or
- (e) a threat to take an action described in Subsections (1)-(4), above.

"Task" means a specific job, duty, or function.

"Undue hardship" means a substantial burden, privation, or adversity on the City that would result from granting an employee's request to be relieved from performing a certain task when considering all relevant factors, including:

- (a) the practical impact on the City in light of the nature, size, and operating cost of the City;
- (b) the disruption of the City's operations;

Conscience Protection Policies

- (c) the nature of the employee's duties;
- (d) the number of employees the City will be required to grant a request to if the City grants the employee's request;
- (e) the type of workplace; and
- (f) the number of requests by the employee in the preceding 12 months from the day on which the employee submitted the request.

639.2 RELIEF FROM PERFORMING A TASK

The City will not deny an employee's reasonable request to be relieved from performing a certain task if:

- (a) Performing the task would conflict with the employee's sincerely held religious beliefs or conscience;
- (b) The employee has complied with the requirements of this policy; and
- (c) Relieving the employee from the task would not impose an undue hardship on the City.

The City may choose to deny an employee's reasonable request if:

- (a) The request seeks relief from performing a task that is part of training or safety instructions directly related to the employee's employment;
- (b) Granting the request would result in a deficit in the amount of work for which the employee is compensated;
- (c) Granting the request would create a conflict with an existing legal obligation and the City cannot avoid the conflict if the City grants the employee's request;
- (d) The employee is a first responder and the request by the employee is to be relieved from performing a task that involves protecting the safety of the public; or
- (e) The employee's asserted religious beliefs or conscience described in is being asserted for an improper purpose.

639.3 REQUESTING RELIEF

An employee seeking to be relieved from performing a certain task under this Policy shall:

- (a) As soon as practicable but not more than two days after the day on which the employee received the assignment to perform the task, submit a written request to the employee's Supervisor or Human Resources Department providing an explanation as to why the task would conflict with the employee's sincerely held religious beliefs or conscience; or
- (b) If the employee receives the assignment to perform the task within two days after the day on which the employee received the assignment, orally or in writing immediately request to be relieved from performing the task and provide the City with a reasonable opportunity to grant the employee's request or otherwise address the employee's concerns.

Contents of Written Request

Conscience Protection Policies

A written request for relief shall be submitted on a form prepared by the City and shall include:

- (a) A description of the task and the date upon which the requested task is to be performed;
- (b) A statement of why performing the task would conflict with the employee's sincerely held religious belief or conscience; and
- (c) The signature of the employee submitting the request.

639.4 CITY REVIEW OF REQUEST

When the City receives a request for relief, the City shall respond in writing to the request as soon as practicable but at least five days before the day on which the certain task is required to be performed.

639.5 DENIAL OF REQUEST FOR RELIEF

If the City denies an employee's request submitted as described in this Policy, the City shall include in its response the following:

- (a) An explanation of the City's decision and why:
 - (a) Granting the request would impose an undue hardship on the City; or
 - (b) Other grounds for the denial.
- (b) The City's response shall include a statement informing the employee that they may seek redress in a court as described in 639.7 if the employee has exhausted the administrative appeal process set forth in 639.6.

639.6 ADMINISTRATIVE APPEAL OF DENIAL

An employee that receives a denial of a request for relief may file an appeal of the denial by submitting a written notice of appeal to the City Recorder within 10 business days of the denial. Upon receipt of the referral from the City Recorder, the Hearing Officer shall take and receive evidence and fully hear and determine the matter which relates to the request and denial.

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 properly denied the request for relief. Discovery shall be limited to that information which was included in the employee's request and the information considered by the City 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

Conscience Protection Policies

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.

639.7 DISTRICT COURT APPEAL

After a decision on the administrative appeal by the hearing officer is issued, the employee may seek redress in district court by filing with the court a petition no later than 180 calendar days after the day on which the employee received the final decision of the Administrative Hearing Officer.

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 ~~3~~ 240 hours shall be allowed to be accrued. 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 ~~paid at the employees current rate of pay.~~ ~~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.