



HIGHLAND CITY

PERSONNEL POLICIES

AND PROCEDURES MANUAL

FOR

HIGHLAND CITY

Approved September 3, 2024

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This document supersedes all personnel policies and procedures previously established or approved by Highland City.

PREFACE

Highland City's Personnel Policies and Procedures Manual (Manual) is simply a written guide for management and staff. As an employee of Highland City, you are expected to read, understand, and follow the policies and procedures contained in this Manual. If this Manual conflicts in any manner with applicable federal or state laws or regulations, Highland City will comply with the laws and regulations.

THIS MANUAL IS NOT, AND SHALL NOT BE CONSTRUED AS, AN EXPLICIT OR IMPLIED CONTRACT, SHALL NOT MODIFY ANY EXISTING AT-WILL STATUS OF ANY HIGHLAND EMPLOYEE, AND SHALL NOT CREATE ANY DUE PROCESS REQUIREMENT IN EXCESS OF FEDERAL OR STATE CONSTITUTIONAL OR STATUTORY REQUIREMENTS.

No employee, officer, agent or other representative of Highland City, except the Highland City Council, or its designee, has any authority to enter into any agreement for employment for any specified period of time or to make any agreement or representation, verbally or in writing, which alters, amends, or contradicts the provisions of this Manual.

It is also the policy of Highland City to comply with all federal and state equal employment opportunity guidelines and laws. All employment decisions will be made without unlawful regard as to race, color, religion, sex, sexual orientation, national origin, age, genetic information, pregnancy, disability, status as a veteran or member of reserve components, and any other attribute or condition protected by law.

Additionally, it is the policy of Highland City to strive for safety in all activities and operations, and to carry out the commitment of compliance with health and safety laws applicable to Highland City, by enlisting the help of all employees to ensure that public and work areas are free of hazardous conditions.

Highland City reserves the right to change any of its policies and/or procedures at any time in the future for any reason and without notice.

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SECTION 1:**EMPLOYEES TO READ AND FOLLOW THIS MANUAL**

1. SUPERVISOR RESPONSIBILITIES.

The City Administrator, or designee, will ensure that each employee receives a copy of this Manual, or has access to it online, and that the employee signs and dates a Policy Statement and Acknowledgment Form stating receipt of the Manual. The City Administrator, or designee, should then file the signed and dated Policy Statement and Acknowledgment Form in the employee's personnel file.

2. EMPLOYEE RESPONSIBILITIES.

Employees are responsible for informing themselves about the policies, practices, and benefits set forth in this Manual by reading them and, if necessary, asking that they be explained to them. Additionally, all employees are required to sign and date a Policy Statement and Acknowledgment Form acknowledging receipt of this Manual.

End of Section 1

SECTION 2:**EMPLOYEE HIRING**

1. EQUAL EMPLOYMENT OPPORTUNITY EMPLOYER.

It is the policy of Highland City to comply with Equal Employment Opportunity standards of federal, state and local laws in all phases of personnel administration: job structuring, recruitment, examination, selection, appointment, placement, training, compensation, upward mobility, discipline, etc., without unlawful regard as to race, color, religion, sex, sexual orientation, national origin, age, genetic information, pregnancy, disability, status as a veteran or member of reserve components, and any other attribute or condition protected by law.

2. EMPLOYMENT.

Job descriptions defining the essential functions of the vacant position should be drafted and adopted before a vacancy is posted or otherwise advertised internally or externally.

3. RECRUITMENT.

All recruitment shall be conducted in accordance with Highland City's equal opportunity guidelines and all applicable laws.

- A. Internal Promotions. It is Highland City's policy to give first consideration to current employees desiring to fill an open job position.
- B. External Advertising.
 - (1) Only the City Administrator, or designee, is authorized to place advertisements and respond to inquiries from employment agencies and/or job applicants.
 - (2) Each job opening notice should contain a statement indicating that Highland City is an equal opportunity employer.
 - (3) Job opening notices should be advertised by any means the City Administrator deems appropriate for at least three (3) days.

4. SELECTION.

- A. Nepotism. It is the policy of Highland City to comply with the provisions of Utah's Anti-Nepotism Act, Utah Code 52-3-1, *et seq.*
- B. Employment of Minors. It is the policy of Highland City that no one under the age of fourteen (14) shall be hired for any position.
- C. Rehires. Job applications received from former employees will be processed using the same procedures and standards that govern all applications. The City Administrator, or designee, may review the former employee's personnel records and the circumstances surrounding termination of previous employment with Highland City.

- (1) Former employees who have been terminated for cause, or who voluntarily resign while facing disciplinary action, are generally not eligible for rehire.
 - (2) Applicants who are rehired shall be required to serve a probationary period.
- D. Residency. There is no residency requirement for the City's employee workforce as a whole. Neither initial nor continuing residency within the City shall be a condition of employment, provided that an employee's selection of residency does not interfere with the daily performance of his or her duties and responsibilities. However, there may be specific positions of employment within the City which may, for public safety or other reasons, necessitate that an employee live a specific distance from the City or his or her place of employment in order to respond and provide necessary services in a timely manner, and nothing herein shall preclude the City from developing specific policies and/or requirements which may provide such residency limits where they are deemed to be in the best interests of the City and the safety and welfare of the citizens.
- E. Job Applications. All interested job applicants shall complete a Job Application.
 - (1) All applications and resumes received for the job opening will be forwarded to the City Administrator, or designee. Upon receipt, each application and resume will be marked with the date it was received and placed in an applicant's file for at least one (1) year after the record was made or personnel action taken, whichever is later.
 - (2) Job applications shall be signed by the job applicant and the truth of all information contained therein shall be certified by the job applicant's signature. The job applicant shall provide a copy of required certified educational transcripts either with the application or upon hire.
- F. Tests. Job applicants may be required to take tests, which Highland City deems necessary for a specific position. Highland City shall make reasonable accommodations for testing to the extent required by law.
- G. Job Applicant Disqualification. An application may be rejected for, but not limited to, the following reasons, when the job applicant:
 - (1) Does not meet minimum qualifications established for the position.
 - (2) Is physically or mentally unable to perform the essential duties and responsibilities of the position with, or without, reasonable accommodation(s) (determined only after a conditional offer of employment, pending the results of a medical examination, has been extended to a job applicant).

- (3) Has falsified a material fact or failed to complete the application.
- (4) Has failed to timely file the application.
- (5) Has an unsatisfactory employment history or poor work references.
- (6) Has failed to attain a passing score, if an examination is required.

H. Interviewing.

- (1) The City Administrator, or designee, will select applicants to interview from those who have passed any preliminary screening tests and submitted job applications. The essential functions and qualifications required for a job should be considered during the initial screening of job applicants.
- (2) Individuals conducting job interviews shall only ask questions that pertain to the job position. Prior to conducting an interview, all interviewers shall review current and reliable sources of information regarding the types of question that are permissible and those that are not permissible during an employment interview.

I. Reference Checks. In order to facilitate references checks, written permission should be obtained from the applicant using the Applicant's Consent to Release Information Form. Highland City may contact the references for each job applicant and ask job-related questions, which include similar questions for each job applicant checked.

5. PLACEMENT.

A. Job Offers. After a job applicant is selected, the City Administrator, or designee, shall notify the successful job applicant of his or her conditional selection through a written conditional job offer letter. The written conditional job offer letter shall clearly state the job description, salary conditions, and any provisional conditions of employment (i.e., successfully passing drug/alcohol tests). Additionally, the written conditional job offer letter may state that the offer is not accepted until the candidate signs the written conditional job offer letter and returns it to Highland City by the requested date. The original job offer letter should be filed in the employee's file and a copy should be given to the new employee during orientation. Written conditional Job Offer Letters should also include the following:

- (1) A clear statement of the job description.
- (2) The employee's starting salary. Starting salary offers for exempt positions shall state that the position is exempt and specify the salary for a specified period, such as a two (2) week period. Starting salary offers for

non-exempt positions shall specify an hourly wage.

- (3) The employee's job title.
- (4) The employee's supervisor.
- (5) Any relocation commitments, if applicable.
- (6) Highland City's at-will employment policy.
- (7) The employee's starting date.
- (8) The length of the employee's probationary period.
- (9) Notice of any condition employment is contingent upon, such as passing a background examination, drug tests, medical/physical examinations, etc.

B. Job Rejection Letters. Within five (5) working days after the job offer has been accepted, non-selected job applicants may be notified.

C. Medical Examinations. Once Highland City has extended a conditional job offer to the job applicant, a medical interview or examination may be required by a health professional chosen by Highland City to determine a job applicant's ability to fulfill essential job-related requirements with or without reasonable accommodations. Only the City Administrator may authorize such interviews or physical examinations. All costs for required medical interviews or physical examinations will be borne by Highland City. The prospective employee must sign a written release of this information to Highland City.

D. Reinstatements. Employees who are reinstated may maintain their original anniversary date for seniority purposes, as well as for those benefit programs governed by the anniversary date, as follows:

- (1) Layoffs. Employees who terminate because of reduction in work force will maintain their original anniversary date for seniority purposes if they are re-employed by Highland City within one (1) year after date of termination.
- (2) Voluntary resignations. Employees who voluntarily terminate their employment with Highland City may maintain their original anniversary date, subject to the City Administrator's approval, if they are re-employed by Highland City within six months after date of termination.

E. Hiring New Employees.

- (1) Required for All Employees. The City Administrator, or designee, is

responsible for having new employees fill out all pre-employment forms, benefit applications, enrollment forms, and providing basic information on Highland City's policies concerning pay, vacation, holidays, sick leave, benefits, parking, and work hours during the employee's first week of work.

(2) Additional Requirement for Employment of Minors. Highland City will comply with all applicable laws, including child labor laws and compulsory school attendance laws. **A supervisor of an employee who is a minor shall review the United States Department of Labor Wage and Hour Division Fact Sheet regarding Child Labor and strictly comply with all rules, restrictions, and limitations.**

F. Orientation. Newly hired Highland City employees shall complete all required paperwork and may receive an orientation during their first week of work. The employee should complete all paperwork requested during orientation and throughout employment.

(1) Although the City does not discriminate on the basis of citizenship or national origin, we only employee United States citizens and aliens who are authorized to work in the United States. In compliance with the *Immigration Reform and Control Act of 1986*, each new employee, as a condition of employment, must complete the Employment Verification Form I-9 and present documentation establishing identity and employment eligibility. Failure to present the requisite documentation within 3 working days from the date of hire may result in termination of employment. Former employees who are rehired must complete an I-9 form.

(2) All new employees shall complete and sign a Form W-4 Federal Withholding Statement.

G. Probationary Period.

(1) All new employees shall be subject to a probationary period. During this period, probationary employees' employment is at-will and may be terminated with or without notice for any reason that is not unlawful or for no reason without any right to due process, notice, explanation, or appeal in connection with said termination.

(2) Probationary periods begin on the first day of employment and continue for six (6) months. A probationary period may be extended in writing at Highland City's discretion for an additional six (6) months.

(3) An employee on probation should have a performance evaluation before the end of the probationary period. This performance evaluation provides information to both the employee and management regarding the employee's performance. A performance evaluation and the results of

such evaluation shall not obligate management to a particular course of action relative to the probationary employee, nor shall it create any property/due process rights for the probationary employee relative to his or her job/position.

- (4) Employees who are promoted or transferred within the City shall complete a secondary probationary period of the same length with each reassignment to a new position, which is six (6) months after their date of reassignment to a new position.
 - (a) In cases of promotions or transfers within the City, an employee who is not successful in the new position can be removed from that position at any time during the secondary probationary period. If this occurs, the employee will be allowed to return to his or her former job or to a comparable job for which the employee is qualified, depending on the availability of such positions and the City's needs.
 - (b) Benefits eligibility and employment status are not affected during the secondary probationary period that results from a promotion or transfer within the City.

6. VOLUNTEERS.

- A. "Court Ordered" Community Service Volunteer Labor may, at the discretion of the City Administrator, or designee, be accepted at Highland City.
- B. The City Administrator, with approval of the Mayor and City Council, may establish volunteer programs.
- C. The City Administrator shall develop guidelines for the use of volunteers.
- D. Prior to accepting any volunteer services, the City Administrator and the volunteer shall sign an agreement defining the nature and terms of the volunteer services.
- E. A volunteer shall be provided similar protections that an employee of Highland City is provided for:
 - (1) Workers compensation benefits for compensable injuries sustained by the volunteer while acting in the scope of volunteer services.
 - (2) Operating Highland City owned vehicles or equipment when the volunteer is properly licensed to do so.
 - (3) Liability insurance coverage offered employees.
- F. A person's volunteer service experience may be considered when determining whether a person has the minimum qualifications for an employment position with Highland City.

SECTION 3: ALCOHOL AND DRUG FREE WORKPLACE

1. GENERAL POLICY.

The purpose of this policy is to implement the Federal Drug Free Workplace Act of 1988 by providing for a safe and productive work environment that is free from impaired performance caused by employee use or abuse of alcohol, controlled substances, and/or medication. To the extent allowed by any and all laws applicable to an alcohol and drug free workplace, the following policies apply:

2. EMPLOYEE RESPONSIBILITIES.

- A. No employee shall unlawfully manufacture, dispense, possess, use, or distribute any controlled substance, medication, or alcohol.
- B. Any employee convicted under a federal or state statute regulating controlled substances, or of a driving while impaired or under the influence, shall notify his or her supervisor and the City Administrator within five (5) days after the conviction.
- C. No employee shall consume alcoholic beverages immediately before work, during work hours, or while at work during breaks or lunches.
- D. No employee shall be impaired by alcohol or illegal drugs during work hours.
- E. No employee shall represent Highland City in an official capacity while impaired by alcohol or illegal drugs.
- F. No employee using medication that impairs the employee's performance shall operate a motor vehicle or engage in safety sensitive functions while on duty for Highland City.
- G. An employee who is taking medication that impairs his or her ability to perform the job tasks competently and safely must notify his or her supervisor or the City Administrator before commencing work.
- H. An employee who has reason to believe that the performance of another employee is impaired by alcohol, illegal drugs, and/or medication shall immediately notify his or her supervisor or the City Administrator.

End of Section 3

SECTION 4: ALCOHOL AND DRUG TESTING

1. GENERAL STATEMENT.

- A. Scope.** This policy covers all employees of and applicants to Highland City. Highland City will comply with all laws applicable to drug and alcohol testing of employees, including laws applicable to employees with a commercial driver's license or work in safety sensitive positions.
- B.** The unlawful manufacture, distribution, dispensation, possession, or use of a controlled substance and/or the distribution, dispensation, possession, or use of alcohol in the workplace is expressly prohibited.
- C.** To the extent and manner permitted by applicable laws, and in order to achieve a drug-free workplace, employees in, and applicants for, safety sensitive positions or positions requiring a CDL shall be required to participate in all of the following alcohol and controlled substances testing:
 - (1) When an applicant has been extended a conditional offer of employment but before beginning work.
 - (2) When there is a reasonable suspicion to believe that the employee is in an impaired state.
 - (3) When the employee has been involved in an "on duty accident" or unsafe work practice.
 - (4) On a random basis.
 - (5) As a condition for return to duty after testing positive for controlled substances or alcohol.
 - (6) As part of follow-up procedures to employment-related drug or alcohol violations.
- D.** Applicants for all other positions may, as a condition of employment, be required to participate in alcohol and controlled substances testing after the applicant has been extended a conditional offer of employment but before beginning work.
- E. Definitions.**
 - (1) **Alcohol.** Alcohol is defined as the intoxicating agent in beverage alcohol, ethyl alcohol, in any form that can be consumed by humans. Alcohol does not include non-consumable alcohol, such as those used in cleaning agents, medical applications, or industrial purposes.

- (2) Controlled Substances. Controlled substances are defined as marijuana (THC), cocaine, phencyclidine (PCP), opiates, and amphetamines (including methamphetamine) and other illegal substances or substances which may only be legally obtained and used pursuant to a physician's prescription.
- (3) On Duty Accident. Any accident involving the loss of life, injury, property damage, or the issuance of a moving traffic citation to the employee.
- (4) Positive Test. Any test result showing a blood alcohol content (BAC) of 0.02 or greater or the presence of any controlled substance in the test subject.
- (5) Refusal to Submit to Testing. Failure to provide an adequate breath or urine sample without a valid and verified medical explanation, after the employee has received notice that he or she is being tested and a breath or urine sample is required, or the employee engages in conduct that clearly obstructs the testing process.
- (6) Reasonable Suspicion. Knowledge sufficient to induce an ordinarily prudent and cautious person under the circumstances to believe that a prohibited activity is occurring.
- (7) Safety Sensitive Duties. Any duties requiring a Commercial Driver's License (CDL), and any other duties or positions deemed safety-sensitive.

2. POLICY.

A. Testing Notice.

- (1) Before performing any alcohol or drug test authorized by this policy, Highland City, through its designated representative, shall notify the employee being tested, verbally or in writing, whether the test being administered is required by the Omnibus Transportation Employees Testing Act of 1991, or whether it is required by this policy, or whether it is required by both.
- (2) Highland City employees who, under Highland City requirements, hold CDLs are required under rules established by the Federal Highway Administration to be subjected to pre-employment, reasonable suspicion, random, post-accident, return-to-duty, and follow-up drug and alcohol testing.
 - a. When conducting any of the above-noted tests on CDL employees, Highland City shall provide the employee with the following notice:

- i. The drug and/or alcohol test you are required to take is required under rules established by the Federal Highway Administration pursuant to the Omnibus Transportation Employees Testing Act of 1991.
 - ii. If you refuse to submit to the required testing, you may be subject to disciplinary action, up to and including termination.
- B. Pre-Employment Testing. Highland City may require a prospective employee who has a conditional job offer with Highland City to undergo an alcohol and drug screen test to detect the presence of alcohol and illegal drugs or controlled substances in the body. Refusal to take such a test shall be grounds for denial of employment. An applicant who tests positive for controlled substances, or whose test detects a BAC of .04 or higher, may be denied employment with Highland City.
 - (1) Drug and alcohol testing shall be conducted after the selected applicant has been extended a conditional offer of employment but before beginning work.
 - (2) All of Highland City's job announcements and conditional offers of employment shall contain the following notice:
 - a. All applicants selected for employment with Highland City shall be required to take a drug and alcohol test with negative results as a precondition of employment.
 - b. A positive test result or failure to submit to the required testing shall result in a withdrawal of any conditional offer of employment with Highland City.
 - (3) If the final applicant tests positive for drugs or alcohol as set forth above or refuses to submit to testing as defined by this policy, the conditional offer of employment shall be withdrawn in writing and the applicant shall not be employed by Highland City.
- C. Prohibited Conduct.
 - (1) Employees shall not use, be under the influence of (.02 BAC), or be in possession of alcohol while on duty, on Highland City premises or while in Highland City vehicles. Highland City premises include buildings, parking lots, grounds and vehicles owned by Highland City, or personal vehicles while being used for Highland City business.
 - (2) Employees shall not use, be under the influence of, be in possession of, or be in such a condition as to test positive for alcohol or controlled substances

while on duty on Highland City premises or while in Highland City vehicles. Highland City premises includes buildings, parking lots, grounds and vehicles owned by Highland City or personal vehicles being used for Highland City business.

- (3) Employees using, possessing, distributing, dispersing, or being at the workplace under the influence of alcohol or illegal or illegally obtained/used controlled substances, shall be subject to questioning and disciplinary action.
- (4) Any employee violating this policy may be subject to termination.

D. Reasonable Suspicion Testing.

- (1) When a designated supervisor makes a determination that there is reasonable suspicion to believe that an employee performing or assigned to safety sensitive positions is using, is under the influence of, or is in possession of alcohol or controlled substances. To the extent and manner permitted by law, the employee shall be subject to drug/alcohol testing.
 - a. The supervisor making the determination that reasonable suspicion exists shall submit written documentation setting forth the specific, contemporaneous, articulable observations concerning the appearance, behavior, speech, or body odor of the driver which resulted in the reasonable suspicion determination. Reasonable suspicion of use of a controlled substance may also be based on observation of indications of the chronic and withdrawal effects of controlled substances.
 - iii. The required observations underlying reasonable suspicion testing must be made by a supervisor or Highland City official who has received at least two (2) hours of training on the physical, behavioral, speech, and performance indicators of alcohol and drug use.
 - iv. Observations underlying the reasonable suspicion testing must be documented in writing and signed by the supervisor or Highland City designated official within twenty four (24) hours or before the results of the test are announced, whichever is later.
- b. Reasonable suspicion testing may not be conducted by the same supervisor who makes the reasonable suspicion determination.

- (2) Special requirements associated with reasonable suspicion alcohol testing conducted pursuant to the Omnibus Transportation Employee Testing Act

of 1991 includes the following:

- a. Alcohol testing is authorized only if the observations set forth above are made during, just preceding, or just after the performance of safety sensitive functions.
- b. If an alcohol test is not administered within two (2) hours following the identification of reasonable suspicion, the supervisor shall prepare and maintain documentation stating why the test was not administered within two (2) hours.
- c. If an alcohol test is not administered within eight (8) hours following the identification of reasonable suspicion, the supervisor shall cease attempts to administer an alcohol test and shall prepare and maintain documentation stating why the test was not administered within eight (8) hours.

(3) Special requirements associated with reasonable suspicion drug testing conducted pursuant to the Omnibus Transportation Employee Testing Act of 1991 include the following: if a drug test is not administered within thirty two (32) hours following the identification of reasonable suspicion, the supervisor shall cease attempts to administer a controlled substance test, and shall prepare and maintain documentation stating why the test was not administered within thirty-two (32) hours.

(4) Upon required testing due to reasonable suspicion, the employee tested shall not engage in the operation of any Highland City equipment or engage in any employment-related duties, which his or her supervisor deems dangerous to the employee or others until the results of the tests are received and the employee is released back to work by the City Administrator, or designee.

E. Random Testing for CDL Drivers.

- (1) CDL drivers may be subjected to random alcohol testing conducted pursuant to the Omnibus Transportation Employee Testing Act of 1991 only while performing safety sensitive functions, just before the driver is to perform safety sensitive functions, or just after the driver has ceased performing safety sensitive functions.
- (2) Drug tests may be performed at any time the driver is on duty.
- (3) Pool Testing - Consortiums.
 - a. Highland City may join a consortium with testing pools large enough so that Highland City's CDL drivers are always subject to random testing, and the required annual testing rate shall be met by

tests conducted of all drivers within the pool.

- b. If and when Highland City chooses to join a drug/alcohol testing consortium, Highland City shall designate a liaison to coordinate with the testing consortium and obtain and maintain all of the following records and information:
 - i. How the random selection pool was assembled.
 - ii. The method of selection and notification of drivers.
 - iii. The location of collection sites.
 - iv. Methods of reporting the test results on each driver.
 - v. Summary reports on the consortium's program showing that the consortium tested at the prescribed minimum annual rates for alcohol and/or controlled substances.

F. Post-Accident Testing Conducted Pursuant to the Omnibus Transportation Employee Testing Act of 1991.

- (1) Any surviving CDL driver involved in an accident resulting in a citation for a moving traffic violation or loss of human life, or surviving employee in a safety sensitive position involved in an accident involving the loss of human life, shall be tested as soon as practical for alcohol and controlled drugs.
 - a. An employee who is subject to post-accident testing shall remain readily available for such testing or shall be deemed to have refused to submit to testing.
 - b. The results of tests conducted by federal, state, or local law enforcement officers, having independent authority to conduct tests to detect alcohol or controlled substances, may be used by the employer to meet post-accident testing requirements.
 - c. Time frames for testing and consequences of failure to test:
 - i. Alcohol.
 - 1. If the test is not administered within two (2) hours following the accident, the supervisor shall prepare and submit documentation stating why the test was not administered within two (2) hours.

2. If the test is not administered within eight (8) hours following the accident, the supervisor shall cease attempts to administer an alcohol test and shall prepare and submit documentation stating why the test was not administered within eight (8) hours.
- ii. Controlled Substances.
 1. If the test is not administered within thirty-two (32) hours following the accident, the supervisor shall cease attempts to administer a controlled substance test, and shall prepare and submit documentation stating why the test was not administered within thirty two (32) hours.

(2) Upon required testing due to an accident or reasonable cause, the employee tested shall not engage in the operation of any Highland City equipment or engage in any employment related duties, which his or her supervisor deems dangerous to the employee or others, until the results of the tests are received and the employee is released back to work by the City Administrator.

G. Consequences of Positive Drug/Alcohol Test conducted Pursuant to the Omnibus Transportation Employee Testing Act of 1991

- (1) Alcohol.
 - a. If any alcohol test result shows a blood alcohol content of 0.04 or greater, the employee shall be removed from, and cannot return to, a safety sensitive function until, at a minimum, all of the following are met:
 - i. The employee undergoes evaluation by a substance abuse professional and, where necessary, rehabilitation.
 - ii. The substance abuse professional determines that the employee has successfully complied with any required rehabilitation.
 - iii. The employee undergoes a return-to-duty test with a result of less than 0.02 BAC.
 - b. If an employee's test results show an alcohol concentration of greater than 0.02, but less than 0.04, the employee shall not be permitted to perform any safety sensitive functions for at least twenty-four (24) hours.

(2) Drug/Controlled Substances. If a drug test result shows that the employee has misused a controlled substance, the employee shall be removed from, and cannot be returned to, a safety sensitive position until, at a minimum, all of the following are met:

- a. The employee undergoes evaluation by a substance abuse professional and, where necessary, rehabilitation.
- b. The substance abuse professional determines that the employee has successfully complied with any required rehabilitation.
- c. The employee undergoes a return-to-duty test with a verified negative test result for controlled substances.

(3) General.

- a. If through any of these detection methods or on his initiative, an employee tests positive or seeks rehabilitation treatment, employee should obtain an initial substance abuse evaluation.
- b. Highland City encourages employees to enroll in a counseling or rehabilitation program. An employee will be required to sign a document agreeing to the following conditions in order to remain employed with full rights and benefits:
 - i. Any employee for whom treatment is recommended will be responsible for costs not covered by insurance. The employee will be required to use accrued compensatory time, annual vacation leave, and then sick leave until all leave is expended. Highland City will pay the employee's benefit package during the allotted treatment time, but not wage supplements during this time. Each incident will be reviewed on a case-by-case basis.
 - ii. If a required treatment or rehabilitation program involves confinement, the employee's position may be held for the determined length of the treatment and the employee restored to his former position upon successful completion of the substance abuse rehabilitation. Each incident will be reviewed on a case-by-case basis.

H. Follow-up Testing. Employees who have violated this policy and continue to work for Highland City shall be subject to follow-up drug/alcohol testing for a period of not less than one (1) year and not to exceed sixty (60) months.

- (1) Employees subject to follow-up testing should be tested a minimum of six (6) times in the first twelve (12) months following their return to duty.
- (2) Follow-up testing beyond one (1) year shall be based on a need assessment provided by a substance abuse professional.

I. General.

- (1) Highland City maintains the right to conduct unannounced inspections of Highland City owned property, work stations, equipment, desks, cabinets, etc.
- (2) Highland City maintains the right to utilize detection methods necessary for the enforcement of this policy, including blood, urine, or other tests, and the use of electronic detection equipment and trained animals.
- (3) Failure to cooperate with these detection methods or inspections is grounds for disciplinary action, up to and including termination of employment.
- (4) Employees may direct any questions regarding this policy to the City Administrator, or designee.

End of Section 4

SECTION 5: UNLAWFUL DISCRIMINATION, HARASSMENT (INCLUDING SEXUAL HARASSMENT) AND RETALIATION

1. PURPOSE.

It is the goal of the City to promote a workplace that is free from any form of unlawful discrimination, workplace harassment, including sexual harassment, and retaliation. The purpose of this policy is to make it clear that the City has zero tolerance for any form of unlawful workplace harassment, discrimination and retaliation, and to establish procedures for reporting behavior prohibited by the law and this policy.

2. POLICY.

The City strictly prohibits any form of unlawful workplace harassment, discrimination and retaliation. Complaints of behavior in violation of this policy will be investigated, and violators will be appropriately disciplined, up to and including termination. This policy applies to all employees of the City. Supervisory or managerial personnel are responsible for taking proper action in accordance with this policy. This policy does not limit the City's authority to take disciplinary action against an employee for workplace conduct which it deems unacceptable whether or not that conduct satisfies the definition of unlawful discrimination, harassment, including sexual harassment, and/or retaliation.

3. DEFINITIONS.

- A. Discrimination. Discrimination means to unlawfully treat differently or exclude individuals from an employment opportunity based on the individual employee's race, color, religion, sex, age, disability, national origin and/or other characteristic protected by law.
- B. Harassment. Harassment means an act or a series of acts of an offensive nature between employees, that (i) are offensive to a reasonable person; (ii) are offensive to the employee subjected to the harassing conduct; and (iii) serve no legitimate purpose and are unlawful. Harassment in violation of this policy may include, but is not limited to, the following behavior and conduct:
 - (1) Offensive physical actions by an employee toward another employee, including, assault.
 - (2) Offensive verbal statements or actions by an employee toward or regarding another employee, including derogatory, prejudicial, stereotypical or otherwise offensive comments, slurs, jokes, posters, cartoons, pictures, e-mails, voice mail or any form of communication or computer media where a person is depicted in an insulting or demeaning manner.
- C. Sexual harassment. Conduct constituting sexual harassment is as defined in the Equal Employment Opportunity Commission guidelines, and includes, but is not limited to unwelcome or unwanted sexual advances or expectations; requests

demands or pressure for sexual favors; verbal or physical conduct of a sexual nature from someone in the workplace when (i) submission to or rejection of such advances, requests or conduct is made either explicitly or implicitly a term or condition of employment or as a basis for employment decisions; or (ii) such advances, requests or conduct have the purpose or effect of unreasonably interfering with an individual's work performance by creating an intimidating, hostile, humiliating or sexually offensive work environment.

4. RESPONDING TO WORKPLACE HARRASSMENT AND DISCRIMINATION.

A. Allegations of workplace harassment and discrimination. Employees who feel they have been subjected to conduct in violation of this policy or are aware of other employees who have been subjected to such conduct must report it in writing within ten (10) calendar days to his or her supervisor. If the employee's supervisor is (i) the source of the alleged conduct or (ii) not available, or if the employee is uncomfortable discussing it with the supervisor, the conduct should be reported to the City Administrator or the Human Resource Analyst.

Any supervisory or managerial personnel who becomes aware of possible workplace harassment or discrimination must immediately advise the City Administrator or Human Resource Analyst so that the matter can be investigated in a timely manner.

Allegations against City Administrator, Mayor or members of the City Council are to be sent to the Human Resource Analyst through a restricted email account or confidential mail. The grievance shall then be forwarded to the City Attorney. The City Attorney shall then determine the appropriate process to investigate the allegation.

B. Investigation. Allegations of unlawful discrimination, harassment and/or retaliation will be promptly investigated. To the extent practicable under the circumstances, the identity of the employee alleging conduct in violation of this policy will be treated as confidential, as well as the identity of (i) any witness(es) and (ii) the alleged violator. However, information may need to be shared to the extent necessary to conduct an effective investigation. The investigation may include interviews with the person alleging the violation of the policy and witnesses. The alleged violator of the policy will also be interviewed. When the City's investigation is complete, the City will, to the extent appropriate, inform the person filing the complaint and the person alleged to have violated this policy a summary of the outcome of the investigation.

5. NO RETALIATION.

Under no circumstances will anyone be retaliated against or disciplined for complaining in good faith about or otherwise reporting unlawful discrimination, harassment and/or

retaliation. Retaliation against individuals for cooperating with an investigation into violations of this policy will not be tolerated.

6. DISCIPLINE.

Unlawful discrimination, harassment and retaliation are considered to be forms of employee misconduct. Disciplinary action, up to and including termination, will be taken against any employee engaging in behavior in violation of this policy. Supervisory and managerial personnel who have knowledge of such behavior, but fail to take action to address it, will be subject to disciplinary action, up to and including termination.

7. FEDERAL REGULATIONS

Highland City will follow and comply with all state and federal employment and anti-discrimination regulations, including those related to the Family and Medical Leave Act (FMLA), Americans with Disabilities Act (ADA), and the Pregnant Workers' Fairness Act (PWFA). Employees may request reasonable accommodation or additional information regarding their rights by communicating with their supervisor or the human resource generalist.

End of Section 5

SECTION 6: EMPLOYEE CODE OF CONDUCT

1. PROFESSIONALISM.

Highland City is a professional association whose purpose, among others, is to provide professional services to its citizens. Its employees must adhere to high standards of public service that emphasize professionalism and courtesy. Employees are required to carry out efficiently the work items assigned at their responsibility, to maintain good moral conduct, and to do their part in maintaining good relationships with their supervisors and fellow employees, the public, and other member employees and officials.

2. PRIVILEGED INFORMATION.

Highland City employees involved with information of significant public interest may not use this privileged information for personal gain, nor to benefit friends or acquaintances. If an employee has an outside interest which could be affected by any Highland City plan or activity, this situation must be reported to the City Administrator immediately. Each employee is charged with the responsibility of ensuring only information that should be made available to the general public is released, and it is released in compliance with the Government Records Access and Management Act.

3. CONFIDENTIALITY.

Fellow employees may want personal information about themselves, their illness, their family and financial circumstances to be kept confidential. Employees should not discuss other employees' personal information with others who are not authorized to receive it, either inside or outside the office.

4. GIFTS AND GRATUITIES.

Highland City employees are prohibited from soliciting or accepting any gift, gratuity, favor, entertainment, loan or item of monetary value from any person or entity seeking to obtain business with Highland City, or from any person or entity whose interests may be affected by the employees' performance or nonperformance of official duties. Highland City employees will not accept gifts or gratuities except under circumstances allowed by the Utah Employee Ethics Act 67-16.

5. ATTENDANCE.

Regular attendance and punctuality are essential to providing high quality work, service to the public, and to avoid extra work for fellow employees. Therefore, when an employee is going to be late or will not be able to report to work, the employee must notify his or her supervisor prior to the scheduled work time. If the employee is ill or has an emergency, his or her supervisor should be notified as soon as possible on each day of absence. Workplace morale is affected when employees abuse the attendance and punctuality policy; consequently, excessive absenteeism will result in disciplinary action, up to and including termination.

6. APPEARANCE.

Highland City reserves the right to expect its employees to present a favorable impression during any contact with the public. All employees are expected to maintain a neat and clean personal appearance. Standards of dress shall be appropriate to the job and the tasks to be accomplished.

7. SMOKING.

In compliance with the Utah Indoor Clean Air Act, smoking is not permitted in Highland City facilities. Highland City also prohibits smoking in Highland City owned vehicles. This prohibition applies to “vaping” as well as the use of smokeless tobacco.

8. PERSONAL USE OF HIGHLAND CITY OFFICE ITEMS.

A. No Expectation of Privacy. The City provides offices, computers, work places, vehicles, desks, files, file cabinets, etc. to certain of its employees for their use to transact City business. These offices, computers, work places, vehicles, desks, files, file cabinets, etc. belong to the City and are not private, and employees shall not have any expectation of privacy with respect to any of such City-owned places, furniture or equipment. The City reserves the right to inspect and search these offices, computers, work places, vehicles, desks, files, file cabinets, etc. without notice, as it deems necessary.

B. Computer Equipment.

(1) Personal Use. The technology and communications resources of the City are for business use. De minimus personal use is permitted if extenuating circumstances exist and provided the employee does not violate Federal or state laws. It is the responsibility of the employee to ensure the limits on personal usage of public assets are understood prior to making such use. Any personal use shall not conflict with the employee's Highland City responsibilities or normal Highland City business.

(2) All data stored on, and software developed on, Highland City owned computer equipment is the property of Highland City and may be viewed/reviewed by the City Administrator, or designee, at any time. An employee shall have no expectation of privacy as to information, photos, messages, data, etc. that is or was on Highland City equipment, including Highland City's computers and computer systems.

(3) No pornography or sexually explicit material shall be accessed, stored, or viewed/reviewed on Highland City owned computer equipment.

C. Copying Machines. Any employee desiring to use Highland City owned copying machines for items of a personal nature may do so after paying for such use at the public rate which is in effect at the time of use.

D. Telephone calls.

- (1) Employees are expressly prohibited from making long distance telephone calls of a personal nature on Highland City owned telephones.
- (2) Employees may use Highland City owned telephones for local personal calls, so long as those calls are reasonable in time and frequency. Personal telephone calls must not disrupt the carrying out of employee responsibilities.

9. TIME SHEETS.

- A. All employees of Highland City are required to maintain an accurate and legible record of all their hours worked for Highland City on time sheets or using the means provided by the City for that purpose.
- B. Time records will be signed and dated by the employee and forwarded to the City Administrator, or designee, as directed for review and payment.

10. PUBLIC FUNDS AND PUBLIC PROPERTY.

- A. Definitions:
 - (1) For the purpose of this policy, “public funds” means money, fund, or accounts that are:
 - (a) owned, held, or administered by the City (or an interlocal entity, local district or special service district affiliated with the City); or;
 - (b) in the possession of the City (or an interlocal entity, local district or special service district affiliated with the City) that are for the purpose of performing a public function; or
 - (c) in the possession of an independent contractor of the City (or an interlocal entity, local district or special service district affiliated with the City) that is for the purpose of providing a program or service for, or on behalf of, the City (or an interlocal entity, local district or special service district affiliated with the City).
 - (2) For purposes of this policy, “personal use expenditure” means an expenditure made without authority of law that is not directly related to the performance of an activity as an employee of the City (and that primarily furthers a personal interest of the employee, the family, friend or associate of the employee).
 - (3) For purposes of this policy, “public property” means anything of

value, including, without limitation, real estate, tangible property and intangible property that is owned by, held by, or in the possession of the City (or an interlocal entity, local district or special service district affiliated with the City).

- B. Public funds are to be used solely for the purpose of performing authorized public functions. Public funds may not be used for a personal use expenditure. Highland City credit cards shall be used for official business only and shall not be used for the personal use expenditures. An employee shall not (i) appropriate public funds for the employees use or the benefit of another without authority of law; (ii) loan or transfer public funds without authority of law; (iii) unlawfully deposit public funds in a bank or with another person; (iv) knowingly keep a false account or make a false entry or erasure in an account relating to public funds; or (v) handle public funds in any other manner prohibited by law. In addition to disciplinary action being taken against an employee for misuse of public funds, an employee may be subjected to prosecution for any crimes committed.
- C. Public property is to be used solely for the purpose of fulfilling the employee's duties as an employee of the City or performing authorized public functions. Public property shall not be used for an employee's personal use or benefit, or the benefit of the employee's family, friends or associates, unless pre-authorized in writing by the City Administrator. An employee shall not disburse or transfer any public property without authority of law. In addition to disciplinary action being taken against an employee for misappropriating public property, an employee may be subjected to prosecution for any crimes committed.
- D. Highland City credit cards shall be used for official business only, and shall not be used for the personal convenience of an employee.

11. OUTSIDE ACTIVITIES.

Highland City employees shall not use Highland City owned property in support of outside interests and activities when such use would compromise the integrity of Highland City or interfere with the employee's duties. Specifically, an employee who is involved in an outside activity such as a civic organization, church organization, or committee unrelated to Highland City business, public office, or service club, shall:

- A. Pursue the outside activity on the employee's own time.
- B. Pursue the outside activity away from Highland City offices.
- C. Discourage any phone, mail or visitor contact related to the outside interest at Highland City offices.

D. Arrange for annual leave or compensatory time off in advance to pursue the outside interest during business hours.

E. Not use data processing equipment, postage metering machines, copiers, other Highland City owned equipment or supplies for outside interest.

12. POLITICAL ACTIVITY

A. An employee shall not be encouraged or coerced to support a political activity, whether funds or time are involved.

B. An employee shall not engage in political activity during work hours, unless on approved leave.

C. An employee shall not use Highland City owned equipment, supplies or resources, and other attendant expenses (i.e., paper, email, phones) when engaged in political activity.

D. An employee shall not discriminate in favor of or against, any person or applicant for employment based on political activities.

E. An employee shall not use the employee's title or position while engaging in political activity.

13. CITY EMPLOYEES AS HIGHLAND CITY ELECTED OFFICIALS

Utah state law allows individuals employed by a city to run for elected office. To avoid a conflict of interest, if an individual is elected to a position within the city that employs them, cities are allowed to place such an employee on a leave of absence.

While campaigning, all rules and restrictions listed in the previous section above apply. If a Highland City employee is elected to a position in the city, such as City Council Member, that employee will be placed on leave without pay for the duration that they hold that elected office. Neither will that employee be subject to receive fringe benefits (medical, dental, etc.) from the City under their non-elected position.

14. SECONDARY EMPLOYMENT

A. Highland City employment is primary.

(1) Employment with Highland City shall be the employee's primary employment. Highland City employees are permitted to engage in secondary or outside employment under the following guidelines:

(a) Outside employment must not be of a type that would reasonably give rise to criticism or suspicion of conflicting interests or duties.

- (b) Employees are required to provide written notification to the City Administrator, or designee, before starting any secondary or outside employment.

(2) Highland City approval process:

- (a) The City Administrator, or designee, shall review the information and determine whether the employee's secondary employment is approved or denied. Factors to consider include, but are not limited to, whether the secondary employment could negatively impact their employment with Highland City (i.e., the secondary employment could invoke a conflict of interest with the employee's employment with Highland City).
- (b) This decision shall be communicated in writing to the employee. The employee:
 - i. Shall abide by that decision;
 - ii. May appeal the decision to the City Council, whose decision shall be final; or
 - iii. May voluntarily resign his or her employment with Highland City.

15. DATING, SEXUAL OR ROMANTIC RELATIONSHIPS BETWEEN EMPLOYEES

- A. Dating, sexual relationships and/or romantic relationships between or among employees are discouraged. Any such relationship must not interfere with an employee's work. The City expects employees who become involved in such relationships to exercise discretion and maturity in the manner in which they relate to each other at work.
- B. Dating, sexual relationships, and/or romantic relationships between or among employees of different levels of authority within the City may affect the morale of co-workers by creating actual or perceived favoritism and may create potential claims of discrimination or harassment. For these reasons, any party to such a relationship should not participate in formal or informal supervision, review or evaluation of the other employee(s) in such relationship.
- C. The City reserves the right to alter work assignments of parties engaged in such relationships in order to limit their professional contact, or in extreme cases where perception of prejudice is unavoidable, terminations or suspensions may of necessity be considered or required.
- D. If an employee is or becomes involved in such a relationship, all employees

involved in the relationship should immediately notify the City Administrator in writing of such relationship, and the writing must be signed by all employees intending to be involved in the relationship.

16. SOCIAL MEDIA

- A. Social media has altered the way that people communicate. Although social media applications and social networking may allow employees to improve communication and, if authorized for use in the City workplace, increase productivity, unwise or inappropriate use of social media can negatively impact the City. Employees who violate this policy and the guidelines herein may receive consequences relative to their employment together with discipline up to and including termination.
- B. Employees must follow the City's rules of information gathering and dissemination while participating in social media. These rules include all applicable federal and state laws, City ordinances and City policies and guidelines under this handbook or otherwise. As noted elsewhere in this Manual, all communication systems must be used in an appropriate, professional manner and must be directly job-related and not interfere with normal work tasks. This policy will not be construed or applied in any way that limits an Employee's rights under the National Labor Relations Act, 29 U.S.C.A. §§ 151, *et seq.*, (as amended) or other applicable law.
- C. Employees are encouraged to post content that reflects positively on them and the City. Employees should beware of content that could reflect poorly on them or the City. Although an employee may only intend a small group to view a post, the nature of social media dictates that a much larger group will actually be able to view the post. Consequently, employees are encouraged to speak respectfully about the City's current, former and potential citizens, employees, elected and appointed officials, contractors, vendors and fellow interlocal agreement participants. Employees are discouraged from posting obscenities, slurs or personal attacks, or engage in name-calling or behavior that will reflect negatively on the employee or the City. Employees should be aware that some statements may be offensive to others, including coworkers.
- D. Employees should be aware that there is no anonymity when making comments via social media. Information contained in user's social media account is public, and can (in many cases) still be revealed even if a post is published anonymously or under a pseudonym.
- E. Unless specifically instructed, employees are not authorized, and therefore are prohibited, from speaking on behalf of the City. If an employee posts content concerning the City on a social media application, or to their social media account, the employee shall make it clear that he does not represent the City and that the post does not represent the views or official position of the City (i.e., "the views expressed are mine alone and do not necessarily reflect the views of my employer"). Employees are responsible for the content they post or host.

F. Employees are prohibited from posting any proprietary, sensitive or other information of the City, its employees or its citizens that is not readily available to the public and which was obtained by the employee solely through or as a consequence of his employment by the City, including, without limitation, private, controlled or protected records of the City (as such terms are defined in GRAMA) which were not obtained by the employee through compliance with GRAMA.

End of Section 6

SECTION 7: DISCIPLINE

1. STATEMENT.

This Chapter applies to all City employees. The City reserves the right to take the disciplinary action that it decides circumstance require. By way of example only, the following are the types of behavior that constitute grounds for disciplinary action up to and including termination. These examples are simply that, and do not constitute an all-inclusive list.

- A. Incompetency, inefficiency or inattention to, or dereliction of duty.
- B. Dishonesty, intemperate conduct, insubordination, discourteous treatment of the public or of fellow employees, any act or commission or omission tending to injure the public service, any failure on the part of the employee to properly conduct himself or herself, or violations of the Utah Statutes, City ordinances, or other rules and regulations applicable to the employee.
- C. Any violation of the City's substance abuse policy.
- D. Conviction of any felony or misdemeanor that involves dishonesty, scandal, or in any other way may bring disrepute to the employee or the City.
- E. Arrest for any matter that makes it impossible and/or impractical to properly complete his/her duties.
- F. Any violation of the policies contained in this manual, departmental rules, lawful supervisory instructions, any other City rules/policies, or any other conduct that may bring discredit to the City.
- G. Any willfully false statement, certificate, mark, rating, or report in regard to any application for employment, test, rating, certification, or appointment held or made under these policies and procedures or ordinances of Highland City.
- H. In seeking appointment to or promotion in any position in the City service, directly or indirectly giving, promising, rendering, or paying any money, service, or anything else of value to any person for, on account of, or in connection with his/her test, appointment, proposed appointment, promotion, or proposed promotion.
- I. Using public funds for personal use expenditures or other unauthorized uses.
- J. Using public property:
 - (1) for an employee's unauthorized personal benefit or the benefit of the employee's family, friends or associates; or
 - (2) for other unauthorized uses.

2. APPLICABILITY

- A. Persons who hold positions listed in Utah Code 10-3-1105(2) including, without limitation, part-time, temporary, probationary employee, appointed employees or equivalent position and those persons appointed pursuant to Utah Code 10-3-1105(3) have no appeal rights for actions outlined in these policies.
- B. Persons who hold positions listed in Utah Code 10-3-1105(2) and 10-3-1105(3) may be terminated without cause. Consent of the Mayor and City Council is required for termination of an employee without cause.

3. PROCEDURES.

The City does not have a progressive discipline policy. It may take varying forms of discipline against its employees as it deems best serves the City's and the citizens' interests in each particular circumstance. Nothing in this section may be construed to limit the City's ability to define cause for a disciplinary action. Prior to termination, the City Administrator shall consult with legal counsel as appropriate.

When a Department Director or other member of City management identifies the need for employee discipline he/she shall meet with the City Administrator or designee prior to any discussion with the employee. Before any employee is given a letter of reprimand, notice of intent to suspend without pay, notice of intent to demote, or notice of intent to terminate, the Department Director shall consult with the City Administrator. Below are examples of forms of discipline that the City may take. However, this is not an exclusive list.

A. Formal Reprimand

- (1) The immediate supervisor, Department Director, the Assistant City Administrator, or the City Administrator may formally reprimand any employee under his/her supervision for cause.
- (2) Such a formal reprimand will be in writing and addressed to the employee.
- (3) A signed copy will be forwarded to the employee and the City Administrator for inclusion in the employee's personnel file. The City Administrator will also be notified of the reprimand.
- (4) Formal reprimands cannot be appealed to the Independent Hearing Officer (as defined in Section 7, paragraph 4C.); however, within ten (10) calendar days of receipt, the employee may file a letter of response to the reprimand, which will be attached to the reprimand in his/her file. In its sole discretion, the City may choose to modify or revoke the reprimand after reviewing the employee's letter and circumstances surrounding the discipline.

B. Suspension Without Pay

- (1) The City Administrator or Assistant City Administrator, at his/her own discretion or upon the recommendation of a Department Director, may suspend an employee for cause without pay for a period or periods not exceeding thirty (30) calendar days in any twelve (12) month period — except as provided in subsection (2)(d) below.
- (2) Suspensions without pay of two days or less cannot be appealed to the Independent Hearing Officer (as defined in Section 7, paragraph 4C.); however, the employee may request review of the decision within ten (10) calendar days of the notice.
- (3) Prior to a suspension without pay of more than 2 days, the employee will have the opportunity for a predetermination hearing with the City Administrator or designee. After the hearing, the City Administrator or designee will determine whether this action is appropriate and the employee will be notified of the hearing decision. If the employee receives as discipline a suspension without pay of more than 2 days, the employee may request an appeal to the City's Independent Hearing Officer (as defined in Section 7, paragraph 4C.) within ten (10) calendar days of the hearing decision. The appeal must be in writing and submitted to the City Recorder as outlined below. After the Independent Hearing Officer conducts a hearing as outlined below, he/she will certify a decision with the City Recorder no later than (15) calendar days after the day the hearing was held, except for good cause, this may be extended for up to sixty (60) calendar days if the employee and City both consent. The Independent Hearing Officer's decision serves as the City's final action.

C. Demotion

- (1) The City Administrator or Assistant City Administrator, at his/her own discretion or upon the recommendation of a Department Director, may demote an employee for cause.
- (2) An employee cannot appeal a transfer to a position with less remuneration if the transfer is the result of a reorganization or other non-disciplinary reason.
- (3) Prior to a disciplinary demotion, the employee will have the opportunity for a predetermination hearing with the City Administrator or designee. After the hearing, the City Administrator or designee will determine whether this action is appropriate and the employee will be notified of the hearing decision. If the employee receives as disciplinary demotion, the employee may request an appeal to the City's Independent Hearing Officer (as defined in Section 7, paragraph 4C.) within ten (10) calendar days of receipt of the hearing decision. The appeal must be in writing and submitted to the City

Recorder as outlined below. After the Independent Hearing Officer conducts a hearing as outlined below, he/she will certify a decision with the City Recorder no later than (15) calendar days after the day the hearing was held, except for good cause, this may be extended for up to sixty (60) calendar days if the employee and City both consent. The Independent Hearing Officer's decision serves as the City's final action.

- (4) All regular employees demoted for disciplinary reasons will not be eligible for promotion or an increase in compensation for a period of one (1) year from the time of the demotion.

D. Termination

- (1) The City Administrator or Assistant City Administrator, at his/her own discretion or upon the recommendation of a Department Director, may terminate an employee for cause.
- (2) Department Directors requesting termination of an employee for any reason will first consult with the City Administrator or designee.
- (3) An employee cannot appeal a termination if the termination is the result of a layoff, reorganization or other non-disciplinary reason.
- (4) Prior to a disciplinary termination, the employee will have the opportunity for a predetermination hearing with the City Administrator or designee. After the hearing, the City Administrator or designee will determine whether this action is appropriate and the employee will be notified of the hearing decision. If the employee receives a disciplinary termination, the employee may request an appeal to the City's Independent Hearing Officer (as defined in Section 7, paragraph 4C.) within ten (10) calendar days of receipt of the hearing decision. The appeal must be in writing and submitted to the City Recorder as outlined below. After the Independent Hearing Officer conducts a hearing as outlined below, he/she will certify a decision with the City Recorder no later than (15) calendar days after the day the hearing was held, except for good cause, this may be extended for up to sixty (60) calendar days if the employee and City both consent. The Independent Hearing Officer's decision serves as the City's final action.

E. Independent Hearing Officer/Independent Personnel Board Concurrent Hearing. For Appeals under this Section, which may include a claim associated under Section 9: Whistleblower Protection Policy, the City Administrator may choose for the Independent Personnel Board (as defined in Section 9, paragraph 4) to hear the appeal. In such cases, the Independent Personnel Board shall have all the duties and responsibilities outlined herein of the Independent Hearing Officer (as defined in Section 7, paragraph 4C.).

4. APPEAL OF CERTAIN DISCIPLINARY ACTIONS.

After certain disciplinary decisions by the City Administrator or designee in accordance with this Section an employee may appeal the decision as set forth herein.

- A. Right to Appeal. Any City employee, other than those employees who hold positions listed in Utah Code 10-3-1105, have the right to appeal to the Independent Hearing Officer (as defined in Section 7, paragraph 4C.) a disciplinary action by the City of discharge, suspension of over two days without pay, or involuntary transfer to a position with less remuneration, except in instances an employee is discharged or involuntarily transferred to a position with less remuneration if the discharge or involuntary transfer is the result of a layoff, reorganization or other non-disciplinary reason.
- B. Methods of Appeal.
 - (1) Appeals will be in writing, signed by the appellant, and delivered in person, email or by first-class mail to the City Recorder. Appeals must be received by the City Recorder within ten (10) calendar days of the receipt of the disciplinary decision of discharge, suspension of over two days without pay or involuntary transfer to a position with less remuneration. The formality of a legal pleading is not required. The appeal will be a written statement, addressed to the City Recorder, explaining the matter appealed, the specific grounds for the appeal (explaining why he/she believes the decision appealed is incorrect), and setting forth therein a statement of the action desired by the appellant. The written appeal will constitute the entire subject matter before the Independent Hearing Officer (as defined in Section 7, paragraph 4C.). The appellant may not add new matters, grounds, or theories to those already stated in the original appeal. The Independent Hearing Officer will not have jurisdiction to consider any such additional subject matters, grounds or theories outside of the written appeal. Failure to file the appeal on time will constitute a waiver, and the decision will become final.
 - (2) Upon the filing of an appeal, the City Recorder shall refer a copy of a properly filed appeal to the Independent Hearing Officer (as defined in Section 7, paragraph 4C.) and shall notify the City Attorney and the City Administrator.
 - (3) Upon receipt of the appeal from the City Recorder, the Independent Hearing Officer (as defined in Section 7, paragraph 4C.) will set a date for a hearing on the appeal to take and receive evidence and fully hear and determine the matter which relates to the reason for the discharge, suspension or transfer. The Independent Hearing Officer shall, unless good cause for extending the date of the hearing is shown, conduct the hearing not less than fourteen (14) calendar days or no more than forty-two (42) calendar days from the date the Independent Hearing Officer received the appeal.

(4) The City Attorney, or his/her designee, will notify the parties of the date, time, and place of the hearing. The City Administrator will designate a person to provide administrative assistance to the Independent Hearing Officer (as defined in Section 7, paragraph 4C.).

C. Independent Hearing Officer

(1) Pursuant to a periodic solicitation of qualifications or through cooperative solicitation, the City shall establish a list of at least three attorneys (or fewer if an insufficient number of qualified candidates respond to the solicitation), who are licensed and in good standing with the State Bar of Utah and who have at least five years of experience and knowledge of municipal law and/or public employment law, to serve as the Independent Hearing Officer. Upon receipt of a written appeal, the City Administrator or his/her designee shall select the Independent Hearing Officer from the qualified list.

(2) The City shall pay the reasonable fees and costs of the Independent Hearing Officer; however, the Independent Hearing Officer will not represent either the City or the appellant. The duties of the Independent Hearing Officer are to issue rulings and determinations pursuant to these rules.

(3) Independent Hearing Officer. The Independent Hearing Officer shall have the following duties and authority.

(a) Pre-Hearing:

- i. Consider and rule on any pre-hearing motions, including motions on discovery disputes and motions that could result in the dismissal of the appeal for failure to follow these rules.
- ii. Set reasonable restrictions and deadlines for the timing and conduct of the hearing.
- iii. Prepare the hearing notice and agenda.

(b) Presiding over the Hearing

- i. Rule on objections and motions by a party.
- ii. Certify his/her decision with the City Recorder no later than 15 days after the day on which the hearing is held, except for good cause the deadline may be extended to a maximum of 60 calendar days if the employee and City both consent. The decision and findings shall be based on substantial evidence. The burden of proof shall be in accordance with those set forth by statute and the Utah Court of Appeals in its most recent decisions relating to public employment appeals

D. Pre-hearing Procedures. Prior to the hearing, unless otherwise ordered by the Independent Hearing Officer:

- (1) The parties can request relevant documents from the other party prior to the hearing. All such discovery requests should be sent to the opposing party at least 10 calendar days prior to the hearing. The opposing party shall produce the documents requested, or file an objection to the discovery, within 7 calendar days of receiving the discovery requests.
- (2) At least seven (7) calendar days prior to the hearing, the City and the appellant shall disclose to one another the witnesses that each anticipates calling, a synopsis of their testimony, and any documents each anticipates presenting to the Independent Hearing Officer (as defined in Section 7, paragraph 4C.). The proposed testimony and exhibits must relate to the written appeal filed by the appellant. Any proposed testimony or exhibits that do not relate to the written appeal shall not be considered or presented. The Independent Hearing Officer (as defined in Section 7, paragraph 4C.) will make this determination, as necessary.
- (3) Not less than three (3) calendar days after the exchange of proposed testimony and exhibits, the parties shall work together to determine if either side objects to any exhibits, and work through those objections. If after consulting with one another, there is still a disagreement, the parties shall file a brief letter (no more than five pages) outlining the disputed items to the Independent Hearing Officer (as defined in Section 7, paragraph 4C.).

The letter must be filed at least two (2) calendar days prior to the hearing. If there is no dispute, no letter need be filed. The Independent Hearing Officer shall rule on any disagreement prior to or at the time of the hearing. A copy of all exhibits the parties rely upon during the hearing shall be presented to the Independent Hearing Officer at the hearing.

E. Hearings

- (1) At the time and place of the hearing, the appellant may appear in person and be represented by counsel; have a hearing open to the public; present oral and documentary evidence deemed admissible by the Independent Hearing Officer (as defined in Section 7, paragraph 4C.); confront the witness whose testimony is to be considered; and examine the evidence to be considered by the Independent Hearing Officer.
- (2) The proposed testimony and exhibits used by the appellant and/or the City shall only be those permitted pursuant to subsection (d) above. No other witnesses or documents will be considered by the Independent Hearing Officer (as defined in Section 7, paragraph 4C.) unless (i) the party can show that it was newly discovered, there was prompt disclosure, and the evidence is crucial or (ii) the Independent Hearing Officer may, at his/her discretion,

exclude certain witnesses or documents even if timely disclosed if such evidence would be irrelevant, cumulative, redundant, or overly prejudicial.

- (3) The City will present its case first, establishing the reasons for the employment action. At the conclusion of the City's case, the appellant will then present his/her case in opposition. Each side may call its disclosed witnesses. The parties are responsible for securing the attendance of their own witnesses, but the City will, to the extent possible and practical, make City employees available for the hearing if timely disclosed. The parties do not have any subpoena power to compel a witness's attendance.
- (4) Cross-examination of witnesses will be permitted.
- (5) The conduct and decorum of the hearing will be under the control of the Independent Hearing Officer (as defined in Section 7, paragraph 4C.), with due regard to the rights and privileges of the parties.
- (6) Hearings need not be conducted according to technical rules relating to evidence and witnesses.

F. Findings and Recommendations

- (1) The Independent Hearing Officer (as defined in Section 7, paragraph 4C.) shall certify a decision with the City Recorder no later than fifteen (15) calendar days after the day on which the hearing is held, except for good cause and the consent of the employee and the City, the Independent Hearing Officer may extend the deadline to certify the decision up to a maximum of sixty (60) calendar days after the day on which the hearing is held.
- (2) If the Independent Hearing Officer (as defined in Section 7, paragraph 4C.) finds in favor of the employee, the Independent Hearing Officer shall provide that the employee shall receive (i) the employee's salary for the period of time during which the employee is discharged or suspended without pay less any amounts the employee earned from other employment during this period of time; or (ii) any deficiency in salary for the period during which the employee was transferred to a position of less remuneration.
- (3) The final action of the Independent Hearing Officer (as defined in Section 7, paragraph 4C.) may be reviewed by the Utah Court of Appeals by filing with that court a timely petition for review.

SECTION 8: GRIEVANCES

1. STATEMENT.

- A. This Section applies to all employees.
- B. The City of Highland, in keeping with its policy of maintaining satisfactory working conditions, provides the following means to ensure fair handling of employee complaints and grievances.
- C. Every effort shall be made to find an acceptable solution by informal means at the lowest level of supervision by trying to get it settled through discussion with his/her immediate supervisor without undue delay.

2. MATTERS SUBJECT TO GRIEVANCES.

For the purpose of this Section, a grievance means any dispute regarding the meaning, interpretation, or alleged violation of these policies and procedures related to the terms and conditions of an employee's employment, except those set forth below in Matters Not Subject to Grievance.

3. MATTERS NOT SUBJECT TO GRIEVANCE

- A. This policy on grievances does not apply to complaints related to disciplinary decisions of discharge, suspension of over two days without pay, or involuntary transfer to a position with less remuneration (see Section 7: Discipline).
- B. This grievance policy also does not apply to complaints brought pursuant to the Utah Protection of Public Employees Act (see Section 10: Whistleblower Protection Policy).
- C. An employee cannot grieve the contents of a performance evaluation, the lack or amount of a pay increase (merit or otherwise) or a Formal Reprimand (see Section 7: Discipline). If an employee believes that the performance evaluation, lack or amount of pay increase or Formal Reprimand is due to unlawful discrimination, harassment (including sexual harassment), and/or is in retaliation for making a complaint or participating in an investigation under Section 5, the employee shall follow the procedures in Section 5: Unlawful Discrimination, Harassment (including Sexual Harassment) and Retaliation, or if appropriate the procedures in Section 10: Whistleblower Protection Policy.
- D. An employee may not file a grievance for any concern more than ten (10) calendar days after the employee first becomes aware of it.

4. PROCEDURES

A. Informal Grievance Procedure

- (1) Every effort should be made to find an acceptable solution by informal

means at the lowest level of supervision. If an employee fails to follow this informal procedure, the grievance will be denied and he/she will not be permitted to proceed to the formal grievance procedure outlined below.

- (2) An employee who has a problem or complaint should first try to get it settled through discussion with his/her immediate supervisor without undue delay.
- (3) If, after this discussion, he/she does not believe the problem has been satisfactorily resolved, he/she will have the right to discuss it with City Administrator and Human Resource Analysts.

B. Formal Grievance Procedure. If the employee has properly followed the informal grievance procedure and the matter is not resolved, the employee is eligible to elevate the grievance to a Formal Grievance. An employee who has Formal Grievance must put the grievance in writing, citing the article and section of the personnel policies and procedures alleged to be violated, the date of the violation that is the basis for the grievance, the nature of the grievance, and the relief requested.

- (1) First Level of Review
 - (a) This grievance should be presented to the employee's immediate supervisor, within ten (10) calendar days of the occurrence, and no later than ten (10) calendar days after the informal grievance procedure has been fully exhausted.
 - i. The supervisor should render his/her decision and comments in writing and return them to the employee within ten (10) calendar days after receiving the grievance.
 - ii. If the employee does not agree with his/her supervisor's decision, or if no answer has been received within ten (10) calendar days, and the employee wishes to continue in the grievance process, the employee may present the grievance in writing to his/her supervisor's immediate Department Director (the "second level supervisor").
 - iii. Failure of the employee to take further action within ten (10) calendar days after receipt of the written decision of his/her supervisor or within a total of twenty (20) calendar days after presentation of the grievance to the employee's immediate supervisor if no decision is rendered, will constitute a withdrawal of the grievance.
- (2) Additional Level(s) of Review as Appropriate.

- (a) The second level supervisor receiving the grievance will review it, render his/her decision, and comments in writing, and return them to the employee within ten (10) calendar days after receiving the grievance.
- (b) If the employee does not agree with the second level supervisor's decision, or if no answer has been received within ten (10) calendar days after the second level supervisor received the grievance, and the employee wishes to continue in the grievance process, he/she may present the grievance in writing to the City Administrator.
- (c) Failure of the employee to take further action within ten (10) calendar days after receipt of the decision, or within a total of twenty (20) calendar days of referral to his/her second level supervisor if no decision is rendered, will constitute a withdrawal of the grievance.

(3) City Administrator

- (a) Upon receiving the grievance, the City Administrator or designee should discuss the grievance with the employee and with other appropriate persons.
- (b) The City Administrator or designee may designate a fact-finding committee or investigator to advise him/her concerning the grievance.
- (c) The City Administrator or designee will render a final decision. Grievances may not be appealed to the Independent Hearing Officer (as defined in Section 7, paragraph 4C.)

(4) Formal grievances against City Administrator, Mayor or members of the City Council are to be sent to the HR Analyst through a restricted email account or confidential mail. The grievance shall then be forwarded to the City Attorney. The City Attorney shall then determine the appropriate process to address the grievance. Grievances may not be appealed to the Independent Hearing Officer (as defined in Section 7, paragraph 4C.).

End of Section 8

SECTION 9: WHISTLEBLOWER PROTECTION POLICY

1. UTAH CODE ANNOTATED 67-21-1.

Pursuant to the Utah Protection of Public Employees Act, Utah Code Section 67-21-1 *et seq.* (the “Act”):

- A. Highland City will not take adverse action against an employee because the employee, or a person authorized to act on behalf of the employee, communicates in good faith (1) the waste or misuse of public funds, property or manpower; or (2) a violation or suspected violation of a law, rule or regulation adopted under the law of Utah, a political subdivision of Utah, or a recognized entity of the United States. Highland City encourages employees to report such issues either to the City Administrator or Human Resource Analyst, or anonymously through a restricted email account or confidential mail to the City Recorder. The employee reporting such issues is not responsible for investigating the activity or for determining fault or corrective measures.
- B. Highland City will also not take adverse action against an employee because the employee participates or gives information in an investigation, hearing, court proceeding, legislative or other inquiry, or other form of administrative review held by Highland City.
- C. Highland City will not take adverse action against an employee because the employee has objected to or refused to carry out a directive that the employee reasonably believes violates a law of Utah, a political subdivision of Utah, or the United States, or a rule or regulation adopted under the authority of the laws of Utah, a political subdivision of Utah, or the United States.

2. RETALIATION.

Any employee who believes he/she is being retaliated against (i.e., termination, compensation, negative changes in work assignments, threats, etc.) in violation of the Act must file a complaint with the Independent Personnel Board (defined in paragraph 4. below), by delivering the complaint to the Human Resource Analyst, within 10 calendar days of the adverse action that was taken. The Independent Personnel Board will set a date for a hearing on the appeal not less than ten (10) calendar days or no more than thirty (30) calendar days from the date of the receipt of the complaint, unless otherwise mutually agreed upon by Highland City and the employee.

3. HEARING.

At the hearing, Highland City has the burden of proof to establish by substantial evidence that Highland City’s action was justified by reasons unrelated to the employee’s good faith actions set forth in Section 1 above.

4. INDEPENDENT PERSONNEL BOARD.

The City Administrator or designee selects the members of the Independent Personnel Board. The Independent Personnel Board shall be three (3) persons of which one at least

one shall be an attorney licensed and in good standing with the State Bar of Utah with at least five years of experience and knowledge of municipal public employment law. The other members shall be employed by a city other than Highland City and one shall hold the position of City Department Director, City Administrator or equivalent and the other shall be a public employment law human resource professional.

5. DECISION.

The Independent Personnel Board (defined in paragraph 4. above) shall render its decision and enter its order within 15 calendar days of the hearing.

6. ADVERSE ACTION.

If the Independent Personnel Board (defined in paragraph 4. above) finds that adverse action was taken in violation of the Act, the Independent Personnel Board may order (a) reinstatement of the employee at the same level as before the adverse action; (b) the payment of back wages; (c) full reinstatement of fringe benefits; (d) full reinstatement of seniority rights; or (e) if the adverse action includes failure to promote, if the employee would otherwise have been promoted, a pay raise that results in the employee receiving the pay that the employee would have received if the employee had been promoted.

7. PENALTY.

The Independent Personnel Board (defined in paragraph 4. above) may also order an employee who violated the Act to pay a civil fine of not more than \$500 and/or dismissal from employment.

8. ADDITIONAL PENALTY.

An employee who knowingly makes a false accusation against Highland City or its agent in violation of the Act is subject to a fine not to exceed \$5,000 and dismissal from employment.

9. COMMUNICATION.

Highland City will post notices and use appropriate measures to keep employees informed of their rights and obligations under the Act. Employees will be provided a copy of the Act when they are hired, when they request a copy, and when they file a complaint under the Act.

10. CONFORM.

Highland City will comply with the Act as it is revised and amended by the Utah Legislature from time to time.

SECTION 10: TERMINATION OF EMPLOYMENT

1. TYPES OF TERMINATION.

Any involuntary termination or termination of any employee who is allowed to resign, in lieu of an involuntary termination, should be reviewed with legal counsel before termination is pursued.

- A. Retirement. Voluntary termination at the end of an employee's career.
- B. Voluntary Resignation. When an employee wishes to leave Highland City, the employee should complete a Notice of Voluntary Resignation Form and present it to the City Administrator, or designee.
- C. Resignation, in Lieu of an Involuntary Termination, Agreement. The City Administrator, or designee, may conclude that an employee should be involuntarily terminated for no reason (for probationary employees and Department Heads) or for cause. If involuntary termination proceedings have begun, but have not been completed and an employee suggests that he or she would like to voluntarily resign, the City Administrator, or designee, may agree to a resignation in lieu of an involuntary termination.
- D. Involuntary Termination. The City Administrator, or designee, may conclude that an employee should be involuntarily terminated.
- E. Reduction in Force/Layoffs. Whenever it is necessary to reduce the number of employees in a City department because of lack of work or lack of funds, the City shall, whenever possible, attempt to minimize layoffs by readjustment of personnel through reassignment of duty in other departments. Thereafter, the City Administrator, after conferring with the affected Department Directors, shall determine which positions must be eliminated and have the least impact upon the City and the delivery of services to its residents.
- F. Death. If an employee of Highland City dies, their estate receives all pay due and any earned and payable benefits (such as payment for compensation time, annual leave, and/ or sick leave) as of the date of death.
- G. Appointed Positions. Appointed positions may be discharged at any time with or without cause by the City Administrator with either the consent of the Mayor and majority of the members of the City Council, or the consent of all members of the City Council without the consent of the Mayor. Appointed positions may also be removed by the mayor with the consent of a majority of the members of the city council.
- H. Department Heads. Department heads may be discharged at any time with or without cause by the City Administrator. The City Administrator should review such potential discharge with legal counsel and the Mayor before termination is pursued.

2. REQUIRED NOTICE PRIOR TO TERMINATION.

- A. Employees are not required to give prior notice before terminating their employment. However, all employees, including “at-will” employees, must notify Highland City at least one (1) month before retiring or two (2) weeks if voluntarily resigning to be eligible:
 - (1) To receive pay for vested sick leave (if applicable).
 - (2) For rehire.
- B. Highland City is not required to give any prior notice to an employee before terminating their employment with Highland City.
- C. Unused, accrued vacation leave (if applicable) will be paid for terminations of employment involving reductions in force/layoffs, medical reasons, and deaths.

3. TERMINATION PROCEDURES.

- A. A Notice of Voluntary Resignation Form, signed by the employee and the City Administrator, or designee, may be utilized in Voluntary Resignations.
- B. Involuntary Terminations/Separations for Cause require Highland City to provide its terminating employees with written notification of due process, unless the person is in a position listed in Utah Code 10-3-1105(2) and -1105(3).
- C. A Resignation in Lieu of an Involuntary Termination Agreement, signed by the employee and the City Administrator, or designee, may be utilized in negotiated terminations. A Resignation in Lieu of an Involuntary Termination Agreement does not require Highland City to provide its terminating employees with written notification of due process.
- D. The following steps should be taken for Voluntary Retirements:
 - (1) Employees who desire retirement should notify Highland City three (3) month in advance.
 - (2) Upon request for retirement benefits, Highland City should notify the administrator of the retirement program and the appropriate state and federal regulatory agencies.
 - (3) Highland City should give the employees ample time to review the retirement plan.
 - (4) Highland City should have the employees sign a release, or at least a declaration statement, to the effect that they are electing retirement of their own free will.

E. The following steps should be taken for Reductions in Force/Layoffs:

- (1) Determine whether Highland City is required to follow statutory guidelines related to the reduction in force/layoff. Highland City will follow all applicable laws.
- (2) In the selection of employees for Highland City's reduction in force/layoff, the following guidelines, among other things, may be considered:
 - (a) The employee's ability to perform the work assignments within the affected department.
 - (b) Seniority may govern the selection when ability is equal.
 - (c) Emergency, temporary, and probationary employees may be laid off first.
 - (d) If Highland City cannot give advanced notice of a reduction in force/layoff to the employee, two weeks' severance pay may be given in lieu of notice for a bona fide reduction in force/layoff.
- (3) Written reductions in force/layoffs notices should contain the following information:
 - (a) Statement that separation from employment is based on reduction in force/layoff.
 - (b) Anticipated date of layoff.
 - (c) Any options regarding employee placement in another position.

F. Outstanding Pay.

- (1) Arrange for distribution of any paychecks which may be due the employee, including pay for any hours worked but not paid; pay for unused, accrued vacation leave (if applicable). A terminated employee shall not be paid for accrued sick leave or administrative comp time, which expire upon termination.
- (2) Under Utah State law, the required timing of the final payment at termination is:
 - (a) Employee's Voluntary Resignation: The next regular pay date.
 - (b) An Involuntary Termination/Separation for Cause: Within (24) twenty-four hours of termination.

- G. The terminating employee will return any supplies or equipment, which are the property of Highland City, to Highland City at termination.
- H. All terminating employees should complete an Exit Interview Form with the City Administrator, or designee. The Exit Interview Form should be signed by the employee and the City Administrator, or designee.

4. COBRA.

Any employee, who is eligible for benefits, that is separated from Highland City, is entitled to a continuation of insurance coverage per the mandates of the Consolidated Omnibus Budget Reconciliation Act of 1985 or COBRA plan as stated in the Highland City's COBRA Notification.

- A. Individuals who are entitled to continued benefits under COBRA guidelines are required to pay the entire premium required under the policy during the entire period of the continued coverage. The premium a qualifying individual will be required to pay may not exceed one hundred and two percent (102%) of the applicable premium for any period of continued coverage. Failure to pay the monthly premium will result in a cancellation of the insurance.
- B. The insurance benefits offered under the COBRA guidelines will be terminated if and when any of the following occur:
 - (1) A qualifying individual fails to pay the premium at the time it is required.
 - (2) A qualifying individual becomes eligible for coverage under any other group insurance plan due to employment or remarriage.
 - (3) At the expiration of a qualifying individual's maximum continuation period.
- C. The offer of continued insurance coverage under COBRA is made independent of any other offer to continue insurance that may be required under any applicable state law.
- D. A qualifying individual has sixty (60) days from the termination date of their current coverage to decide whether to continue their insurance coverage under this plan. If they decide to apply for the continued coverage, all due and owing premiums must be paid before coverage will be granted. If they fail to apply for coverage within the sixty (60) days, they will have waived their rights to continuation of coverage under the COBRA guidelines. They are not required to apply for or accept coverage under COBRA.

5. RETURN OF CITY PROPERTY

- A. Employees are responsible for City property issued to them by the City which is in their possession or control. Upon termination or resignation, an employee shall

return to the City all of the City property in their possession or control, such as the following:

- (1) Credit Card
- (2) Insurance Cards
- (3) Tools
- (4) Equipment
- (5) Keys
- (6) Uniforms
- (7) Employee Handbook
- (8) Manuals
- (9) Vehicles
- (10) Gas Cards
- (11) Protective Equipment
- (12) Written Materials (includes those produced or developed as a consequence of work performed for, or otherwise directly on behalf of the City)

- B. The above list is not intended to be all inclusive, and other City property, material(s) or equipment issued to employees and/or within their control and possession, shall also be returned.
- C. Employees are required to return all City-owned equipment, property and accessories checked out to them and which they agreed to return in good condition. The value of such items owned by the City that are not returned promptly when requested will be deducted from any pay otherwise due the employee, to the extent agreed upon with the employee and by written authorization of the employee and allowed under applicable state and federal law.

6. SEVERANCE

- A. This section applies only to the following individuals whose employment is not otherwise governed by a written contract. If an appointed officer or department head has a written contract, the terms of such contract supersede any contrary term or provision set forth herein:

- 1. Appointed officers:
 - a. Police Chief (if subject to this policy)
 - b. Fire Chief (if subject to this policy)
 - c. City Engineer
 - d. City Recorder
 - e. City Treasurer
 - f. City Attorney
 - g. Justice Court Judge
 - h. City Finance Director
 - i. City Administrator
 - j. Other offices created by statute or ordinance

B. Definitions.

- (1) "For Cause" in this section means:
 - (a) Criminal conduct, regardless of whether criminal charges were filed or a conviction was obtained.
 - (b) Repeated violation of City policies and procedures.
 - (c) Misconduct.
 - (d) Negligent or inadequate performance of one's duties.
 - (e) Harassing behavior that creates a negative work environment for others.
 - (f) Dishonesty.
 - (g) Misuse of City funds or property.
 - (h) Insubordination.
- (2) "Severance" means twelve (12) weeks' salary or earnings, plus vacation time and any accrued overtime comp time that has accrued prior to and up to the date of separation, less all applicable deductions and withholdings. A person paid severance is not entitled to any additional accrual or payment of sick-time or administrative comp time.

C. No notice is required prior to discharge of those individuals listed in subsection 6(A).

D. An employee listed in subsection 6(A) with at least one year of service who is discharged from the City for any reason other than for cause, shall receive severance.

E. Severance is contingent upon an employee signing the City's severance and release agreement.

SECTION 11: RECORD KEEPING

1. GENERAL POLICY.

Federal law requires employers to keep certain data about their employees.

2. CONFIDENTIALITY.

Employee records are maintained in compliance with the law. Access to certain employment records may be limited to employees and their supervisory chain. Employee records are classified as Private under the Government Records Access and Management Act.

3. PERSONNEL FILE REQUIREMENTS.

A. General.

- (1) Personnel files are maintained on each employee and kept by the City Administrator, or designee. The record copy (original) of all appropriate personnel information, as set forth hereafter, related to an employee shall be filed in the employee's personnel file.
- (2) No information from any record placed in an employee's personnel file will be communicated to any person or organization except by the City Administrator, or designee.
- (3) Employees, or their representative designated in writing, may examine the employee's personnel file upon request during normal working hours at Highland City. When a supervisor requires access to the personnel file of an employee under their supervision for the handling of personnel matters, the supervisor must obtain authorization from the City Administrator, or designee.
- (4) It is the responsibility of each employee to promptly notify the City of any changes in personnel data, including personal mailing addresses, telephone numbers, number and names of dependents, individuals to be contacted in the event of an emergency, and other status reports. Such information should be accurate and current at all times.

B. Contents.

- (1) An employment record, including the employee's job application, resume, interview forms, Employee's Withholding Allowance Certificate (Form W-4), etc.
- (2) A signed copy of the employee's acknowledgment of receiving a copy of the personnel policies and procedures manual, and the job description for the position the employee currently occupies.

- (3) Election form to disclose or keep confidential the employee's home address and home telephone number.
- (4) Personnel action forms, such as:
 - (a) Performance evaluations.
 - (b) Promotions or transfers.
 - (c) Salary rate changes.
 - (d) Disciplinary action taken.
- (5) An employee can ask that his or her response to any of the above actions be included in the employment record.
- (6) Records of citations for excellence or awards for good performance.
- (7) Official records of vacation and sick leave accrual and of leave usage are kept for employees by the City Administrator, or designee. Leave balances are shown on the official record to reflect any remaining leave to which an employee is entitled. Employees may check with the City Administrator, or designee, to obtain information regarding their current leave usage.
- (8) Record of any other pertinent information having a bearing on the employee's status.

C. Employee Information/Change of Employee Status. Employees are responsible for ensuring that personal employee information contained in their personnel files is current and accurate. Changes to employee information relevant to benefits from the City (any change in number of dependents, marital status, address, telephone number, etc.) should be updated within 28 days by completing an Employee Information/Change of Status Form and giving it to the City Administrator, or designee, to file in their personnel file.

D. Giving References. Employees who are asked to give a reference to another employee shall direct that person to the City Administrator. The City Administrator, or designee, shall provide the following information in response to a reference request:

- (1) Verification that the employee worked, full-time or part-time, for Highland City during a stated period.
- (2) A description of the position held.
- (3) Verification that the employee achieved a given salary range.

4. OTHER FILES.

Records should be examined annually to keep the files current and to save those records that management feels should be kept longer. Records related to the items listed below should be kept for the time periods indicated:

- A. Job applications: two (2) years from date submitted if the person is not hired, or if the person is hired, two (2) years after the employment ends.
- B. Test papers completed by job applicants or candidates for any position: two (2) years from the date of testing.
- C. Results of any post-offer, pre-employment physical exams: four (4) years.
- D. Any advertisements or notices relating to job openings, promotions, training programs, or opportunities for overtime work: two (2) years.
- E. Records of promotion, demotion, transfer, selection for training, layoff, rehire, or termination of any employee: two (2) years from date of final action.

5. FLSA REQUIREMENTS.

The Federal Labor Standards Act (FLSA) requires Highland City to keep all of the following data on all employees for a period of at least three (3) years.

- A. Employee's sex.
- B. Time and day work week begins.
- C. Hours worked each day and total hours worked each week.
- D. Total daily or weekly straight-time earnings.
- E. Total additions to, or deductions from, wages paid each pay period, including an explanation of items that make up additions and deductions.
- F. Date of payment and pay period covered.
- G. Total overtime above regular compensation for work week.

6. OTHER REQUIREMENTS.

There are record keeping requirements under other federal and state laws over which the personnel record keeping function has jurisdiction:

- A. Occupational Safety and Health Act (OSHA) record of injuries.
- B. Employee Retirement Income Security Act (ERISA) record of pensions.

End of Section 11

SECTION 12: PERFORMANCE EVALUATIONS

1. GENERAL POLICY.

- A. Performance evaluations will consist of a review between the supervisor and the employee.
- B. Goal setting is critical for the development of performance plans and standards. Goals define in broad terms the underlying purpose of a given activity or set of activities.
- C. Objectives specify what should be achieved during an employee's employment with Highland City.
- D. There are certain fundamental principles which govern the establishment of goals, objectives, and performance standards.
 - (1) **Participatory Goal Setting.** In setting goals and objectives of an employee, the supervisor should seek to involve the employee in the process. There should be room for flexibility.
 - (2) **Relate to Organizational Objectives and Goals.** In the performance evaluation process, the supervisor should provide the employee with the larger picture and how his or her work contributes to the organization.
 - (3) **Define Objectives.** Objectives should be clearly defined and understood by both employees and their supervisors.
 - (4) **Give Support.** Supervisors should support the employee in pursuing the achievement of the mutually agreed upon objectives and standards.
- E. Performance Evaluations are classified as Private under the Government Records and Access Management Act.

2. PERFORMANCE PLANS.

- A. When time and circumstances permit, supervisors may complete a written performance plan with their new employees prior to their assignment to their work station. When circumstances do not permit, supervisors should complete a written performance plan with their new employees as soon as possible given the existing constraints. Performance planning is a continuing and collaborative process in which employees and their supervisors:
 - (1) Jointly identify objectives for the next performance evaluation period.
 - (2) Define priorities and performance standards for the next performance period.

- (3) Compare progress against expectations and revise the plan, when necessary.
- B. The performance plan may include goals and objectives, mutually acceptable performance standards, and a prioritization of goals and objectives.
- C. Both employees and their supervisor shall sign the performance plan. The employee shall receive a copy from their supervisor who shall retain a copy.

3. PERFORMANCE STANDARDS.

- A. Performance standards and expectations may be established for each employee.
- B. Employees may periodically be advised of how they are performing in relation to established standards.
- C. Performance evaluations are an ongoing process during which a supervisor and subordinate meet periodically to discuss achievements, review performance and mutually identify strategies to eliminate performance deficiencies. This ongoing process culminates in the written evaluation at the end of the annual performance evaluation period.
- D. Employees may be told by their supervisor the time frames and actions to be taken to improve performance and to increase the value of service.
- E. Employees should not prepare their own performance evaluation. It is the responsibility of the employee's supervisor to prepare performance evaluations.
- F. Employees have the right to prepare relevant concise comments to accompany their evaluations.

4. PERFORMANCE RATINGS.

- A. Each employee evaluation shall provide an overall performance rating which can be equated to one of the following:
 - (1) Unsatisfactory. Performance fails to meet the minimum requirements of the position. Unsatisfactory progress has been made in response to corrective action. Removal from the job/position or termination may be recommended.
 - (2) Marginal. Performance does not meet all requirements of the job/position, although some progress may have been made in response to corrective action.

- (3) Satisfactory. Performance generally meets all requirements of the job/position.
- (4) Good. Performance generally exceeds all requirements of the job/position.
- (5) Exceptional. Performance consistently far exceeds all requirements of the job/position.

5. PERFORMANCE PERIODS.

A. Probationary employees.

- (1) Employees on probation shall have performance evaluations near the end of their probationary period.
- (2) The performance evaluations may be used to provide information to both the employee and management regarding the employee's performance.
- (3) Probationary employees should understand that their performance evaluations and the results of such evaluations shall not obligate Highland City to a particular course of action relative to probationary employees, nor shall it create any property/due process rights for probationary employees relative to their jobs/positions.

B. Regular employees.

- (1) Performance evaluations should be completed annually by the employee's supervisor during the anniversary month of the employee's hire date.
- (2) Although a salary adjustment never automatically follows a performance evaluation, the performance evaluation may be included as a component of any future compensation increase.

6. CONFIDENTIALITY.

- A. Completed performance evaluations shall be stored in the employee's personnel file and become a part of the private information of that file.
- B. Performance evaluations may be used in decisions concerning advancement, future training needs, performance-related salary adjustments, and contested disciplinary actions.

End of Section 12

SECTION 13: EMPLOYMENT CLASSIFICATIONS/COMPENSATION

1. GENERAL POLICY.

Highland City will pay at least minimum wages and overtime to all employees except those who are specifically exempt from minimum wage and overtime under the Fair Labor Standards Act (FLSA) of 1938. Highland City will also provide equal pay to all employees doing similar work which requires substantially equal skill, effort, and responsibility and are performed under similar working conditions in accordance with the Fair Labor Standards Act of 1938 and the Equal Pay Act of 1963.

2. EMPLOYMENT CLASSIFICATIONS.

- A.** Full-time. An employee hired for an indefinite period in a position for which the normal work schedule is thirty (30) or more hours per week. Full-time employees may or may not qualify for specific Highland City benefits.
- B.** Part-time. An employee hired for an indefinite period in a position for which the normal work schedule is less than twenty-nine (29) hours per week. Part-time employees may or may not qualify for specific Highland City benefits.
- C.** Temporary. An employee hired for a position which is required for only a specific, known duration, usually less than six (6) months. Temporary employees typically do not qualify for Highland City benefits.
- D.** Seasonal. An employee hired for a position which is required only for the summer or winter months. Summer or winter only employees typically do not qualify for Highland City benefits.

3. EMPLOYMENT STATUS.

To facilitate provisions of the Fair Labor Standards Act, employees shall also be classified as either exempt or nonexempt with respect to eligibility for overtime payment. They shall be defined as:

- A.** Exempt. Positions of a managerial, administrative, or professional nature, as prescribed by Federal and State Labor Statutes shall be exempt from minimum wage and mandatory overtime payment regulations. If an exempt employee thinks that an inappropriate deduction has been made to the employee's pay, or that the employee's pay is the incorrect amount, the employee shall notify Human Resources within two (2) weeks or within a reasonable time period. Highland City will correct any inappropriate deductions or mistakes in pay.
- B.** Nonexempt. Positions of a clerical, technical, or service nature, as defined by Federal and State Labor Statutes, which are covered by provisions for minimum wage and mandatory overtime payment regulations. If a nonexempt employee thinks that an inappropriate deduction has been made to the employee's pay, or that the employee's pay is the incorrect amount, the employee shall notify Human Resources within two (2) weeks or within a reasonable time period. Highland City

will correct any inappropriate deductions or mistakes in pay.

4. WORK WEEK.

- A. Begins on Friday morning at 12:01 a.m.
- B. Ends on Thursday evening at 12:00 a.m. (midnight).

5. WORK HOURS.

Highland City will notify employees of the standard work times for their position.

6. ATTENDANCE.

Employees shall be in attendance at their work stations during normal working hours.

7. BREAKS AND LUNCH PERIODS.

- A. Full-time:
 - (1) Breaks: Two (2) optional fifteen (15) minute paid breaks during a standard work day. Breaks cannot be used to extend the lunch period or shorten an employee's work hours.
 - (2) All full-time employees must take a minimum of one-half (1/2) hour for a lunch break during the standard work day.
- B. Part-time: As directed by the City Administrator, or designee.
- C. Employee breaks and lunch periods will be scheduled at the discretion of the City Administrator, or the employee's supervisor, to ensure continuity in the flow of work.
- D. If employees choose to work through their paid breaks, it is their decision to do so, and no extra compensation will be given for the extra time worked. An employee is prohibited from performing any work during unpaid work breaks.

8. COMPENSATORY TIME OFF.

- A. Employees may receive compensatory time off in lieu of overtime pay if approved in writing by employee's supervisor. The City Administrator, or designee, reserves the right to schedule when an employee's accrued compensatory time will be used. Written employee requests to use their accumulated compensation time during specific dates and times must be approved by the City Administrator, or designee, who shall honor the requests unless granting the compensatory time off would create a substantial hardship for Highland City.
- B. The law requires that after nonexempt employees have accumulated the maximum amounts of compensatory time off during any work period, any additional overtime must be paid as set forth below:

- (1) Not more than two hundred forty (240) hours of compensatory time off may accrue annually from January 1 to December 31. Any hours above two hundred forty (240) will be paid as overtime at the next pay period.
- (2) Employees may accrue up to two hundred forty (240) hours of compensatory time from January 1 to December 31. If the employee's compensatory time balance exceeds one hundred sixty (160) hours on December 31, excess will be paid as overtime.
- (3) Employees who have accrued compensatory time may:
 - a. Schedule the use of compensatory time by November 1.
 - b. Request payment of compensatory time by December 1.
- (4) Accrued compensatory time off must be paid out in full if change in job status/classification, including, but not limited to a promotion occurs before the effective date of the job change.
 - a. Exceptions may be approved by the Department Head if prior arrangements have been made for the use of compensatory time.

C. Compensatory time off will be accumulated at the overtime rate of one and one-half (1½) hours for all overtime hours worked.

9. OVERTIME PAY.

- A. For eligible employees overtime pay would apply for over forty (40) hours worked in a work week, and shall be compensated at the rate of one and one-half (1½) the regular hourly rate of the employee. In lieu of such overtime pay, an employee may, with approval of their supervisor, accrue compensatory leave time.
- B. If a holiday, vacation, or sick day falls within a work week, the employee must work forty (40) hours over and above these hours before overtime must be paid. If an employee works on a holiday because of an emergency situation, they will:
 - (1) Receive regular straight-time pay for the time worked, plus holiday pay.
 - (2) Or, with approval of the City Administrator, or designee, be allowed to take the holiday off at a later date.
- C. An employee must obtain approval from the employee's supervisor to work overtime prior to working overtime. A supervisor should not authorize more overtime than authorized by the City Budget or approved by the City Administrator in any fiscal year. Overtime shall be authorized for personnel only when absolutely necessary to provide required services. Violation of the overtime policy may result in disciplinary action, up to and including termination.

10. TIME SHEETS.

All employees will complete and sign, as verification of accuracy, an Employee Time Sheet showing all hours worked, including overtime, and submit the time sheet to the City

Administrator, or designee, for examination and filing.

End of Section 13

SECTION 14: SALARY PLANNING

1. GENERAL POLICY.

The City Administrator, in conjunction with the City Council, shall be responsible for the development and maintenance of a uniform and equitable pay plan for Highland City, which shall consist of minimum and maximum rates of pay for each position and such intermediate steps as deemed necessary and equitable. Salaries shall be linked directly to the position classification plan and may take into consideration the following factors:

- A. Ranges of pay for other positions.
- B. Prevailing rates of pay for similar employment in both public and private organizations.
- C. Cost of living factors.
- D. Other benefits received by employees.
- E. The financial policy and economic conditions of Highland City.
- F. Employees who have worked for Highland City for less than one (1) year are typically placed on a level within step A. Employees who have worked for Highland City for over one (1) year but less than ten (10) years are typically placed on a level within step B. Employees who have worked for Highland City for more than ten (10) years are typically placed on a level within step C.

2. PAY PLAN DEVELOPMENT AND ALLOCATION.

- A. The City Administrator, or designee, shall periodically conduct a study of salary levels and shall make adjustment recommendations to the Salary Plan adopted as part of these rules as Appendix A. Implementation of adjustments are subject to the availability of funds and at the discretion of the City Council.

3. APPOINTMENT.

- A. Pay for newly hired employees shall normally be set at the minimum of the pay range assigned to a job class. However, the City Administrator, may approve hires up to the range of midpoint, as warranted by job qualifications and experience subject to the availability of funds.
- B. The City Administrator shall not authorize hiring above the midpoint of a pay range except in unusual circumstances and with prior approval from the City Council.

4. MERIT INCREASE.

- A. The City Administrator may approve merit increases effective during the anniversary month of the respective employee subject to the adopted budget.

- B. Regular full-time and part-time employees are eligible to receive a merit increase.
- C. Employees at or above the pay range maximum and employees whose performance is rated less than satisfactory shall not be eligible to receive a merit increase.
- D. The City Administrator, or designee, should complete an employee's performance evaluation within sixty (60) days preceding the effective date of a merit increase.
- E. A merit increase shall not exceed the maximum pay range assigned to a position level.

5. SELECTIVE SALARY ADJUSTMENT.

- A. The City Administrator may recommend a selective salary adjustment in order to mitigate an inequity caused by a merit increase freeze or other similar circumstances.
- B. The City Administrator shall submit a written rationale supporting the recommendation to the City Council.
- C. A selective adjustment is subject to the availability of funds and guidelines established by the City Council.

6. LONGEVITY INCREASE.

- A. The City Administrator may grant a longevity increase not to exceed 2.5% to an employee who has been paid at or above the maximum pay range for at least one (1) year, provided the employee has received a satisfactory or outstanding performance rating and has been employed by Highland City for at least eight (8) years.
- B. An employee whose salary exceeds the maximum pay range is eligible to receive a longevity adjustment no more frequently than every two (2) years after the initial longevity adjustment. Any subsequent longevity increase shall not exceed 2.5%.
- C. An employee is eligible to receive a maximum of five (5) successive 2.5% adjustments beyond the maximum pay range (Longevity scale maximum).

7. COST OF LIVING ADJUSTMENTS.

In order to maintain the purchasing power of the employees' salary and to minimize pay plan adjustments, the City Council may consider a cost-of-living adjustment in June of each year. The City Council may consider such things as consumer price index, economic health of the City, and other factors. The City Council shall annually consider a cost-of-living adjustment (COLA) in addition to any across-the-board pay plan adjustment. Said COLA will apply across the board to all employees.

8. PROMOTION.

- A. An employee who is promoted to a higher position will receive a minimum of a 5%

and a maximum of 10% salary increase. If the new salary is below the minimum of the new range, it shall be increased to the new minimum.

- B. The City Administrator may approve an increase up to the midpoint of the new range when a promotion results from a competitive recruitment to a new position level. Such an adjustment shall be based on exceptional qualification and subject to the availability of funds.

9. ORDER OF SALARY CALCULATION.

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

- A. Cost of living adjustment.
- B. Merit.
- C. Selective adjustment.
- D. Promotion.
- E. Longevity.

10. REASSIGNMENT.

Except when due to an employee-requested reassignment, a demotion, or a disciplinary action, an employee who is reassigned shall be paid at least the same salary received prior to the assignment.

11. RECLASSIFICATION.

- A. If the City Administrator reclassifies a position to a higher level, the City Administrator shall adjust the employees who hold the position's salary to at least the minimum of the new range and may give a 5% salary increase, based upon increased responsibility.
- B. A reclassification increase is subject to the availability of funds.
- C. If the City Administrator reclassifies a position to a lower level, the employees who hold the position's salary shall remain the same. If an employee's salary exceeds the maximum of the new range, or provided the individual meets longevity status criteria, the longevity scale maximum, the employee is ineligible to receive a salary increase until the salary range or longevity scale increases to incorporate the employee's pay rate. An employee is ineligible to receive cost-of-living increases until the salary range increases.

12. DEMOTION.

If an employee is demoted, either voluntarily or involuntarily, the City Administrator may

treat the employee's salary according to paragraph 11.C. above or reduce the salary to the applicable pay range.

13. BENEFITS.

A. Benefits shall be defined by the City Council and City Administrator.

B. Suspended Employee.

(1) An employee suspended for disciplinary reasons shall continue to be eligible to receive Highland City retirement, health, dental, disability and life insurance programs subject to the conditions set forth in paragraph 13.B(2) below.

(2) The employee shall pay the employee portion of insurance premiums to continue coverage through the period of suspension.

C. Part-Time Employee.

(1) Part-time, temporary and summer employees do not qualify for benefits regardless of the number of hours worked unless required by State or Federal Law.

SECTION 15: PAYROLL ADMINISTRATION

1. PAY DAYS.

Highland City's pay days are as follows.

A. Employees will be paid:

(1) Every two (2) weeks (26 pay periods/year).

2. PAY DEDUCTIONS.

Highland City is permitted to make deductions authorized by an employee or as required by law.

End of Section 15

SECTION 16: REIMBURSABLE EXPENSES

1. GENERAL POLICY.

With prior approval, certain legitimate expenses will be reimbursed by Highland City to the employee. Receipts are required to reimburse the employee. Records must be kept reflecting the amount of reimbursement each employee has received.

2. TRAINING AND CONFERENCES.

If authorized in advance by the City Administrator, or designee, an employee may be reimbursed for required training seminars, conferences, or briefings. An employee will be compensated, in addition to paying any tuition or fees, at his or her regular rate of pay.

3. TRAVEL POLICY.

- A.** All travel outside of the Highland City limits during an employee's work hours shall be pre-authorized by the City Administrator, or designee. A log of all such travel exceeding a thirty (30) mile radius of Highland City shall be kept. This log shall include the reason for the trip, the time the employee departed, the time the employee returned, and the vehicle used.
- B.** Travel for legitimate Highland City purposes in Highland City vehicles may be authorized by the City Administrator, or designee.
- C.** All hotel or other sleeping accommodations and airplane or other travel accommodations shall be arranged in advance for overnight trips and paid by Highland City in advance of the trip. If such payment in advance is not possible, Highland City shall reimburse to the employee the cost of such sleeping and travel accommodations after receiving the appropriate receipts to verify that the employee has expended his or her own money for such purposes. Failure to produce a receipt in such circumstances will necessitate the withholding of reimbursement. Receipts for hotel accommodations shall be turned into Highland City by the employee as a verification of attendance no matter what the form of payment.
- D.** Use of an employee's personal vehicle for legitimate Highland City purposes may be authorized when circumstances warrant. The employee shall get pre-authorization from the City Administrator, or designee, keep track of the mileage associated with the approved travel, and submit a request for reimbursement to the City Administrator based upon this record. The mileage rate will be consistent with the established rate used for Internal Revenue Service travel deductions. In lieu of reimbursement for mileage and the assignment of Highland City vehicles, specific Highland City employees may be authorized a monthly travel allowance, according to regulations approved by the City Council.
- E.** All registration fees, etc., for pre-authorized training or conferences will be paid by Highland City in advance. If this is not possible, the employee will be reimbursed for his or her own expenditure for registration fees, etc., after presentation of a valid receipt in conjunction with previously authorized travel.

- F. An employee may receive a daily per diem for pre-authorized travel, as set by GSA per diem rates. No per diem shall be authorized for spouses of employees or others traveling with the employee at their own expense. Receipts shall not be required for per diem advancements or compensation unless the employee requests reimbursement above the authorized amount.

SECTION 17: BENEFITS

1. WORKERS' COMPENSATION.

- A. All employees are covered by workers' compensation, which provides medical reimbursement and disability benefits for job-related illness or injury. An employee does not accrue benefits while receiving workers' compensation payments. For exact compensation coverage, check the workers' compensation contract on file with the City Administrator, or designee. Eligibility for leave requires conformance with all workers' compensation regulations.
- B. Employees may use accrued vacation or sick leave to make up the difference between workers' compensation benefits and their base pay.
- C. Medical Attention. An employee who sustains a bona fide, on-the-job injury may seek medical attention from the medical facility of his or her choice. The employee must tell the doctor, HOW, WHEN and WHERE the accident occurred. The doctor will complete a medical report, and copies of this report should be sent within seven (7) days to the insurance carrier, the Industrial Commission, and to the injured worker. (Please Note: Do not submit doctor or hospital bills for on-the-job injuries or illness to the regular medical plan).
- D. Initial Reporting of Illness or Injury. Reporting the accident or illness is critical to qualification for payment under workers' compensation. If an employee is injured while on the job, no matter how minor, the circumstances should be reported to the City Administrator immediately. After the appropriate paperwork is filled out, a copy must be sent to the insurance carrier and a copy must be sent to the Industrial Commission within seven (7) days of the date of injury.
- E. Reporting While off the Job. While on leave because of a bona fide, on-the-job injury or illness, employees must contact their supervisor or the City Administrator to report on their condition. Failure to provide the required medical status reports may result in revocation of the leave and/or termination.
- F. Return to Service. All employees must return to work after obtaining a release from the attending physician. A statement from the attending physician stating the employee is able to resume normal duties may be required before returning to work. Failure to return to work after obtaining a release may result in termination. An employee who is able to return to work in light duty status may be required to work in a different department and perform duties not contained within their current job classification.
- G. At the time of final release or settlement of a workers' compensation claim, if no vacancy exists, and if a reasonable effort proves unsuccessful to place the employee in another position, the employee may be terminated and paid any accrued benefits due to him or her.

2. CAFETERIA OR FLEXIBLE BENEFIT PLAN.

All full-time employees are eligible for the “Cafeteria or Flexible Benefit Plan” offered by Highland City.

3. INSURANCE.

A. Medical Health Insurance. It is the policy of Highland City to pay the cost of health insurance (effective the first of the month following 30 days of employment) for eligible employees and their eligible dependents. Highland City will comply with all applicable laws and its insurer’s plan in determining which employees are eligible to receive medical health insurance.

B. Insurance Termination and Conversion.

(1) Termination. When an employee is terminated from employment with Highland City, Highland City will cease making contributions to the employee’s insurance plans.

(2) Conversion.

(a) The Consolidated Omnibus Budget Reconciliation Act (COBRA) of 1985 is available for those employees who resign or are terminated from employment, or if work hours are reduced which makes the employee no longer eligible to participate in the group health insurance plans. Employees may have the right to continue to participate in a COBRA program for up to eighteen (18) months at the employee’s expense, subject to current state and federal law.

(b) Eligible dependents may also extend coverage, at their expense, for up to thirty-six (36) months in the health insurance plan in the event of the employee’s death, divorce, legal separation, or entitlement to Medicare benefits, or when a child ceases to be eligible for coverage as a dependent under the terms of the plan, subject to current state and federal law.

4. STATE AND FEDERAL UNEMPLOYMENT.

All employees whether regular, part-time, or temporary are covered by the benefits of State and Federal Unemployment.

5. CONTINUING EDUCATION.

Employees are encouraged to obtain continuing education through attendance at job-related seminars. Requests for attendance must be approved in advance by the City Administrator, or designee.

A. Required by Highland City. When Highland City requires an employee to attend any education or training course, conference, seminar, or certification course,

Highland City will provide the necessary time off with pay and will reimburse the employee for reasonable associated costs, including tuition or registration fees, authorized travel, meals, and lodging.

B. Encouraged by Highland City. Employees are encouraged to further their education and training in areas that will enhance their job performance. Upon advance approval by the City Administrator, and upon successful completion of relevant training courses, employees shall be reimbursed for tuition fees, materials, and other necessary and approved expenses upon presentation of proper receipts. Proof of successful completion will include one of the following:

- (1) A certificate indicating successful course completion, if applicable.
- (2) A grade point average of 2.0 or higher on a 4.0 (A, B, C, D) scale.
- (3) A grade pass on a pass/fail grading system.

6. RETIREMENT SYSTEM.

Additional details are available from the City Administrator.

- A. Highland City employees who meet the eligibility requirements are covered by the Utah State Retirement System.
- B. The cost of this program is paid by Highland City and the employee in the percentages set by action of the City Council.

7. AFFORDABLE CARE ACT REQUIREMENTS.

For purposes of the providing coverage under the city's group health plan as required by the Affordable Care Act, the City uses the look-back measurement method to determine whether an employee is a full-time employee for purposes of that Act. The applicable time periods and procedures for that method are set forth below, provided that, if any term or provision herein conflicts with the requirements and regulations of the Affordable Care Act, such requirement or regulations shall control and supersede any contrary provision set forth herein:

A. Variable hour, seasonal, and part-time employees:

- (1) **Testing Required:** All new employees that are not anticipated to be full-time employees must be tested after 12 months of employment to determine whether the employee should be treated as a full-time employee or not for purposes of an offer of health insurance coverage. This initial testing is in addition to the testing required of all employees.
- (2) **Initial Measurement Period:** The initial measurement period for new variable hour, seasonal, and part-time employees begins on the first day of the first calendar month following the employee's start date, and continues for 12

consecutive months.

- (3) Administrative Period – V/S/PT Employees: There is an administrative period after the initial measurement period in order to evaluate the hours of service of new variable hour, seasonal, and part-time employees. This administrative period shall be no longer than 90 days, including the period between the new employee's start date and the beginning of the initial measurement period, and the administrative period shall end after the last day of the first calendar month beginning on or after the first anniversary of the employee's start date.
- (4) Stability Period – V/S/PT Employees: The stability period for variable hour, seasonal, and part-time employees shall be the 12-month period following both the initial measurement period and the administrative period.
 - (a) Variable hour, seasonal, and part-time employees who had on average at least 30 hours of service per week during their initial measurement period will be treated as full-time employees and will be offered coverage under the city's group health plan no later than the first day of the associated stability period if the employee is still employed on that day.
 - (b) Variable hour, seasonal, and part-time employees who had on average less than 30 hours of service per week during their initial measurement period will continue to be treated as not full-time employees for the associated stability period.

B. Ongoing employees:

- (1) Annual Testing Required: All ongoing employees, including new and ongoing variable hour, seasonal, and part-time employees, will be tested on an annual basis to determine whether the employee should be treated as a full-time employee or not for purposes of an offer of health insurance coverage. For variable hour, seasonal, and part-time employees, testing under the standard measurement period is in addition to testing under the initial measurement period.
- (2) Standard Measurement Period: The standard measurement period for all ongoing employees is the twelve-month period beginning January 1 and ending on December 31 of the following year.
- (3) Administrative Period – Ongoing Employees: There is an administrative period after the standard measurement period in order to evaluate employees' hours of service. This administrative period shall begin January 1 and end February 31. The administrative period overlaps with the prior year's stability period, such that ongoing employees who are enrolled in coverage because of their status as full-time employees based on the prior year's standard measurement period will continue to be covered through the administrative period.

(4) Stability Period – Ongoing Employees: The stability period for ongoing employees shall be the twelve-month period beginning March 1 and ending February 31.

(a) Employees who had on average at least 30 hours of service per week during the prior standard measurement period will be treated as full-time employees and will be offered coverage under the city's group health plan no later than the first day of the associated stability period (March 1) if the employee is still employed on that day.

(b) Employees who had on average less than 30 hours of service per week during the standard measurement period will continue to be treated as not full-time employees for the associated stability period.

C. Miscellaneous:

(1) For new variable hour, seasonal, and part-time employees, if there is a period of time between the end of the stability period associated with the employee's initial measurement period and the beginning of the stability period associated with the employee's first full standard measurement period, the designation of the employee as full-time or not full-time from the initial measurement period continues to apply until the beginning of the stability period associated with the standard measurement period.

(2) In all testing, the city shall use actual hours of service from records of hours worked and hours for which payment is made or due.

End of Section 17

SECTION 18: FAMILY AND MEDICAL LEAVE ACT (FMLA)

1. GENERAL POLICY.

To the extent required by the Family and Medical Leave Act of 1993 (FMLA), Highland City provides up to a total of twelve (12) work weeks of unpaid leave during any twelve (12) month period for “eligible” employees at the time of the birth or adoption of a child, or at the time of a serious health condition affecting the employee or a family member.

- A. A “serious health condition” is an illness, injury, impairment, or physical or mental condition that involves inpatient care in a medical facility or continuing treatment by a health care provider.
- B. “Intermittent leave” or a “reduced leave schedule” may be taken under certain circumstances as set forth in the FLMA.

2. ELIGIBILITY.

To be “eligible” for FMLA leave, an employee must:

- A. Have been employed for at least twelve (12) months by the employer.
- B. Have been employed for at least one thousand two hundred fifty (1,250) hours of service with that employer during the previous twelve (12) months.

3. LEAVE OPTIONS.

- A. Employees on FMLA leave must use all accrued administrative and compensatory leave and all vacation and sick leave accrued beyond 40 hours of each type for the FMLA leave. Employees will be paid for that portion of the FMLA leave covered by the hours of paid leave being used.
- B. Employees on FMLA leave may choose to use remaining vacation or sick leave not required to be used in order to be paid for additional portions of their FMLA leave.
- C. All FMLA leave taken when there is no accrued leave used will be unpaid leave.

4. NOTICE AND MEDICAL CERTIFICATION REQUIREMENTS.

When an employee notifies Highland City of the request for FMLA leave, Highland City may provide the employee with an Employer Response to Employee Request for Family and Medical Leave Form. Employees who are required to provide medical certification will use a Certification of Physician or Practitioner Form. Additionally, FMLA leave may be denied if the following requirements are not met:

- A. The employee ordinarily must provide thirty (30) days advance notice when the leave is “foreseeable.” When this is not possible, the employee should provide such notice as is possible.
- B. The employee may be required to provide the employer with medical certification

to support a request for FMLA leave because of a serious health condition. If the employer requires a second (2nd) or third (3rd) opinion, they will both be at the employer's expense.

- C. A fitness for duty report may be required before an employee returns to work with the employer.

5. BENEFITS AND EMPLOYMENT STATUS.

- A. During the FMLA leave, Highland City maintains the employee's health benefits coverage under any "group health plan" that the employee has with the employer.
- B. The use of FMLA leave will not result in the loss of any employment benefit that accrued prior to the start of an employee's FMLA leave. However, no seniority, vacation or sick leave, or other benefits, will accrue during the FMLA leave.
- C. Upon return from FMLA leave, employees will typically be restored to their original or equivalent positions with equivalent pay, benefits, and other employment terms.

SECTION 19: LEAVES OF ABSENCE

1. ABSENT WITHOUT LEAVE.

- A.** Any unauthorized absence of an employee from duty shall be grounds for disciplinary action, up to and including termination.
- B.** Any employee who is absent for three (3) or more consecutive work days without authorized leave shall be deemed to have voluntarily resigned his or her position and employment without notice. Where extenuating circumstances are found to have existed, however, such absence may be excused by the City Administrator, or designee, with a subsequent grant of leave with or without pay as the circumstances dictate.
- C.** All exempt employees will be charged with leave according to federal statutes such that their exempt status will not be compromised. If an exempt employee believes that certain leave should not have been charged because of the exempt status of the employee, the employee shall notify the City Administrator within ten (10) business days. Any leave charged that should not have been charged against an exempt employee will be corrected.

2. ANNUAL VACATION LEAVE.

- A.** Each regular, full-time employee shall receive annual vacation leave at the following rate:
 - (1)** For one (1) month to five (5) years of service, leave shall accrue at the rate of 3.077 hours per pay period.
 - (2)** From five (5) years to ten (10) years of service, leave shall accrue at the rate of 4.615 hours per pay period.
 - (3)** For over ten (10) years of service or more, leave shall accrue at the rate of 6.154 hours per pay period.
- B.** New employees shall accrue annual vacation leave from the date of hire, but they shall not be eligible to use accrued leave until they have satisfactorily completed the probationary period and have been promoted to regular status.
- C.** Persons hired on an emergency, part-time, seasonal, temporary or contract basis shall not accrue annual vacation leave.
- D.** Employees may accrue up to 175% of their annual leave. If the employee's annual leave exceeds the maximum, on the anniversary date of employee's hire the excess annual leave will be lost.

- E. Each department head will issue approval or disapproval on all annual vacation leave requests.
- F. A holiday which falls during an employee's annual vacation leave shall be counted as a paid holiday and not as annual vacation leave.
- G. An employee who is separated from employment may be compensated for all accrued annual vacation leave. Leave may not be taken after notice of resignation has been given by the employee.
- H. All annual vacation leave requests should be submitted a reasonable time in advance of the desired time off to the City Administrator, or designee. If an excessive (being the number of requests if granted that would render the department or organization ineffective) amount of employees request annual vacation leave for the same time period, annual vacation leave may be granted in order of application (first-come-first-served), based on the needs of the organization and at the discretion of the City Administrator, or designee.
- I. Official annual vacation leave records will be maintained and kept current by the City Administrator, or designee.
- J. Vacation usage will be reported to the City Administrator, or designee, using attendance forms.

3. HOLIDAY LEAVE.

- A. Holidays which apply to regular, full-time employees are:
 - (1) New Year's Day January 1st
 - (2) Human Rights Day 3rd Monday in January
 - (3) Presidents' Day 3rd Monday in February
 - (4) Memorial Day Last Monday in May
 - (5) Juneteenth National Freedom Day Date determined by State
 - (6) Independence Day July 4th
 - (7) Pioneer Day July 24th
 - (8) Labor Day 1st Monday in September
 - (9) Veteran's Day November 11th
 - (10) Thanksgiving Day 4th Thursday in November

(11) Christmas Day December 25th

(12) Any day designated by the Mayor as a Holiday will be observed.

B. If any of the above holidays fall on Saturday or Sunday, then the City Administrator will determine the observed day for the Holiday.

4. SICK LEAVE.

A. Purpose. Sick leave shall not be considered as a privilege which an employee may use at his or her discretion, but shall be allowed only in case of necessity and actual sickness or disability of the employee or immediate family of the employee.

B. Use of sick leave. Sick leave may be used at any time with approval of the City Administrator, or designee, for any of the following reasons:

- (1) When employees are unable to perform their regular duties or other temporary work to which they may be assigned.
- (2) Visits to hospitals, clinics, doctors' and dentists' offices for diagnosis or treatment of illness or injury or examination.
- (3) Sick leave may be allowed for absence due to the illness or injury of an employee's dependents or spouse.

C. Eligibility. Sick leave shall be available to all full-time regular employees. Seasonal, temporary, and provisional employees are not eligible for sick leave. Sick leave will not be granted to employees during their first ninety (90) calendar days of employment, except for emergency circumstances.

D. Accrual. Full-time employee's sick leave is accrued at the rate of 3.69 hours per pay period or twelve (12) days per year. The employee will begin to accrue sick leave immediately upon being hired by Highland City. Sick leave shall not accrue if an employee is in a leave-without-pay status. Sick leave shall accrue to a maximum of 520 hours or 13 weeks. Records will be kept by the City Administrator, or designee.

- (1) Employees retiring from the Utah Retirement System may convert fifty (50) percent of all accrued sick leave hours to vacation leave, not to exceed 260 hours

E. Use. Sick leave shall be charged against non exempt employees in not less than one (1) hour increments. Exempt employees will be charged with sick leave according to federal statutes such that their exempt status will not be compromised.

F. Termination or Resignation. An employee who is terminated or resigns shall not be compensated for unused accrued sick leave.

G. Payments.

- (1) In order to qualify for sick leave payments, an employee must notify the City Administrator, or designee, no later than one (1) hour after normal starting time on each day of absence unless the circumstances surrounding the absence make such notification impossible. The City Administrator, or designee, should also be kept advised of the employee's expected date of return to duty.
- (2) Any absence for illness beyond accrued sick leave will result in the employee being carried on annual leave status until all annual leave has expired, then be carried in a leave-without-pay status.

H. Certification of Illness. For sick leave in excess of three (3) consecutive working days, or if abuse of sick leave is indicated, the City Administrator, or designee, may require a certificate from the attending physician stating that such illness prevented the employee from working.

5. PARENTAL LEAVE.

A. Employees who have given birth, employees whose spouse has given birth, and employees who have children placed with them for adoption or foster care may use paternal leave in accordance with the Family and Medical Leave Act (FMLA) and the City's related FMLA policies in Section 18 and this section.

B. Employees must provide at least thirty (30) days advance notice of the need for FMLA Leave, where possible, to their supervisor and the City's human resource generalist. If advanced notice cannot be given due to an emergency, the employee should notify their supervisor and the City's human resource generalist as soon as practicable.

C. FMLA leave and Modified Schedule. The use of FMLA leave for parental leave counts against the twelve (12) week total allotment of FMLA leave. Parental leave must be used within twelve (12) months of the date of the child's birth or placement. Parental leave may be used according to the following schedules:

- (1) Standard FMLA Leave. An eligible employee may use available FMLA for parental leave as a single, continuous block of leave, up to twelve (12) work weeks, after which the employee shall return to their usual work schedule. The terms and conditions of this leave are governed by Section 18.
- (2) Adjusted Work Schedules and Intermittent Leave Usage.

- (a) An eligible employee may use their FMLA leave for parental leave over the twelve (12) month period from the birth or placement of the

child according to any schedule required by the medical needs of the parent or child. No special permission is required to use FMLA leave on an intermittent basis due to medical necessity, but the employee must notify and communicate with their supervisor and the City's human resource generalist to coordinate leave usage and work schedules.

(b) An eligible employee may request to use FMLA leave for parental leave on an intermittent, reduced, or part-time leave basis. The employee must inform the City's human resource generalist of their request and proposed schedule of leave usage and work. The City will attempt to accommodate requested schedules, but the availability of adjusted leave and work schedules depends on the needs of the City and the employee's department, and therefore not all proposed schedules will be able to be approved. The city administrator, or designee, will determine the availability of adjusted leave and work schedules, in consultation with the employee, the employee's supervisor, and the City's human resource generalist.

6. EMERGENCY LEAVE.

The City Administrator, or designee, may allow an employee reasonable time off, not to exceed three (3) working days with pay, in case of an emergency. Time will be charged to the employee's sick leave, annual vacation leave, or accrued compensatory time. The City Council shall have the authority to grant longer leaves in unusual circumstances in which an emergency exists. During an emergency leave period in excess of thirty (30) calendar days, an employee's annual vacation leave, sick leave, or time toward their yearly performance evaluation, if applicable, shall not accrue.

7. MILITARY LEAVE.

Highland City complies with all federal and state laws regarding employees and applicants who are in military service, have served in the military, or who are seeking to serve in the military.

A. A regular employee shall be granted leave with compensation for the difference in salary for active duty, for service in the National Guard or in the Armed Forces reserves for the purpose of fulfilling annual field training. Paid military leave shall not exceed ten (10) working days in anyone (1) calendar year.

8. JURY LEAVE.

Employees called for jury duty or subpoenaed as a witness will receive leave with pay during the time of such court service. Any other compensation received by the employee for jury duty shall belong to the City. Paid leave will not be granted when the employee is serving as his own witness in suits the employee has initiated.

9. BEREAVEMENT LEAVE.

Following the death of an employee's immediate family members, including spouse, parents, parents-in-law, children (including a miscarriage or stillbirth), children's spouses, grandparents, spouse's grandparents, grandchildren, brothers, sisters, brothers-in-law, and sisters-in-law, or other close relations as approved by the City Administrator, the City Administrator, or designee, shall grant an employee up to three (3) days of bereavement leave with pay to attend in-state funerals or for other needs related to death and five (5) days for out of state funerals or other out- of-state business related to the death. Bereavement leave shall not be charged against accrued annual vacation or sick leave.

10. ADMINISTRATIVE LEAVE WITH PAY.

A regular or probationary employee may be placed on administrative leave with pay pending the outcome of an investigation undertaken to determine if disciplinary action against the employee is warranted.

11. LEAVE WITHOUT PAY.

A. In addition to the other types of leave set forth in these policies, the City Administrator, or designee, may grant an employee leave without pay for a specified period of time, not to exceed ten (10) working days. Approval for leave without pay for longer than ten (10) working days must be granted by the City Administrator. At the expiration date of the leave without pay approved by the City Administrator, the employee may be returned to the same position, where feasible, or to a similar position. Failure of the employee to return to work at the expiration of leave without pay shall be considered a voluntary resignation of his or her position and employment without notice.

B. A leave without pay shall not constitute a break in service. However, during a leave without pay period in excess of thirty (30) calendar days, an employee's annual vacation leave, sick leave, and time toward their performance evaluation, if applicable, shall not accrue.

C. Leave without pay shall be granted:

(1) For education purposes when the employee's course of study will be of direct benefit to Highland City, their absence will not be a hardship for their department, and the employee agrees to return to work at the end of the leave without pay period.

(2) To attend funerals not covered by the funeral leave policy.

(3) To attend to an ill or injured member of the employee's immediate family when the absence is not covered by sick leave.

D. Employees are expected to apply for leave without pay in advance and in writing, providing as much detail about the absence as possible so that the City Administrator, Mayor, or designee, may decide whether to grant the leave without pay.

12. DOCUMENTATION OF LEAVE.

Some of the above absences must be supported by a copy of the official paperwork causing the absence. Such paperwork must be submitted to the City Administrator, or designee, as soon as possible. In some cases, where official paperwork is not available, the City Administrator, or designee, may request that the employee supply additional information in writing to support the absence.

13. CONTRIBUTION OF LEAVE.

All employees are eligible to receive contributions of leave from other employees in cases of catastrophic leave.

A. An employee is eligible to receive catastrophic leave donations upon date-of-hire. An employee can donate time after six (6) months of employment.

B. The purpose of Catastrophic Leave is to permit employees to contribute a portion of their accrued sick leave, vacation leave, administrative or compensation time to another City employee, when such employee has suffered a catastrophe injury or illness. This type of leave may also apply to an employee who is caring for a terminally ill member of his/her family. Under hardship circumstances described below, an employee may donate, to other employees, accrued vacation or compensation time, if donating employee will have a combined minimum of one hundred-sixty (160) hours of accrued vacation and compensation time left on the books, after the donation. The donation must be approved by the employee's Department Head and the City Administrator. The donated leave will be allocated on an as-needed basis to the employee receiving the leave. Those donating will have time deducted from their accrued vacation or compensation accrual balances only when the receiving employee uses the time. If the employee receiving the donation returns to work before all "committed" donated time is used, the donation will be returned to the employee committing the donation without being deducted.

(1) Participation is voluntary.

(2) For the purposes of this leave program, "catastrophe" shall include an illness or event which is monumental, unusual, unexpected, immediate in nature, and which is expected to preclude the employee's returning to work for an extended period of time. Catastrophic leave shall not include maternity leave unless there are catastrophic events. The City reserves the right to request supporting documentation.

(3) The receiving employee must have been absent from work due to injury or illness and have exhausted all earned leave credits, including but not limited to sick leave, vacation leave, holiday leave, compensation time, administrative leave, etc., and is therefore facing financial hardship.

(4) The hours will be deducted from the donor's leave, converted to dollars and

used to compensate the recipient at the recipient's regular rate of pay. Sick leave into converted to dollars and is a one to one transfer.

- (5) Donations will be listed in the order in which the City Administrator receives them. For each pay period, a sufficient number of donor hours will be converted and used to compensate the recipient. Unconverted donations shall revert to the donor.
- (6) Donations must be in one-hour increments.
- (7) Requests must be initiated by the employee, recommended by the Department Head, and receive final approval from the City Administrator or designee.

14. ABUSE OF LEAVE.

Workplace morale is affected when employees abuse the attendance and punctuality policy; consequently, excessive absenteeism will result in disciplinary action, up to and including termination.

End of Section 19

SECTION 20: GENERAL SAFETY

1. GENERAL POLICY.

The following general safety rules will apply in all work places. Each work unit may prepare separate safety rules applicable to the specific nature of work in its area but not in conflict with these rules.

- A. Proper licensing and extreme caution are required by all employees operating any type of power equipment.
- B. Employees will use safety equipment appropriate to the job, such as safety glasses, gloves, toe guards, back supports, and hard hats, if required or appropriate to the work performed.
- C. Employees will avoid wearing loose clothing and jewelry while working on or near equipment and machines. Long hair will be properly secured.
- D. All accidents, regardless of severity, personal or vehicular, shall be reported immediately to the supervisor and the City Administrator.
- E. Defective equipment will be reported immediately to the supervisor and City Administrator.
- F. Employees will not operate equipment or use tools for which licensing and training has not been received.
- G. The safeguards required by State and Federal Safety Orders will be provided.
- H. Due to the potential risk of serious injury or death, employees are prohibited from entertaining, or caring for, guests or family members in or around inherently dangerous work areas. These areas include, but are not limited to:
 - (1) Road repair.
 - (2) Construction areas.
 - (3) Vehicle maintenance areas.
 - (4) Swimming pools.
 - (5) Animal control.
 - (6) Power plants.
 - (7) Sewers.

2. PROPER USE OF HIGHLAND CITY EQUIPMENT AND TOOLS.

The use of Highland City equipment or tools for private purposes is strictly prohibited. However, reasonable use of Highland City tools and equipment to protect property and preserve life is authorized.

- A. Employees shall be required to attend training provided by Highland 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 by Highland City.
- B. A commercial driver's license (CDL) is required for operators of commercial motor vehicles. No individual shall be allowed to operate such vehicles unless they have a current commercial driver's license in their possession. Employees must comply with all laws and regulations applicable to the CDL.
- C. Operators and passengers who are in a vehicle during the working hours must wear seat belts when the vehicle is in operation and observe all traffic laws.
- D. Employees shall keep the City vehicles which are used by them clean, presentable, and serviceable. Employees receiving car allowances shall also keep their vehicles clean, presentable, and serviceable.

3. PROTECTION FROM CONTRACTOR CAUSED LOSSES AND LIABILITIES

- A. It is the policy of the City to follow the City's procurement code in obtaining goods and services for the City. The City will endeavor to take all necessary precautions and steps in written contracts to prevent loss and liability arising from the City entering into relationships with independent contractors. All such independent contractor agreements should be reviewed by the City Attorney.

SECTION 21: UTAH OSHA REQUIREMENTS

1. GENERAL POLICY.

It is the policy of Highland City to maintain an environment which is free from any recognizable hazard which is likely to cause death or serious injury to any employee through open communication with all employees.

2. POSTING UOSHA NOTICES.

Highland City will post all required UOSHA notices in conspicuous places (such as employee bulletin boards or where similar notices are usually posted). Employees may obtain additional information from the City Administrator when they have questions about any of the standards which are provided under UOSHA.

3. INSPECTION PROCEDURES.

All employees should follow the procedures listed below in the event inspectors from UOSHA presents themselves on the job site.

- A.** If an inspector arrives on the job site, an employee should understand that they are not authorized to offer any information requested by the inspector.
- B.** The employee will inform the inspector that the employee will contact the City Administrator, supervisor, or designee, who will accompany the inspector during any inspection.
- C.** If the UOSHA inspector does not reveal the appropriate credentials at the outset of the inspection, the City Administrator, or designee, should ask the inspector to reveal their credentials and should examine them before allowing an inspection of the job site.
- D.** The City Administrator, or designee, should not refuse an inspection of the job site even if the inspector does not have a warrant to inspect.
- E.** If the credentials are appropriate, and before beginning the inspection, the City Administrator, or designee, should ask the inspector the reason the inspection is being conducted. If it is routine, no further requests are required. If the inspection was due to an employee complaint, the City Administrator, or designee, should request a copy of the complaint. This will help Highland City correct any safety problems. Under no circumstances should the information received on an employee complaint be used for disciplinary action or the basis for other retaliatory conduct toward an employee as this type of action is prohibited by law.
- F.** The City Administrator, or designee, should accompany the inspector during the entire inspection of the job site.
- G.** The City Administrator, or designee, should take notes throughout the entire inspection. The City Administrator, or designee, should note every comment and

observation made by those participating in the inspection. The City Administrator, or designee, accompanying the inspector should not volunteer any unsolicited information.

4. ACCIDENT REPORTING PROCEDURES.

- A. Employees who are injured in connection with employment, regardless of the severity of the injury, must immediately notify the City Administrator or their supervisor, who will ensure prompt and qualified medical attention is provided and all required UOSHA reports are completed. Employees who do not and/or will not accept qualified medical attention when directed by the City Administrator, or designee, shall be subject to disciplinary action, up to and including termination.
- B. The City Administrator, or designee, will investigate the job-related injury to determine the cause of the injury.
- C. Highland City shall contact UOSHA within twelve (12) hours of the occurrence of any job related death, disabling, serious or significant injury, and/or any occupational disease.
- D. Highland City shall file the required report with UOSHA within seven (7) days after first knowledge or notification of an injury or occupational disease resulting in medical treatment, loss of consciousness, loss of work, restriction of work, or transfer to another job. Minor injuries such as scratches and cuts do not need to be reported to UOSHA if they require only minor first-aid treatment.
- E. Highland City shall keep a copy of the UOSHA report in their UOSHA File.
- F. Highland City shall give the employee a copy of the UOSHA report and explain the employee's rights and responsibilities concerning the work related injury or occupational disease.
- G. If an employee later dies as a result of a work-related injury, Highland City shall file a report with UOSHA within seven (7) days of first knowledge or notification of the death.

SECTION 22: DISASTER RESPONSE PLANNING

1. GENERAL POLICY.

Highland City has developed the following Disaster Response Plan. All employees are expected to adhere to this Disaster Response Plan to the maximum extent possible and practicable.

2. EMPLOYEE DISASTER NOTIFICATION.

Supervisors are responsible for notifying all Highland City employees of the disaster response action to be taken in the event of a disaster or pending disaster, if possible, using the means set forth by the City Administrator.

3. NATURAL DISASTER (WIND, WATER, FIRE, EARTHQUAKE) OR MAN-MADE DISASTER (NUCLEAR, TERRORIST) RESPONSE PLAN.

A. Employees already at work will assess the disaster and take whatever evasive action is deemed necessary, within the law, to protect themselves, their fellow employees, and the public in general.

- (1) Employees will report to their supervisor, City Administrator, Mayor, or designee, as soon as practical and await instructions.
- (2) Use of all Highland City vehicles, equipment, tools, and office items, including telephones and computers, will be used only as directed by an employee's supervisor during an emergency situation.
- (3) Employees will be allowed to contact their families when their supervisor allows this action to be taken.

B. Employees not at work will assess the disaster and take whatever evasive action is necessary, within the law, to protect themselves and their families. They will then contact their supervisor, City Administrator, Mayor, or designee, as soon as practical for further instructions.

4. SUSPICIOUS PERSON OR ASSAILANT THREATS.

Highland City has developed the following procedures to be followed in the event that a suspicious person or assailant is in the area:

A. Be Prepared.

- (1) Employees will use the "Sir Name" of the City Administrator, or designee, that they are addressing, repeated again, to alert the City Administrator, or designee, of a threatening situation. An example following this procedure would be: "Mr. (Last name of the City Administrator), Mr. (Last name of the City Administrator), could you please come to the front desk."

- (2) When possible, employees will physically signal to supervisors or employees that a threatening situation exists.
- B. Be Observant. Features and physical characteristics that employees can remember about suspicious persons or assailants will greatly help local law enforcement officials in the apprehension of suspects.

5. TELEPHONE BOMB THREATS.

- A. Be Calm and Courteous to the caller. Employees will notify the City Administrator, City Administrator, or designee, using a signal or note while the caller is on the line. The employee will communicate with the City Administrator, or designee, by using or passing notes. The employee should not attempt to talk to the City Administrator, or designee, by putting their hand over the phone and talking or whispering.
- B. Be Attentive. Voice characteristics, background noises, and bomb threat details that employees can remember about suspicious persons or assailants will greatly help local law enforcement officials in the apprehension of suspects.

6. MAIL LETTER AND PACKAGE BOMB THREATS.

- A. Be Cautious. Visually assess the letter or package and inform the City Administrator, or designee, or anything unusual. It is always better to be safe than sorry.
- B. Be Careful. Unusual weight, shape, or other details that employees can remember about suspicious persons or assailants will greatly help local law enforcement officials in the apprehension of suspects.

7. SUSPICIOUS ARTICLE THREATS.

Be Alert. Report all suspicious articles to the City Administrator, City Administrator, or designee. Do not touch, pick up, shake, or attempt to move any articles of a suspicious nature.

SECTION 23: ADMINISTRATIVE POLICIES

1. ADOPTION OF ADMINISTRATIVE POLICIES.

The City Administrator may adopt administrative policies and procedures from time to time as necessary that address operational or day-to-day activities. Such policies shall be communicated to all employees and incorporated herein under Appendix A, "Administrative Policies."

End of Section 23

SECTION 24: APPENDIX

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ADMINISTRATIVE POLICY #1: LACTATION BREAKS

- A. Eligible Employees. All employees who are nursing mothers are eligible to take reasonable breaks under this policy to express breast milk for up to one year after the birth of the employee's child. The City encourages all eligible employees who intend to take breaks under this policy to notify the Human Resources Department of their intent.
- B. Lactation Breaks. Eligible employees may take a reasonable amount of break time to accommodate the employee's need to express breast milk for the employee's nursing child. Eligible employees should notify the Human Resources Department of the frequency, timing and duration of lactation breaks they need to take. Please contact the Human Resources Department for information about the designated location for lactation breaks.
- C. Compensation. Lactation breaks under this policy are unpaid, however, employees who use break time to express breast milk should inform the Human Resources Department to be compensated in accordance with the City's break policy. Employees who are required to record time the City's timekeeping policy must accurately record the start and end of lactation breaks on their time sheets/clock in and out for their lactation breaks in accordance with the City's timekeeping policy. Uninterrupted lactation breaks do not count as hours worked. Exempt employees may be provided break time with pay when necessary to comply with state and federal wage and hour laws.
- D. No Retaliation. The City expressly prohibits any form of discipline, reprisal, intimidation, retaliation or discrimination against any individual for requesting or taking lactation breaks.

SALARY PLAN

End of Section 24

POLICY STATEMENT AND ACKNOWLEDGMENT FORM

1. I have received my copy of the Personnel Policies and Procedures Manual (Manual) which outlines certain policies, practices and benefits of Highland City. I accept responsibility for informing myself about these policies by reading them and, if necessary, by asking that they be explained to me.
2. **I UNDERSTAND THAT THIS MANUAL IS NOT, AND SHALL NOT BE CONSTRUED AS, AN EXPLICIT OR IMPLIED CONTRACT, SHALL NOT MODIFY ANY EXISTING AT-WILL STATUS OF ANY HIGHLAND CITY EMPLOYEE, AND SHALL NOT CREATE ANY DUE PROCESS REQUIREMENT IN EXCESS OF FEDERAL OR STATE CONSTITUTIONAL OR STATUTORY REQUIREMENTS.**
3. Since the information in this Manual is subject to change with or without notice, it is understood that the information that I have received may be changed or replaced by other policies and procedures, which Highland City may adopt in the future. I understand and acknowledge that no one has promised me that Highland City will not change these policies, and I understand that Highland City has reserved the right to change these policies in the future.
4. For Probationary Employees and Department Heads, I understand and agree that my employment with Highland City may be terminable **at-will**, meaning that either myself or Highland City may terminate the employment relationship at any time for any reason. I understand that neither myself nor Highland City has any obligation to base a termination decision on anything other than intent not to continue the employment relationship. No one has promised me that my employment will only be terminated for cause, or only for any particular reason, or will only be terminated through some particular process or procedure above, beyond, or in addition to such due process as may be required by federal or state constitutional and statutory requirements.
5. I understand and agree that no one at Highland City, except the City Council, has any authority to enter into any agreement for employment for any specified period of time or to make any agreement which alters, amends or contradicts the provisions that are stated in this manual.

Signature of Employee

Printed Name of Employee

Date