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## 1. ADMINISTRATION.

### 1.10. GENERAL.

#### 1.10.10. Employee Recognition.

##### 1.10.10.010. General.

##### 1.10.10.020. Spontaneous Recognition Program.

##### 1.10.10.030. Planned Recognition Program.

##### 1.10.10.010. General.

The City's Employee Recognition Program provides opportunities to recognize and reward employees for their years of service, meritorious performance and supportive attitude in addition to normal salary considerations. The program consists of both spontaneous and planned recognition.

The administration of the recognition programs is the responsibility of the City Manager's office. Employee Recognition Request Forms will be submitted by the Department Director to the City Manager's office for review and approval.

##### 1.10.10.020. Spontaneous Recognition Program.

A. The spontaneous recognition program is the responsibility of each department director. The purpose is to recognize employees who by their attitude, comments and performance:

- 1 increase productivity
- 2 go beyond what is normally expected
- 3 use innovation in problem solving
- 4 consistently perform above expected levels
- 5 perform as a group to achieve safety/production

B. Efforts should be made by each supervisor to recognize employees in a unique, creative and memorable way. Spontaneous Recognition should be given to those employees who go beyond what is expected of them, not just an acknowledgment that the employee has done what is expected of him. Spontaneous recognition should not become so commonplace that it becomes expected or unappreciated.

C. Spontaneous recognition will be accompanied with a letter to the employee from the supervisor giving the details of the recognition.

**1.10.10.030. Planned Recognition Program.**

A. Years of Service. All Benefited Employees who have a 5, 10, 15, 20, 25, 30, 35, 40-year anniversary with the city during the year prior to the annual steak fry shall receive:

- 1 A certificate of service from the Mayor.
- 2 A check equal to \$10 for every year of service (\$50 for 5 years, \$100 for 10 years, etc.)

B. End of Service Recognition. Benefitted Employee who has worked ten years for the city, and leaves employment for other than disciplinary reasons, shall receive:

- 1 An appropriate gift:
  - a 10 years – value at/near \$300
  - b 20 years – value at/near \$600
  - c 30 years – value at/near \$900
- 2 Reception for Retiring Employees.

C. Education Recognition. Benefited Employees obtaining their Bachelor's degree will be eligible for a \$250 bonus. Employees obtaining their Master's degree will be eligible for a \$500 bonus. Those obtaining certification in different fields shall be awarded \$100 or above, depending on degree of difficulty. Certificates that directly lead to a promotion or pay increase are excluded.

D. Employee Appreciation Activities. The city shall sponsor the following special events to show appreciation for employees:

- 1 Summer Pool Party - All employees/volunteers/board members and their families
- 2 Summer Steak Fry - Benefited Employees and a partner/guest
- 3 Golf Tournament – Benefited Employees
- 4 Christmas Party - Benefited Employees and a partner/guest

E. Holiday Gifts. The following individuals shall receive a Christmas gift determined by management:

- 1 Benefited employees.
- 2 Part time employees as determined by management.
- 3 Fire and Ambulance Volunteers.

- 4 Board and Commission members.
- 5 Crossing Guards.
- 6 Mayor and Council members.

F. Employee of the Quarter. Employees may nominate any Benefited Employee for recognition as the Employee of the Quarter. Department Directors will make the final selection. Employees may be eligible to be chosen every five years. The chosen employee shall receive the following:

- 1 Certificate of appreciation.
- 2 \$250

G. Facility Passes. Benefited City Employees and Elected Officials (past and present) are authorized to use city facilities as defined below. These benefits, along with their terms and conditions for use, are subject to change or revocation at any time, and may be restricted during periods of high use or private events. The City reserves the right to revoke any individual's access and/or pass to any and all facilities should the user not conform to the proper conduct, use, or treatment of the facility or its staff. It is understood that these passes are for the primary use of the city official and their family. All passes are subject to the appropriate taxes. Lost Passes will not be reissued.

1. The Mayor, City Council Members and Benefited Employees may receive the following facility passes as outlined below.
  - a. Swimming Pool – two 25 punch passes
  - b. Golf Course (9 holes with cart) – two 5 punch passes. (Golf punch passes shall be unlimited to the Mayor, City Council Members, City Manager, Assistant City Manager, and Department Directors.)
  - c. Fairgrounds Arenas – One Individual annual pass
  - d. Indoor Tennis Courts – One Individual annual pass
  - e. Library Card (regardless of residency)
2. THE SPANISH FORK PASS
  - a. Automatically awarded to benefited employees who have completed 25 years or more of full-time service and elected officials who have completed 8 years of elected office as validated by the Human Resources Division.
    - i. Former employees and elected officials that left the City on good terms and meeting the minimum year's criteria as

validated by the Human Resources Division may be eligible for THE SPANISH FORK PASS.

- ii. Any employee eligible for or holding THE SPANISH FORK PASS whose employment with the city is terminated involuntarily for cause, shall not receive or be allowed further use of THE SPANISH FORK PASS.

b. Benefits

- i. Free lifetime admission for the employee and elected official to:
  - 1. Spanish Fork Pool
  - 2. Spanish Fork Indoor Tennis Court
  - 3. Spanish Fork Fairgrounds indoor and outdoor arenas for riding
  - 4. Spanish Oaks Golf Course (Green fees only)
  - 5. Library Card (regardless of residency)

## 1.20. PERSONNEL POLICY.

### 1.20.10. Establishment of Personnel System.

#### 1.20.10.010. Provisions Established.

#### 1.20.10.020. Administration.

#### 1.20.10.030. Personnel Committee.

#### 1.20.10.040. Equal Opportunity/Nondiscrimination.

#### 1.20.10.045. ADA Notice.

#### 1.20.10.050. Definitions.

#### 1.20.10.010. Provisions Established.

A. The contents of this policy are presented as a matter of information. The policies and procedures described are not conditions of employment. Spanish Fork City reserves the right to modify, revoke, suspend, terminate, or change any or all such policies or procedures, in whole or in part. The language in this policy is not intended to create, nor is it to be construed to constitute, a contract between Spanish Fork City and any one or all of its employees.

B. A personnel system for the City of Spanish Fork has been established in Title 4 of the Spanish Fork City Municipal Code. This ordinance establishes the following basic provisions in the personnel system:

- 1 A system free of political and personal considerations;
- 2 Equitable employment without discrimination;
- 3 Incentives and conditions of employment;
- 4 Positions classified and compensated on a justifiable and uniform basis;
- 5 Establishment of merit principle;
- 6 Just and fair administration of policies, rules and regulations;
- 7 A formal plan of adopted policies, rules and regulations

#### 1.20.10.020. Administration.

The city manager and his/her designee shall administer the personnel system as provided by §2.16.020 of the Spanish Fork City Municipal Code and as provided by these policies, rules and regulations. These policies and procedures may be amended by executive order of the city manager

#### 1.20.10.030. Personnel Committee.

The personnel committee, consisting of the Mayor, two (2) City Councilmembers, the City Manager, the Assistant City Manager, and two (2) employees (chosen by the employees) shall serve as a review committee of the provisions of the personnel policies and procedures promulgated thereunder and may make recommendations to the governing body concerning compensation and benefits of all city employees.

*(Amended October 2006, September 2007, March 2016)*

#### **1.20.10.040. Equal Opportunity and Nondiscrimination.**

- A. Spanish Fork City is an "Equal Opportunity Employer" and does not discriminate on the basis of race, color, national origin, gender, age, disability, or genetic status.
- B. Consideration of applicants for full-time employment will be based on education, skills, experience, personality, and fit and potential for job performance and learning.
- C. Spanish Fork City complies with all Federal and State regulations pertaining to human resource management.

#### **1.20.10.050. Definitions.**

All terms, phrases and words used in these policies and procedures shall have the meanings as defined in this section or as defined by common usage.

- 1 **Applicant** means one who applies for a current employment opening with the city and who has completed the required application form(s) as required by the city.
- 2 **Appointing Authority** means the mayor and city council, or city manager.
- 3 **At-Will Employee** means one whose employment, compensation, or service with the city can be terminated with or without cause, and with or without prior notice, at any time, by the appropriate Appointing Authority. At-Will Employees shall be:
  - a Department directors and employees appointed by the Governing Body as defined in Spanish Fork Municipal Code §4.04.020.
  - b All elected officials, members of boards and commissions;
  - c Volunteers, and all individuals appointed to serve without a wage;
  - d Consultants and counsel rendering professional service;
  - e Part-time, Special Projects, and Seasonal employees.
- 4 **Benefits Normally Provided** means sick leave, vacation leave, accrued comp time, retirement contributions, and health, dental, and life insurance – with

- their respective shared costs. Employer contributions for insurance, mandated by state or federal law, are not considered benefits normally provided.
- 5 **Classified Employee** means full-time and permanent part-time employees, other than those listed in the at-will status.
  - 6 **Demotion** means a change in employment status from one position to another position which has a lower salary rate and a lesser degree of responsibility.
  - 7 **Disability** means one who: 1) has a physical or mental impairment that, for such individual, constitutes or results in a substantial handicap to employment; and 2) can reasonably be expected to benefit in terms of employability from vocational rehabilitation services. Also, one who: 1) has a physical or mental impairment that substantially limits one or more of one's major life activities; 2) has a record of such an impairment; or 3) is regarded as having such an impairment. A handicapped individual is substantially limited if s/he is likely to experience difficulty in securing, retaining, or advancing in employment because of a handicap. Utah Code §34-35-2.
  - 8 **Exempt Employee** means full-time employees who are exempt from the overtime provisions of the Fair Labor Standards Act.
  - 9 **Full-time Employee** means one who has successfully completed the initial probationary period and is expected to work approximately forty (40) hours per week and approximately 2080 hours per calendar year. Full-time employees receive benefits normally provided by the City and have an expectation of receiving those benefits from the beginning of their employment.
  - 10 **Governing Body** means the mayor and the city council of the City of Spanish Fork.
  - 11 **Grievance** means a dispute regarding the interpretation or application of any rule, regulation, policy, or procedure which exists under the personnel system of Spanish Fork City, filed by any employee, alleging a violation of the terms, provisions, and/or conditions of his/her employment.
  - 12 **Independent Employees** are contractors with the city who provide their own equipment, and set their own hours to provide a service for which they are contracted.
  - 13 **Non-Grievance** means any matter or action taken by the city or any of its representatives for which relief is provided under the statutes of the State of Utah, or any matter specifically excluded from this set of procedures by provisions included herein, or any policy decisions made by the city council.

- 14 **Part-Time Employee** means one who is expected to work no more than 130 hours in any month and less than 1,560 hours in a year. Occasionally, a part-time employee may work more than 130 hours in a given month due to department needs. If this occurs, the City will offer health insurance benefits if the employee is eligible in accordance with federal law and the City's current health insurance program.
- 15 **Permanent Part-Time Employee** means one who works a minimum of 1,040 hours per calendar year and is eligible to receive benefits at a rate set by the City Manager.
- 16 **Personnel Committee or Committee** means the seven (7) member committee, composed of the mayor, two city council members, the city manager, assistant city manager, two (2) city employees.
- 17 **Promotion** means a change in employment status from one position to another position having a higher salary range, and a greater degree of responsibility and difficulty.
- 18 **Seasonal Employee** means one who is expected to work during the specific period or season. The City has four (4) seasons: from March 15 to September 15; from April 15 to October 15; and from May 15 to November 15; and from October 15 to April 15. Seasonal employees will not work more than 1,560 hours during the season. (i.e.: swimming pool, golf course, streets, parks)
- 19 **Termination Appeals Board or Board** means the City Council.
- 20 **Tier I (One) Employee** means a benefited employee that qualifies for the Utah Retirement System's Tier I retirement benefits.
- 21 **Tier II (Two) Employee** means a benefited employee that qualifies for the Utah Retirement System's Tier II retirement benefits.
- 22 **Transfer** means movement of an employee from one position to another position having the same salary range and comparable responsibility.
- 23 **Variable employee** means an employee who is expected to work a schedule that may be uncertain and erratic from month to month and throughout the year. A variable employee may work more than 130 hours in any given month or for a few consecutive months.

*(Amended, April 2002; June 2002; June 2003; May 2004, October 2006, September 2007, July 2012, February 2013, May 2013, August 2013, September 2014)*



**1.20.15. Personnel Records.****1.20.15.010. Contents.****1.20.15.020. Classification and Access.****1.20.15.010. Contents.**

A. The official personnel record of each employee shall be kept in the office of the Human Resource Director and shall contain employment data including, but not limited to:

- 1 Record of application for employment;
- 2 Pre-Employment documents;
- 3 Training and Education history;
- 4 Performance evaluations and other performance reports;
- 5 Documents pertaining to reprimands, corrective actions, or commendations;
- 6 Records of actions affecting employee salary, status and standing;
- 7 Other applicable items as deemed necessary or as required by law.

B. If disciplinary action is rescinded or disapproved upon appeal, forms, documents and records pertaining to the case shall be removed from the personnel record.

**1.20.15.020. Classification and Access.**

A. Personnel records shall be classified according to the Government Records Access and Management Act (GRAMA), and shall be available for review by users authorized by law to have access to such information.

B. Upon written request, an employee has the right to review the contents of his/her personnel record which are classified public or private. The human resource department, upon written request, will supply the employee with copies of any documents so classified. If, after viewing the personnel file, an employee wishes to dispute or explain anything in the file, the employee may submit a written statement explaining his or her position. This statement will be placed in the personnel file.

C. A supplementary personnel record may be kept in the office of the department director in a locked and secure location, and shall contain copies of items recorded in the official record and materials required by department management for the purpose of managing

the department. Any such individual record shall be considered supplementary to the official record and shall be subject to the rules governing personnel records.

D. Personnel records shall be retained permanently, unless otherwise indicated herein or mandated by local, State, or Federal law.

**1.20.20. Hiring Procedures.****1.20.20.010. Procedures.****1.20.20.020. Veterans Preference.****1.20.20.030. Nepotism.****1.20.20.035. Conditions of Employment.****1.20.20.040. Paperwork and Training Upon Hire.****1.20.20.010. Procedures.**

A. When a position opens in a department or a need arises to create a new position, the department director shall notify the city manager.

B. The city manager shall have the discretion to fill vacancies through appropriate methods including, but not limited to promotion, posting, advertising, and other methods. No such method shall violate any Federal, State or local laws.

C. In accordance with the Spanish Fork City Municipal Code, the city manager shall have power to appoint, remove, promote and demote any and all officers and employees of the city, subject to all applicable personnel ordinances, rules and regulations, except for the recorder or treasurer. The appointment, removal and demotion of these statutory officials shall be by the mayor with the consent of the city council

*(Amended, August 2002. September 2007, April 2010)*

**1.20.20.020. Veterans Preference.**

Honorably discharged veterans who have served in active duty in the armed forces as defined in Utah State Code Ann. §71-10-1, et. seq.; and the un-remarried spouse of a veteran; shall be preferred for employment, either directly or by contract, if they possess qualifications for that employment. Spanish Fork City will follow the requirements of Utah Code Ann. §71-10-1, et. seq., in granting veteran's preference.

**1.20.20.030. Nepotism.**

A. It is the policy of Spanish Fork City to comply with the Anti-Nepotism Clause as stated in Utah Code §52-3-1, as amended.

B. No appointing authority may employ, appoint, vote for, or recommend the appointment of his or her father, mother, husband, wife, son, daughter, sister,

brother, uncle, aunt, nephew, niece, first cousin, mother-in-law, father-in-law, sister-in-law, brother-in-law, son-in-law, daughter-in-law, grandchild or grandparent, when the salary, wages, pay, or compensation of the appointee will be paid from public funds and the appointee is under the direct supervision of a relative.

C. No public officer (a person who holds a position that is compensated by public funds) may directly supervise an appointee who is a relative when the salary, wages, pay, or compensation of the relative will be paid from public funds.

D. Spanish Fork City will consider employment applications from relatives of current employees when openings exist. Hiring decisions will be made on the basis of merit. Relatives will not receive preferential treatment.

E. Applicants with relatives in classified or full-time at-will service will not be hired in the same department if the applicant is to be supervised by one of the relatives noted in the Utah Code.

**1.20.20.035. Conditions of Employment.**

A. All final candidates are subject to and must pass a background check, which will include but not be limited to a criminal history, as described in the City's Rights of Access Policy and a check of references and/or former employers and any other sources of information, including social media.

B. All final candidates are subject to and must pass a controlled substance/alcohol test before hire.

**1.20.20.040. Paperwork and Training Upon Hire.**

A. Before a candidate for employment can begin working, s/he must complete new hire orientation and paperwork as necessary.

B. Upon hire, employees shall be properly trained in the operation of all equipment, and on policies regarding harassment. A training form shall be completed and filed with the human resource office.

*(Amended January, 2004; October, 2005, July 2012)*

**1.20.25. Probationary Period.****1.20.25.010. General.****1.20.25.020. Rights of Probationer.****1.20.25.030. Length of Probation.****1.20.25.040. Performance Evaluations.****1.20.25.050. Salary Increases.****1.20.25.010. General.**

The probationary period shall be regarded as an integral part of the employment process and shall be used for closely observing the employee's work, for securing the most effective adjustment of a new employee to the position, and for rejecting any employee whose performance does not meet the required performance level.

**1.20.25.020. Rights of Probationer.**

Probationer can be terminated at any time, during the term of probation, for any reason.

**1.20.25.030. Length of Probation.**

Original and promotional appointments of classified service employees shall be tentative and subject to a probation period of not less than twelve (12) months.

**1.20.25.040. Performance Evaluations.**

The department director in charge of each probationary employee shall file no less than three (3) performance evaluations during the twelve month probationary period.

**1.20.25.050. Salary Increases.**

Probationary employees shall be eligible for salary increases during their probation upon recommendation of the Department Head with approval from the city manager.

**1.20.30. Separation from Employment.****1.20.30.010. At-Will Employees.****1.20.30.020. Classified Employees.****1.20.30.030. Position Reclassification.****1.20.30.040. Abolition of Position.****1.20.30.010. At-Will Employees.**

Except as otherwise provided by law or ordinance, at-will employees can be terminated at any time, for any reason. The termination of at-will contract employees must be approved by the mayor with the majority vote of the full membership of the city council and acted upon at a regularly scheduled city council meeting.

**1.20.30.020. Classified Employees.**

A. Classified employees are subject to separation for cause or reasons of curtailment of work or lack of funds. Prior to involuntary separation, classified employees are entitled to a hearing (see §1.62), and shall have the right to appeal their separation to the Termination Appeals Board through the established procedure (see §1.66).

B. No classified employee may be dismissed from service as a result of a change in the elected administration of the city or for the political expediency of elected officials.

**1.20.30.030. Position Reclassification.**

No classified employee shall be removed from employment by means of reclassification or transfer of job function where the evident job reclassification or transfer of job function is primarily for the purpose of dismissing the employee.

**1.20.30.040. Abolition of Position.**

A. If a circumstance should arise requiring the abolition of a certain position(s), attempts to maintain the employee shall be made by:

- 1 Returning the employee to a previous position if such position is open; such change shall not result in a reduction in pay.
- 2 Promoting the employee based on merit and qualifications.
- 3 Transferring the employee to another division or department to fill an open position for which s/he is qualified.

B. If none of the above alternatives are available, the employee will be separated. All involuntary separation policies and appeal procedures shall apply.

**1.20.35. Compensation Plan.****1.20.35.010. Establishment.****1.20.35.020. Compensation Plan.****1.20.35.030. Appointments, Reinstatements, Promotions and Transfers.****1.20.35.040. Salary Adjustments.****1.20.35.050. Overtime and Compensatory Time.****1.20.35.060. Department Need for Overtime.****1.20.35.070. Special Assignment Pay.****1.20.35.080. Callback and Standby Pay.****1.20.35.085. Employees Serving as Volunteers****1.20.35.090. At-Will Compensation.****1.20.35.100. Severance Pay.****1.20.35.010. Establishment.**

The compensation plan of Spanish Fork City shall consist of a schedule of salary ranges for all positions as prepared by the city manager and approved by the City Council. (Amended April 2010)

**1.20.35.020. Compensation Plan.**

A. In recommending a salary range, the city manager shall give appropriate consideration to the following factors:

- 1 Maintenance of equitable relationships between classes based on the relative duties and responsibilities;
- 2 The level of prevailing rates for comparable work in private and public employment.

**1.20.35.030. Appointments, Reinstatements, Promotions and Transfers.**

A. Equal opportunity for all reinstatements, promotions and transfers shall be handled according to §1.12.

B. Initial appointment to a position shall be made at the bottom of the position salary range. Exceptions must be approved by the city manager.

C. When an employee is hired, promoted or transferred to a new position, he or she will begin a twelve (12) month probationary period for the new job function.

D. If an employee transfers to a position in another department or division with the same salary range, s/he will continue to be paid at the same rate which they are currently receiving.

E. An employee whose position is changed from one salary range to another, shall generally be paid at the same rate for which s/he was paid in the previous salary range or at the entry level of the new salary range, whichever is greater.

**1.20.35.040. Salary Adjustments.**

A. Employees shall be eligible for a salary adjustment upon recommendation of the department director and upon approval of the city manager.

B. The following situations shall not disqualify an employee for salary adjustments:

- 1 Authorized military leave, provided the person is reinstated within ninety (90) days following honorable discharge from the military service.
- 2 Authorized educational leave.
- 3 Time during which an employee is receiving compensation for injury, or disease arising out of and in the course of his/her employment.
- 4 Authorized leave of absences without pay of fifteen (15) calendar days or less, within any calendar year.
- 5 Authorized leave of absence with pay.

C. When a salary adjustment is delayed solely through administrative process, the adjustment shall be effective on the original date.

(Section 1.24.045. Repealed in its entirety, 2002)

**1.20.35.050. Overtime and Compensatory Time.**

A. Overtime compensation is set by application of guidelines derived from the Fair Labor Standards Act as amended, and the Utah Code where applicable. Overtime is defined as work, by any employee, in excess of forty (40) hours during any one work week. The work week is a regularly recurring period of 168 hours, or seven (7) consecutive 24-hour periods. The work week begins at 12:01 a.m. Saturday and ends at 12:00 midnight Friday.

B. Overtime and compensatory time shall be paid/earned at the rate of one and one-half times the employee's regular hourly rate.

C. Upon termination of employment, unused compensatory time shall be paid at the current rate received by such employee.

D. Employees have the option of either receiving pay or compensatory time for overtime worked. An employee must indicate which choice they prefer when timesheets are turned in for each pay period applicable. Employees may not change the chosen option once the timesheet has been submitted.

E. Eligible employees may accrue compensatory time not to exceed 240 hours. Employees shall be permitted to use compensatory time within a reasonable period after making a request, if use of the compensatory time does not unduly disrupt department operations.

F. Any employee who has accrued the maximum compensatory hours allowed shall be paid for all overtime.

G. Paid time given an employee for vacation, holidays, sick leave, jury duty, funeral leave, or any other leave, will not be included in calculating hours for overtime payment.

H. Employees may receive payment for accrued comp-time once a year at a date designated by the city manager. Employees will receive payment based on their current hourly rate and may cashout either a portion or all of their accrued comp-time. Employees may choose to convert comp time to cash, through payroll, and/or defer an amount into their 401(k), subject to annual contribution limits, set forth by the IRS.

I. In the event of a declared disaster, qualifying for FEMA or other federal assistance, overtime shall be calculated on an 8-hour work day for all employees, including exempt. During such a declared disaster, salaried employees will be eligible to receive overtime compensation at a rate of one and one-half times the employee's current rate, based on a per-hour equivalent for a 40-hour work week. (Amended, May 2005, June 2007, September 2007, February 2013)

**1.20.35.060. Department Need for Overtime.**

A. Department determination of overtime needs is subject to review and approval by the city manager.

B. Overtime will be authorized only in emergency situations or under unusual circumstances and shall be kept conservative, commensurate with the best interests of the city. It shall be reviewed when management imposes requests or

demands which cannot reasonably and customarily be satisfied within a normal work week.

C. If an employee cannot accomplish necessary work in a given workweek, the employee should inform the supervisor regarding a decision on overtime.

**1.20.35.070. Special Assignment Pay.**

A. An employee may be paid additional compensation, upon the approval of the city manager, for performing hazardous or additional duties not specified in the employee's current job description.

B. An employee required to assume his/her supervisor's duties for any period in excess of ten (10) working days shall be paid a rate specifically designated by the city manager above his/her regular pay for the entire period s/he performs such duties.

**1.20.35.075. Exempt Employees and Assignments with Funds From Outside Sources.**

From time to time, the City receives funding from outside sources to perform some task or assignment, such as an alcohol enforcement grant or a rental of a city facility that pays to also use city employees to complete some assignment. Where funds from some outside source are given to cover the City's personnel expenses and where such funds are sufficient to cover all related employee expenses, FLSA exempt employees shall be allowed to fill such shifts and receive additional compensation above their normal pay for a two-week pay period, subject to the following conditions:

A. Other outside funding sources must be pre-approved by the Human Resource Director before any additional pay for Exempt Employees is approved. Under no circumstances will general fund money be used to fund additional hours.

B. Exempt Employees will maintain their normal work schedule during the pay period. Exempt Employees will work any additional hours required to perform their normal duties (over 80 hours per pay period if necessary), and such hours will not be compensated in any way.

1. Hours compensated by outside funding sources must be worked in addition to their regular duties, and only to the extent allowed by the demands of their regular position.

2. The hours compensated by outside funding sources cannot be allowed to negatively impact the employee's availability to perform their primary duties.
- C. Exempt Employees will retain their FLSA exempt status, working in supervisory/administrative roles.
  - D. All paid hours will be at the Exempt Employees normal (straight time) hourly pay rate. Overtime rates will not apply, and benefits will not be calculated on the additional earnings, with the exception of 401(k) contributions. The City's contribution will be reimbursed by the outside funding source.
  - E. All qualified lower-ranked personnel will be given the first and second opportunity to work these hours before any Exempt Employees are offered the opportunity to work them. Exempt Employees shall be used as a last resort to fill a needed shift and must have the approval of the department director.

Exempt Employees are not (and will not become) entitled to any particular number of hours compensated by outside funds, and they should not expect any amount of additional earnings to be paid on a regular basis.

**1.20.35.080. Callback and On-Call Pay.**

A. Callback. Any employee who has completed a work shift and has left the work premises, and is then called back to work by an appropriate supervisor or designated representative, without advance notice or scheduling, shall receive a minimum of one (1) hour pay at the employee's overtime rate for the call. Each hour thereafter, on the same call, shall be compensated at the employee's overtime rate of pay. Callback time begins at the point of receipt of the call and continues until the required services are complete.

B. On-Call. On-Call, where applicable, is mandatory. The city manager shall designate those divisions that will have an employee on-call. Employees may be required to take mandatory on-call assignments, or volunteer for times in their divisions. However, supervisors may require that all eligible employees take on-call, if the need arises.

C. On-call positions for the City will be approved by the City Manager and properly budgeted for. Such positions shall receive a base compensation at the rate equal to seven (7) hours of their individual overtime rate or \$275 per week,

whichever is greater. When the on-call includes a holiday, the employee will receive an additional hour of overtime to the base rate each holiday in that week. All call outs will be paid at one hour minimum and at the employee's overtime rate. For call-outs taken on a recognized City holiday, the employee will be compensated at double time. Hours worked under this section are not to be confused with callback or regular overtime. The provisions of this section apply only to the employee assigned to an on-call shift  
(Amended May 2005, September 2007, August 2013)

**1.20.35.085 Employees Serving as City Volunteers.**

Spanish Fork City supports employees who wish to volunteer in certain functions and for certain activities. Employees that wish to volunteer do so at their own volition and can only volunteer to fulfill needs that are distinct from their current job duties. Employees wishing to volunteer for activities such as Fiesta Days, planting flowers on Main Street, or any other such activity may do so and should seek clarification from the Human Resource office to ensure they can volunteer.

A. Employees serving as volunteer fire fighters will be allowed to respond to emergency calls during the regular work day as the need arises. Employees do not need to clock out to respond to a fire emergency. Employees serving as volunteer fire fighters should consult with their supervisors regularly to determine if their volunteer service places any burdens on their work load.

B. An Employee will not be paid for attending volunteer firefighter training, unless they use vacation or comp time.

C. If an emergency call begins before the regular work shift, and extends into the work shift, or if an emergency call begins during the work shift and continues after the work shift ends, the employee will be paid their regular rate of pay only for those hours that occur during their regular work shift. The volunteer rate of pay will apply for all hours of the call.

D. Full-time employees that also serve as volunteers may be required to attend training from time to time. Employees will be compensated at their regular rate AND the volunteer rate for training that is required for the basic certification of the volunteer position, if the training occurs during the regular work week. If the training occurs outside the regular work week, only the volunteer rate will apply. Employees will be allowed to use vacation or comp time in order to attend training

that is elective or beyond the basic certifications required for their volunteer position.

(Added April 2010, February 2013)

**1.20.35.090. At-Will Compensation.**

(repealed February 2012)

**1.20.35.100. Severance Pay.**

At-will employees shall be entitled to severance pay upon involuntary separation, pursuant to Spanish Fork Municipal Code §4.04.02.

(Amended July 2012)

#### 1.20.40 Benefit Plan.

- 1.20.40.010. Holidays.
- 1.20.40.020. Vacation.
- 1.20.40.030. Sick Leave.
- 1.20.40.040. Sick Leave Cash Out Program.
- 1.20.40.050. Sick Leave Upon Separation.
- 1.20.40.060. Family and Medical Leave Act.
- 1.20.40.070. Health Insurance Portability and Accountability Act.
- 1.20.40.080. Workers' Compensation.
- 1.20.40.090. Funeral Leave.
- 1.20.40.105. Military Leave - Active Duty
- 1.20.40.110. Court Leave.
- 1.20.40.120. Leave Without Pay.
- 1.20.40.130. Employee Assistance Program (EAP).
- 1.20.40.140. Permanent Part-Time Benefit Program.
- 1.20.40.150. Ambulance Bill Waiver

#### 1.20.40.010. Holidays.

A. Eligible Employees shall receive the following eleven (11) paid holidays:

- |                               |   |
|-------------------------------|---|
| 1. New Year's Day             | 7. Labor Day                              |
| 2. Martin Luther King Jr. Day | 8. Thanksgiving Day                       |
| 3. President's Day            | 9. Day after Thanksgiving*                |
| 4. Memorial Day               | (* omitted for employees who work 4-10's) |
| 5. Independence Day           | 10. Christmas Eve                         |
| 6. Pioneer Day                | 11. Christmas Day                         |

B. When an employee works a holiday prescribed in this section that is included in his/her scheduled work shift, the employee shall be compensated at the straight time rate. This provision applies to the actual holiday and not to the observed holiday, if they are different.

C. When an employee works a holiday prescribed in this section that is not included in his/her scheduled work shift, the employee shall be compensated at a rate of time and one half of their regular pay.

D. Police Officers assigned in the Patrol Division will be given 4 days (40 hours) of personal holiday hours on January 1 and 6 days (60 hours) on July 1. The officer has the discretion when to use those hours anytime in the six month period

immediately following the receipt of such hours, subject to receiving approval from his/her supervisor. The officer will designate on their individual timecard when they use their personal holiday hours. At the end of each 6 month period, the city will buy-out, at full cash value, up to 20 hours in June and 30 hours in December. Any remaining hours above these amounts will be forfeited.

(Amended, July 2003, May 2014)

**1.20.40.020. Vacation.**

A. Each eligible employee shall be entitled to vacation with pay. Vacation credits for classified and at-will service employees shall accrue as follows:

<b>YEARS OF SERVICE</b>	<b>ACCRUAL RATE</b>
Hire date - 5 yrs	= 3.08 hrs./pp (80 hrs./yr)
5 years - 10 yrs	= 3.70 hrs./pp (96 hrs./yr)
10 years - 15 yrs	= 4.62 hrs./pp (120 hrs./yr)
15 yrs and over	= 6.16 hrs./pp (160 hrs./yr)
At-will	= 6.16 hrs./pp (160 hrs./yr)

B. In addition, eligible employees shall receive a personal holiday of eight (8) additional vacation hours each year accrued in January. Employees who work 4-10's will not receive any personal holiday hours.

C. A maximum of 240 vacation hours may be accrued by a classified employee; a maximum of 480 vacation hours may be accrued by at-will employee(s). Vacation not used at the end of the calendar year which would be over the maximum accrual amount, may be used thru the date of June 15, the following calendar year.

D. Vacation schedules for each division shall be scheduled with the department director or division supervisor, and shall be granted when it shall be convenient to the conduct of city and department operations. In scheduling of vacation, supervisors shall give due regard to seniority and the wishes and desires of employees. In no event shall vacation leave be denied any employee for longer than eighteen (18) months from the date of his/her last vacation leave.

E. Upon separation, an employee shall be entitled to payment for any accrued vacation leave.

F. FLSA exempt employees shall use accrued leave in increments equal to half their regular work day, generally 4 or 5 hours.

(Amended January 2002; July 2003, April 2008, April 2010, February 2012)

**1.20.40.030. Sick Leave.**

A. Sick leave shall not be considered a privilege which an employee may use at his/her discretion, but shall be allowed only in case of necessity and actual sickness of the employee, child, parent or spouse, to meet dental appointments, doctor appointments, or other approved measures of sickness prevention.

(Amended December 2004)

B. Sick leave time may not be used with hours worked to exceed the total number of hours normally scheduled during the week (generally 40 hours per week for full-time employees)

C. Eligible employees shall be entitled to accumulate 3.70 hours of sick leave per pay period (96 hours/year) for each month of full-time service or major fraction thereof of actual service accumulated. There shall be no maximum limit on sick leave accrual.

D. Evidence in the form of a physician's certificate or certificate of illness, executed by the employee and his/her supervisor, may be required to be furnished as proof of adequacy of the reason of the employee's absence during the time which sick leave is requested. Certificates may be requested by the supervisor, department director, supervisor, or city manager's office when there is an absence in excess of three (3) or more days, or whenever there is a reason to believe sick leave privileges are being abused.

E. A person claiming sick leave with pay and any supervisor approving the same, or if it is shown that the claim was made or approved by such claimant or supervisor, knowing that such claimant was not, in fact sick, or otherwise entitled, shall be subject to disciplinary action.

F. Upon request, an employee must submit a return to work order from a doctor stating the type of duty which may be resumed upon returning to work after an illness or injury which may affect the employee's performance and/or ability to do their job.

G. When sick leave is used for a period of more than three (3) consecutive days, the employee and/or the supervisor should consult with the city manager's office to review the option of Family and Medical Leave Act implementation. See section 1.28.060.

H. Upon employment as an at-will employee, an individual shall be initially provided with three (3) months sick leave. These hours can only be cashed-out upon separation. In addition to the said three months, at-will employees shall be entitled to one (1) sick leave day for each month of full-time service or major fraction thereof of actual service accumulated.

I. FLSA Exempt employees shall use accrued leave in increments equal to half their regular work day, generally 4 or 5 hours.

**1.20.40.040. Sick Leave Cash Out Program.**

A. All employees are reminded that sick leave is a privilege and each employee is responsible for the decision made to cash out their sick leave.

B. Employees receiving sick leave shall be eligible to participate in a sick leave cash out program at the end of each calendar year.

C. No employee shall be allowed to cashout sick leave which would leave their accrued amount below 160 hours.

D. Sick leave cash out rates shall be set at the employee's current hourly rate.

E. An employee shall have the option to cash out 25% of accrued unused sick leave for the current calendar year.

F. Rather than choosing a cashout option, an employee may transfer 25% of accrued unused sick leave for a calendar year to vacation hours.

G. Employees choosing to cash out their sick leave with sections E or F, will forfeit the other 75% of the accrued sick leave hours.

(Amended, December 2003)

**1.20.40.050. Sick Leave Upon Separation.**

Sick leave cash out upon separation shall be for cash value accumulated sick leave only and shall be at the following rates: 0-19 years = 25%; 20 years and above = 33.3%.

(Amended, November 2003, July 2012)

**1.20.40.060. Family and Medical Leave Act.**

A. The Family and Medical Leave Act (FMLA) shall be followed as established by law. Employees may be entitled to 12 weeks protected leave (480 hours) or up to 26 weeks, protected leave in qualifying circumstances.

B. Benefits continued during FMLA shall be vacation, sick leave, health, dental, long term disability and life insurance. Other benefits shall continue as established by the FMLA and city policy. Definitions of items listed and other details regarding this section can be obtained from the city human resource department. See the administration office for a full version of the action.

C. An employee's right to leave under this act is conditional upon the following:

- 1 Has continuously worked for the City during the prior 12-month period;
- 2 Has worked a minimum of 1250 hours during the prior 12-month period;
- 3 The birth of a child;
- 4 The placement of a child for adoption or foster care;
- 5 Care for a child, parent or spouse with a serious health condition;
- 6 The employee is unable to work because of a serious health condition;
- 7 Because of a qualifying exigency arising out of the fact that your spouse; son or daughter, or parent is on active duty or call to active duty status in support of a contingency operation as a member of the National Guard or Reserves.
- 8 Because you are the spouse, son or daughter, parent, or next of kin of a covered service member with a serious injury or illness.

D. An employee wanting to take a family or medical leave of absence must request leave in writing (email or letter is sufficient) briefly describing why leave is needed, when the employee plans to begin the leave and when the employee tentatively plans to return. The request should be given to the respective supervisor who will give the request to the human resource office for review and approval. When possible, the employee should provide the city with at least thirty (30) days notice before the commencement of the leave. The employee shall be notified by the human resource office if the leave has been approved.

E. Upon request an employee may be required to submit a health care provider's certification that the situation of the employee or family necessitates leave. The certification must state the date on which the serious health condition commenced, the probable duration of the condition and the appropriate medical facts about the condition.

F. Employees are required to first use accrued time for compensation during FMLA. Only after all accrued time is exhausted, will FMLA leave be without pay. Employees may choose the option of using sick leave or vacation time, and may choose the order in which they will be used. Compensatory time shall only be offered for use upon the request of the employee.

G. If the employee exhausts all accrued time before the employee is able to return to work, s/he shall be placed on leave without pay for the remaining time, up to the twelve week (480 hour) limit, at which point the case will be re-evaluated. Employee remains responsible for their share of all benefit costs during FMLA leave. Employee will be responsible to contact the payroll office to make arrangements to pay for their share of benefit costs when payroll deductions are not available.

H. Should the absence of the employee extend beyond twelve weeks (480 hours) the city manager may grant leave without pay (see §1.28.120).

I. Intermittent and reduced leave may be granted upon approval of the department director and assistant city manager.

J. The method for calculating the twelve (12) month period for determining leave availability will be a rolling year, calculated from the first day leave is taken. (Amended, May 2002; November 2003; October 2006, July 2009, February 2013).

**1.20.40.070. Health Insurance Portability and Accountability Act.**

A. Spanish Fork City complies with the Health Insurance Portability and Accountability Act (HIPAA). HIPAA ensures the portability of health insurance coverage when transferring from one group health plan to another by limiting restrictions on pre-existing conditions. See the city manager's office for a full version of the action.

B. Upon separation, an employee will receive a certificate of credible coverage from the city's contracted health provider.

C. Spanish Fork City respects and preserves the confidentiality of information collected from employees for employment purposes. This information may be retained for extended periods of time, and may include previous as well as current private information.

D. Protected health information includes name, date of birth, medication, physician information, circumstances of healthcare, social security information, insurance provider information, health insurance enrollment forms, marital status, dependent information, and other data which may provide the identity of the employee.

E. Spanish Fork City does not use this information in making decisions regarding employment, promotion, demotion, or in disciplinary actions against employees. Health information may be used in determining reasonable accommodations under the Americans with Disabilities Act, or in the course of providing benefits such as Family Medical or Medical Leave.

F. Protected health information is provided to health care professionals on a need to know basis and is limited to information required to provide quality service and assistance.

G. Dissemination of protected health information for any other purpose, or to any other person or persons is strictly prohibited. Unauthorized use or dissemination of protected health information, even to family members of the employee, without written permission of the protected individual may result in disciplinary measures, up to and including termination.

(Amended, April 2003)

**1.20.40.080. Workers' Compensation.**

A. An employee injured during the performance of duty at work is covered by Workers' Compensation as provided by State law. An employee is eligible to receive Workers' Compensation payments and benefited employees can supplement those payments with accrued sick leave, and/or vacation time to bring total compensation equal to the employee's present net salary.

B. Benefited employees shall sign over to the City any worker's compensation payments made directly to the employee. The City will add up to 26.67 hours of accrued leave to the worker's compensation payment to ensure the benefited employee's net paycheck from the City remains similar to before the accident.

C. After an employee uses all of their accrued leave in conjunction with an industrial injury, the employee will then receive the workers' compensation directly.

D. Part-time employees will directly receive their workers' compensation check, as they receive no sick leave.

E. Spanish Fork City reserves the right to request second opinions regarding medical conditions which may require unusual extended leave.

F. Worker's compensation wages are not eligible for retirement benefits. Employees will receive retirement benefits on hours of accrued leave time used.

G. Employees are encouraged to return to works as soon as safely possible, with Doctor's approval. Employees cleared only for light duty work may be temporarily reassigned to another division or department where light duty assignments are available. If no light duty work is available, the employee will remain off work until he/she is can return to full duty or until light duty work becomes available, whichever occurs first.  
(Amended July 2012)

**1.20.40.090. Funeral Leave.**

A. Funeral leave will be granted to benefitted employees who suffer the loss of a member of the immediate family, including:

Husband	Son/Step	Mother/Father-in-Law
Wife	Daughter/Step	Sister/Brother-in-Law
Mother/Step	Sister/Step	Son/Daughter-in Law
Father/Step	Brother/Step	Grandparent/Grandchild

B. In the event of death in any of these instances, the full-time employee will be paid the regular base pay for scheduled work time not to exceed three (3) days. If additional time off beyond this allowance is required, the employee must use available leave, upon prior approval of supervisor.

**1.20.40.100. Military Leave - Active Duty.**

Employees called to active military duty shall be entitled to extension of pay and benefits during the duration of their active military duty as noted below:

- 1 All requests for military leave must be accompanied by military orders placing the employee on active duty status.
- 2 Employees are responsible to provide the city treasurer with a copy of all military paychecks for the time periods in which the city will be compensating the employee.

- 3 Employees shall be entitled to all military compensation with the city paying any difference in the employee's regular wage during the duration of the employee's active duty time. The wage shall be based on the wage received by the employee when the call to active duty arrived. The city shall pay the difference after all military compensation is considered (such as housing, special assignment pay, etc.)
- 4 Vacation and sick leave shall be accrued at the regular rate for the first six (6) months of active duty.
- 5 The city will continue to make regular payments to the employee's 401(k) retirement plan for the duration of the employee's active duty service.
- 6 Health and dental benefits will continue for the first ninety (90) days of active military duty, or until the military insurance begins. The city and employee shall pay the same amounts as were paid before the employee was called to active duty.
- 7 Utah State retirement benefits will be paid as required by law.
- 8 Life insurance benefits will discontinue the first of the month following entry into active military duty. Upon returning to work, life insurance will be reinstated.

(Amended, November 2002; June 2003; November 2003)

**1.20.40.110. Court Leave.**

A. Any employee subpoenaed to appear in court or before a grand jury as a juror, as a witness in a criminal case, or as a witness in a civil case with the purpose of giving testimony, shall be compensated at their regular rate of pay.

B. The employee shall claim any jury, witness, or other fee to which s/he may be entitled by reason of such appearance and pay the same over to the city treasurer to be deposited in the General Fund. An employee appearing in court for the above stated reason on scheduled days off shall retain such use of compensation as may be authorized for such appearance.

C. Notation will be made on the time and attendance report for the days of court leave granted to the employee while under subpoena.

(Amended September 2007)

**1.20.40.120. Leave Without Pay.**

A. Upon recommendation of the supervisor and approval of the city manager, an employee of the city may be granted leave-without-pay for a specified period of time. No leave-without-pay shall, however, be in excess of ninety (90) calendar

days. A leave of absence without pay as granted herein, may be terminated prior to the expiration date thereof with the consent of the city manager. Failure of an employee to report for duty promptly at the expiration of the leave, or a violation of any agreement of understanding entered into by the same, relative thereto shall be just cause for discipline, up to including termination.

B. Leave without pay shall not be regarded as an acquired right by employees and shall be granted only when the service to the city will not be adversely affected thereby. Request for such leaves shall be made in writing to the city manager, and, if approved, shall be filed with the same.  
(Amended September 2007, July 2012, February 2013)

**1.20.40.130. Employee Assistance Program (EAP).**

A. The city provides an Employee Assistance Program (EAP) for employees, and their dependents. The EAP is a confidential counseling and referral service that is designed to help employees and their family members deal with personal and/or work-related problems and concerns. Additional information on the EAP is available at the city manager's office.

**1.20.40.140. Permanent Part-time Benefit Program.**

From time to time, the City may create a benefitted, part time position, known as a Permanent, Part-time position. These positions are specified by the budget and are eligible for benefits as set by the City Manager and specified herein:

- 1 Vacation and sick leave accruals. Vacation and sick leave accruals will be proportionate to the number of hours the position is budgeted to work. For example, if an employee is budgeted to work 1560 hours, they will accrue vacation and sick leave hours at 75% of the normal rates.
- 2 Holidays. These employees will receive compensation for hours normally scheduled to work on that holiday. If the employee is not scheduled to work on that holiday, they will not receive any additional compensation.
- 3 Personal Holidays. Personal holidays will be given at the same time as given to full-time employees. Hours will be given equal to the work week average, budgeted for their position. For example, if an employee works 25 hours in a work week, they would receive 5 hours for personal holiday, regardless of the actual work week schedule.
- 4 Funeral Leave. In the event that funeral leave is required, the permanent part-time employee is eligible to take funeral leave according to City policy. The amount of time given to this employee will be equal to the hours he/she is regularly scheduled to work during the prescribed leave.

- 5 Insurance. Permanent Part-time employees are eligible for City health insurance. PPT employees budgeted for 28 hours or more per week will be treated like full time employees for purposes of health insurance and in lieu of insurance benefits. See sections 1.20.45.020 and 1.20.45.035 for a description of full time health insurance benefits. PPT employees budgeted for under 28 hours per week will receive an amount equal to the proportion of hours budgeted for their position. For example, if a position is budgeted to work 25 hours a week, they would receive 63% of the amount paid toward a fulltime employee. PPT employees budgeted for under 28 hours per week are not eligible for in lieu of insurance benefits.
  
- 6 Retirement. As dictated by state or federal guidelines, these employees are eligible for retirement benefits. The city will contribute the same percent as regular full-time employees toward the State's retirement system and into any other plans. Employer contributions are paid on actual dollars earned. (Added September 2007, Amended March 2016)

**1.20.40.150. Ambulance Bill Waiver.**

A. In the event that a full time employee, a permanent part-time employee, an elected official, an ambulance division employee or volunteer, or fire volunteer, or their dependent (as defined by the IRS), is transported by a Spanish Fork City ambulance, the City will waive the balance of the ambulance bill after recovery is made from any applicable insurances. The qualified individual must be employed or directly associated with the City at the time of the qualified ambulance transport. This waiver will not be applied automatically. The individual is required to request the waiver with the City billing division and with human resources. (Added August 2013).

**1.20.45. Insurance.****1.20.45.010. Notification of Change of Status.****1.20.45.020. Health Insurance.****1.20.45.030. Dental Insurance.****1.20.45.035. Waiver from Insurance Coverage.****1.20.45.040. Extended Health Care Coverage -COBRA.****1.20.45.060. Life Insurance.****1.20.45.010. Notification of Change of Status.**

The employee has the responsibility to inform the city of the birth/adoption of a child, a divorce, legal separation, or a child losing dependent status under the group health plan. Notification should occur within seven (7) working days of the actual event.

**1.20.45.020. Health Insurance.**

A. Group Health and Accident Insurance. All full-time classified and at-will service employees, along with eligible year-round part-time employees are eligible for participation in the city's group health and accident insurance plan.

B. Continuation of Group Health Plan. Employees of Spanish Fork City covered by the city group health plan have a right to choose continuation coverage in accordance with the rules and regulations of the city's insurance carrier/provider and any Federal or State law.

*(Amended September 2007)*

**1.20.45.030. Dental Insurance.**

Benefited employees and city councilmembers shall be eligible for participation in the city's Group Dental Insurance Plan.

*(Amended September 2007, February 2012)*

**1.20.45.035. Waiver from Insurance Coverage.**

A. Employees may choose to waive health insurance coverage if they have credible coverage under some other health insurance plan. Employees must provide proper documentation to the city treasurer.

B. Individuals choosing to not take health insurance will be paid an amount established by the city manager. It shall be the responsibility of the employee to

notify the city of any changes in their family status that affects the amount paid for this benefit. If the employee receives overpayment as a result of non-notification, they will be required to reimburse the city the amount overpaid. The city may deduct the amount overpaid from their paycheck.

(Amended, October 2003, April 2010)

**1.20.45.040. Extended Health Care Coverage - (COBRA).**

A. The following information is not inclusive of all extended coverage options, but contains the most frequent scenarios. All questions regarding this section should be directed to the treasurer. All extended coverage options will be offered according to State and Federal regulations.

B. Employees qualify for continued health coverage (COBRA) when the city is notified of a life event, such as birth, marriage, or divorce. A full definition of "life event" is available through the treasurer.

C. An employee has no more than sixty (60) days from the date s/he would lose coverage, or receive notification of loss of coverage, to inform the city that s/he wants extended coverage.

D. If an employee does not choose extended coverage, the group health insurance coverage will end.

E. Extension of coverage may be cut short for any of the following reasons:

- 1 Spanish Fork City no longer provides group health coverage to any of its employees;
- 2 The premium for continuation coverage is not paid;
- 3 The employee becomes covered under another group health plan;
- 4 The employee becomes eligible for Medicare;
- 5 The employee was divorced from a covered employee and subsequently remarries and is covered under the new spouse's group health plan.

F. The employee does not have to show s/he is insurable to choose continuation coverage. However, the employee has to pay the full premium for continued coverage. The employee will be allowed to enroll in an individual conversion health plan when their continuation coverage option has expired.

(Amended, July 2003)

*(Section 1.32.050. repealed in its entirety, 2003)*

**1.20.45.060. Life Insurance.**

A. Eligible employees can participate in the city's group life insurance policy upon hire. The cost of employee and dependent coverage will be paid by the city.

B. Employees may be dropped from the life insurance plan upon reaching age 65, based on the current policy standards.

C. Life insurance coverage shall be as follows:

1. Classified Employee: Amount of Annual Salary.
2. Spouse of Employee: determined by plan.
3. Children of Employee: determined by plan.

*(Amended, April 2002)*

**1.20.50. Retirement.****1.20.50.010. Retirement Age.****1.20.50.020. Retirement Notification.****1.20.50.030. Retirement Contribution Plan.****1.20.50.040. Borrowing from Retirement Funds.****1.20.50.010. Retirement Age.**

There is no age requirement for retirement from the city.

**1.20.50.020. Retirement Notification.**

Upon an employee's desire to retire, the employee shall provide the city a minimum of 30 days notice prior notification so necessary paperwork and other items can be taken care of to assist the employee with the transitional process.

*(Amended April 2010)*

**1.20.50.030. Retirement Contribution Plan.**

A. The City participates in four distinct retirement plans as created and allowed by the State of Utah. The four plans as designated by the Utah Retirement System (URS) are: Tier I Public Employees, Tier I Public Safety Employees, Tier II Public Employees and Tier II Public Safety Employees. The City will contribute to retirement as follows:

**1 Tier I Public Employees.**

- a For employees eligible for the Tier I Public Employees Retirement.
- b Total retirement contribution of 17.9% of employee's eligible salary or a percentage required by the URS, whichever is greater.
- c Percentage split between required URS contribution with any remaining percentage placed into a non-URS 401(k).
- d If required URS contribution exceeds 17.9%, contributions into the non-URS 401(k) will not be made.
- e Employees may contribute to their 401(k) through payroll deduction. Tier I employees shall use the non-URS 401(k).
- f Tier I employees that are eligible to exempt from the URS Pension may do so if they choose. Retirement contributions are then made according to contract.

**2 Tier I Public Safety Employees.**

- a For employees eligible for the Tier I Public Safety Retirement.

- b Total retirement contribution of 17.9% of employee's eligible salary or a percentage required by the URS, whichever is greater.
  - c Percentage split between the required URS contribution with any remaining percentage placed into non-URS 401(k).
  - d If required URS contribution exceeds 17.9%, contributions into the non-URS 401(k) will not be made.
  - e Contributions for overtime hours made into the non-URS 401(k).
  - f Overtime hour contributions are capped at 17.9%.
  - g Employees may contribute to their non-URS 401(k) through payroll deduction. Tier I employees will only use a non-URS 401(k).
  - h Tier I employees that are eligible to exempt from the URS Pension may do so if they choose.
  - i Retirement contributions then made according to contract.
- 3 Tier II Public Employees.**
- a For employees eligible for the Tier II Public Employees Retirement.
  - b Receive URS required retirement contribution percentage of the employee's eligible salary.
  - c Employees new to URS must select a retirement plan within one year of their status start date with the URS.
  - d Plan selection made according to URS policy.
  - e Employees may contribute to their URS 401(k) by payroll deduction.
  - f Employees shall not contribute to a non-URS 401(k).
- 4 Tier II Public Safety Employees.**
- a For employees eligible for the Tier II Public Safety Retirement.
  - b Receive URS required retirement contribution percentage of the employee's eligible salary.
  - c Employees new to URS must select a retirement plan within one year of their status start date with the URS.
  - d Plan selection made according to URS policy.
  - e Employees may contribute to their URS 401(k) by payroll deduction.
  - f Employees shall not contribute to a non-URS 401(k).

B. The City will follow all URS guidelines for employees and elected officials that are URS post-retired/rehired employees with respects to amortization rates, cooling periods and allowable contributions.

C. 401(k) Plans. The City has 2 distinct 401(k) plans that are used by its employees. Employees shall not contribute to both plans but will exclusively use one or the other as defined in these sections.

- 1 Non-URS 401(k). Tier I employees shall use a non-URS 401(k) which is the 401(k) held by some company and not the Utah Retirement System, as determined by the City. This company may change from time to time. Tier I Employees shall vest at the rate of 25% per year in employer contributions to the 401(k) plan. Employees are immediately fully vested in all employer contributions after 4 years. Employees are immediately fully vested in their own contributions.
- 2 URS 401(k). Tier II employees shall use a URS 401(k) which is the 401(k) held by the Utah State Retirement System. Tier II employees vest in all employer and personal contributions according to the Utah Retirement System policy.
  - a Tier II elected officials shall vest in all employer and personal contributions according to the Utah Retirement System policy.

D. Elected Officials. Elected Officials will receive retirement contributions as allowed by the Utah Retirement System (URS) as follows:

- 1 **Tier I Retirement Elected Officials.**
  - a Eligibility determined according to URS rules and includes the officials total pay during first month of the term of service.
  - b Eligible Elected Officials receive a retirement contribution the same as outlined for the Tier I Public Employees.
  - c Tier I Elected Officials may choose to exempt from the URS Pension; contributions are then made to a URS 401(k) plan
  - d Post-retired/rehired elected officials are subject to cooling periods. During a cooling period, elected officials may not receive certain benefits such as retirement and insurance. Refer to URS post-retired/rehired guidelines.
- 2 **Tier II Retirement Elected Officials.**
  - a All Tier II Elected Officials are classified as Part-Time Elected Officials and are ineligible for URS mandated retirement.
  - b Ineligible Officials will receive a contribution of 10% of the elected official stipend to a URS 401(k).
- 3 **Tier I and Tier II elected officials shall use a URS-401(k).**
  - a Tier I elected officials shall vest at the rate of 25% per year in employer contributions to the 401(k) plan. Tier I elected officials are fully vested in all employer contributions after 4 years. Tier I elected officials are immediately fully vested in their own contributions.
  - b Tier II elected officials shall vest in all employer and personal contributions according to Utah Retirement System policy.

(Amended, October 2003, September 2007, Rewritten, July 2012)

**1.20.50.040. Borrowing from Retirement Funds.**

Employees may borrow from the vested portion of their retirement funds according to the current plan agreement rules and regulations. Fees may apply.

## 1.20.55. Training/Travel Payment and Reimbursement.

1.20.55.010. Higher Education Assistance.

1.20.55.020. Conferences, Seminars and Conventions.

1.20.55.030. Vehicle Allowance.

1.20.55.040. City Vehicle Use.

1.20.55.045. Personal Vehicle Use.

### 1.20.55.010. Higher Education Assistance.

A. Spanish Fork City recognizes the importance of educational growth of employees for the advancement of technical and managerial skills. The educational assistance program provides assistance to employees who undertake an undergraduate or graduate course of study which is mutually advantageous to the city and to the employee. Employees eligible to receive higher education assistance must be either a full-time employee or a permanent part-time employee.

B. Employees desiring to participate in this program must submit a request in writing to the employee's department director before commencing the education training. Such requests should describe how the desired education is related to the employee's current job and how the education will benefit Spanish Fork City. The request must then be reviewed with the human resource director for final approval. Pre-approval is necessary for reimbursement. Course work or degrees approved for reimbursement must be related and pertinent to the employee's current position. Final determination shall be made by the human resource manager with input from the department director.

C. For successfully completed courses (passed with at least a "C" grade), the City will reimburse the employee for tuition, fees, and books up to a maximum of \$2,000 per fiscal year.

D. If the employee is entitled to veteran's educational benefits, s/he must use such benefits in lieu of city reimbursement. The city reimbursement will be reduced by the amount of reimbursement the employee is eligible for from the Veterans Administration.

E. All approved participants in the education assistance program must work a minimum of thirty-six (36) hours per week. In some cases, irregular work schedules may be considered as a means of accommodating class schedules.

F. Time off with pay may be given, at the discretion of the department director, if classes are required to achieve or to maintain certification, or if otherwise approved by the city manager.

G. The city reserves the right to place a time limit on the completion of the degree. The city also reserves the right to deny or to delay payment for classes for concerns such as, but not limited to: duration of employment, performance levels, etc.

H. If in the event an employee leaves Spanish Fork within one year of receiving higher education assistance or apprenticeship training, that employee will be required to reimburse the city the total amount paid by the city, either to the employee or to the applicable program in the prior year.

(Amended, October 2003, Amended, September 2007, July 2012, August 2013, May 2014)

**1.20.55.020. Conferences, Seminars and Conventions.**

A. Employees or volunteers participating in a job or city-related conference, seminar or convention, must complete a "Request for Training/Education" form and submit it to their supervisor and the finance office for approval.

B. Payment and Reimbursement. Travel expenditures will be paid or reimbursed as follows:

- 1 Meals. Paid at the prevailing federal per diem rate (M&IE). Per diem for breakfast, lunch or dinner will only be paid for overnight training. No per diem will be paid if meals are included with training registration. Employees, volunteers or elected officials should include a schedule of the conference so that included meals can be excluded from the per diem.
- 2 Lodging. Paid at actual room rate. In extenuating circumstances, if an employee, volunteer, or elected official places room rental on their personal charge card, approved reimbursement will take place upon presentation of receipt. Employees should always attempt to use direct pay or a city credit card or check so that Utah State taxes can be recovered by the City. Cost and convenience should be considered when selecting hotels for travel. If an employee chooses to stay at another hotel for personal reasons, the city

will reimburse the employee for the actual cost of the hotel and taxes, not to exceed the cost of the conference hotel(s). The employee or volunteer shall reimburse the city for the cost of additional night stays beyond the necessary nights for the city business.

- 3 Travel/Mileage Reimbursement. Reimbursed at the prevailing federal rate. When an employee, volunteer or elected official must fly to a travel destination, the city shall pay for the plane ticket in whole. If the option is given to fly or to drive, the employee, volunteer or elected official will be reimbursed a mileage amount not to exceed the cost of air travel to the same destination. The human resource or finance office will assist in calculating the reasonable reimbursed amount.

C. Registration. Paid at rate noted on registration form. Non-essential activities that are not included with the regular cost of registration shall be paid for by the employee. When a volunteer or elected official, serving on behalf of the city, attends a conference that has a spouse agenda, the city may pay the cost of the spouse's registration.

D. Books/Materials. Paid at rate noted on registration form.  
(Amended May 2014)

#### **1.20.55.030. Vehicle Allowance.**

A. Vehicle allowance shall be authorized by the city manager in accordance with the budget approved by the city council. Compensation shall be at a rate set by the current city budget.

B. As a condition of participation in this program an employee shall carry a \$300,000 excess liability automobile insurance policy on the vehicle(s) to be driven on city business. Proof of insurance may be requested by the city at any time.

C. Personal vehicles driven on city business by employees receiving a vehicle allowance should provide a positive and professional image of the city and the employee. Vehicles should be maintained in good condition and should be washed regularly.

D. Damage to vehicles should be repaired on a timely basis.

E. Employees who receive a vehicle allowance should report any change of the vehicle(s) which they use for city business to the finance director.

F. Employees receiving a vehicle allowance may receive additional reimbursement at the prevailing federal rate for each business trip mile over 100 miles per trip (i.e. trip is 150 miles - reimbursement will be for 50 miles).

G. Employees receiving a vehicle allowance should keep a daily log of miles traveled on city business. The finance director shall be responsible for periodically auditing mileage of employees who receive a vehicle allowance.

H. Failure to comply with these policies and procedures may result in loss of the vehicle allowance and/or reimbursement.

**1.20.55.040. City Vehicle Use.**

A. The on-call employee in the water, streets, and SFCN divisions are required to take a city vehicle home. This is to allow employees to respond more readily and to more quickly address emergency situations with proper equipment and tools during non-working hours. All vehicles/employees in this category shall be authorized by the city manager upon recommendation of the department director.

B. City owned vehicles that are taken home are to be used only for commuting to and from work or when performing official city duty. City-owned vehicles are not to be used for personal purposes of any kind, unless otherwise noted. When going to lunch, employees should use their personal vehicle, unless traveling to change vehicles is out of the way, or the potential to be called back to work during lunch is present.

C. Police officers living in Spanish Fork City may use their assigned police vehicle for off-duty personal use so long as that use is within Spanish Fork City Limits. Non-police personnel may accompany the officer in the police vehicle as passengers when it is operated off duty. Passengers will be covered by the city's vehicle insurance policy. Officers are responsible for passenger's safety, appearance and conduct. Officers and passengers are required to be appropriately attired in clothing functional for potential duties and which presents a favorable image of the City.

Non-police personnel will be discharged from the vehicle prior to the off duty officer responding to an emergency response situation in which the non-police personnel may be placed in danger. This will be done at a safe and convenient location. The officer may then respond, consistent with the departments emergency response procedures.

D. Unless otherwise noted no unauthorized personnel are allowed to be transported in a city vehicle at any time. City vehicles/employees are not to transport anyone other than city employees or people working with or for the city in an official capacity. No family members or other non-employee personnel are allowed in city owned vehicles.

E. Smoking is not allowed in city vehicles.

(Amended September 2004, January 2013, May 2014)

**1.20.55.050. Personal Vehicle Use**

A. City employees may use their personal vehicles while on City business. Employees will be reimbursed for mileage at the prevailing federal rate.

B. Employees shall carry a \$300,000 excess liability automobile insurance policy on the vehicle(s) to be driven on city business.

C. Accidents that occur while on city business shall be covered by the employee's vehicle insurance provider. The City shall review the nature and cause of the accident and may determine to assist with some or all of the employee's insurance deductible. Nothing in this policy shall create an expectation that the City will insure the employee's vehicle, pay for any damages, or cover any premium increases due to an accident.

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

(Amended July 2012)

**1.20.60. Performance Evaluation.****1.20.60.010. General.****1.20.60.020. Frequency of Evaluations.****1.20.60.030. Record Maintenance.****1.20.60.040. Appeal of Performance Evaluation.****1.20.60.010. General.**

The city manager shall provide a system of measuring the performance of employees. The system shall provide for equitable and fair measurement of established standards.

**1.20.60.020. Frequency of Evaluations.**

A. Performance evaluations shall be completed a minimum of once each year for at-will contract employees and for classified employees.

B. The city may conduct evaluations on other employees as deemed necessary.

**1.20.60.030. Record Maintenance.**

A. Each employee shall receive a copy of each evaluation concerning their personal performance.

B. The original evaluation shall be maintained in the employee's personnel file in the city manager's office.

**1.20.60.040. Appeal of Performance Evaluation.**

An employee shall have the right to appeal any unsatisfactory performance evaluation by filing a grievance as set forth herein.

**1.20.65. Safety and Health.**

- 1.20.65.010. **General Safety Statement.**
- 1.20.65.020. **Risk Management.**
- 1.20.65.030. **Reporting Dangerous Conditions.**
- 1.20.65.040. **Records and Reports.**
- 1.20.65.050. **Occupation Safety and Health Act.**
- 1.20.65.060. **Hepatitis B Vaccination**
- 1.20.65.070. **Safety Inspections.**
- 1.20.65.080. **Emergency Response to Dangerous Conditions.**
- 1.20.65.090. **Emergency Phone Numbers.**
- 1.20.65.100. **Work Areas and Equipment.**
- 1.20.65.110. **Safety Belts.**
- 1.20.65.120. **Vehicle Backing.**
- 1.20.65.130. **Vehicle Loading Policy.**
- 1.20.65.140. **Vehicle Inspection.**
- 1.20.65.150. **Accident Review Procedures.**
- 1.20.65.160. **Return to Work after Medical Absence or Injury.**
- 1.20.65.170. **Miscellaneous.**

**1.20.65.010. General Safety Statement.**

A. Safety is the exercise of good judgment. Using safe habits at work, at home, and on the highway will protect you, your fellow workers, and your family from needless suffering and financial loss.

B. Each department in the city shall strive to maintain a safe workplace for its employees consistent with Federal, State, and local safety codes and regulations.

C. The safety guidelines contained herein should not be considered all-inclusive; various departments have additional rules which cover hazardous operations.

**1.20.65.020. Risk Management.**

All employees are responsible to help reduce the potential for loss from risk exposures by practicing sound risk management procedures in all city, department, and employee activities. The city expects all employees to abide by the rules in this section to help promote a safe work environment.

**1.20.65.030. Reporting Dangerous Conditions.**

When employees witness a dangerous condition, they should immediately, report the condition to the responsible department or to the risk manager using appropriate methods for the situation. Immediate Action Forms are to be completed so an accurate record may be kept of such incidents.

**1.20.65.040. Records and Reports.**

- A. All hazardous conditions needing immediate attention should be addressed, without delay, using the appropriate method of reporting.
- B. "Immediate Action" forms shall be completed by employees who observe situations which are a risk to all individuals. These forms shall be placed in all city vehicles and offices for ready access. Completed forms shall be returned to the assistant city manager's office for distribution.
- C. All accidents involving any or all of the following:
- 1 city employee(s);
  - 2 city equipment;
  - 3 city property, will be reported on an "Immediate Action" form. Such form shall be completed by the employee and/or department/division director immediately after such incident.
- D. An accurate record shall be kept of all accidents involving injury to an employee while on duty, whether or not time is lost. These records shall at all reasonable times be available to the Industrial Commission or to its representatives upon request. Other records shall be kept as requested by the Industrial Commission.
- E. A report of any on-the-job injury resulting in disability or compensable lost time shall be submitted by the supervisor or by another designated official, to the Industrial Commission of Utah and to the affected employee within seven (7) calendar days on a "First Report of Injury" form.
- F. Should any sudden or unusual occurrence or change of conditions occur (such as the appearance of toxic or unusual fumes or gases, major equipment failure, explosions, fires, etc.) that might affect the safety or health of city employees or tend to increase the hazards thereof, the supervisor or other designated authority shall notify the Industrial Commission of Utah immediately. Such notification must be made whether or not any actual injuries result from the above occurrences or changes of conditions

G. All fatal, potentially fatal, and serious accidents shall be reported immediately to the Utah State Industrial Commission.

**1.20.65.050. Occupational Safety and Health Act.**

A. It is the intent and purpose of Spanish Fork City to comply with all applicable rules, regulations and standards pertaining to the Federal and State Occupational Safety and Health Act, (OSHA). Spanish Fork City shall furnish employment and employment environments free from recognized hazards which cause, or are likely to cause, physical harm or death. Spanish Fork City hereby requires each employee to comply with OSHA.

B. The human resource office and emergency preparedness officer shall provide employees with OSHA rules and regulations, and, along with assigned personnel, is responsible for alerting employees about safety and health rules, procedures, and guidelines. The human resources office must see that requirements are understood, enforced, and updated to comply with governmental regulations, and to meet employee needs. See Utah Code Title 34A Chapter 6.

**1.20.65.060. Hepatitis B Vaccination.**

A. All employees in a position that have been identified as having an occupational exposure to blood or other potentially infectious materials as identified by Human Resources will be offered the Hepatitis B vaccine at no cost to the employee, under the supervision of a licensed physician or licensed healthcare professional. The vaccine will be offered after bloodborne pathogens training and within 10 working days of their initial assignment to work involving the potential for occupational exposure to blood or other potentially infectious materials unless the employee has previously received the complete Hepatitis B vaccination series, antibody testing has revealed that the employee is immune or that the vaccine is contraindicated for medical reasons. If the employee has already received the vaccine documentation should be provided to verify the date of the vaccine.

B. Employees who decline the Hepatitis B vaccine will sign a declination statement available in the Human Resource department of the city office building. Employees who initially decline the vaccine but who wish to have it at a later date may then have the vaccine provided at no cost.

(Added July 2012)

**1.20.65.070. Safety Inspections.**

A. Management shall inspect or designate a competent person(s) to frequently inspect for unsafe conditions and practices, defective equipment and materials. Where such conditions are found, immediate action will be taken to correct such conditions.

B. Supervisors shall enforce safety regulations and issue such rules as may be necessary to safeguard the health and lives of employees and shall warn all employees of dangerous conditions.

C. Supervisors will permit no one to work in an unsafe place, except for the purpose of making it safe.

**1.20.65.080. Emergency Response to Dangerous Conditions.**

A. Employees who observe damaged or missing traffic devices or other dangerous conditions which need immediate attention shall immediately locate someone (usually department leadworker) to fix the problem. In the instance of a street device (down stop sign, etc.) contact shall begin with 1 until contact is made:

- 1 Utility Leadworker;
- 2 Utility Supervisor;
- 3 Assistant Public Works Director;
- 4 Central Dispatch.

The responder shall immediately fix the dangerous condition. The observer or caller shall submit a written "For Immediate Action" form, discussing details of the situation.

**1.20.65.090. Emergency Phone Numbers.**

A. Each supervisor shall post, in a conspicuous place, a list of telephone numbers or addresses as may be applicable so that necessary help can be obtained in case of emergency. Such list shall include:

- 1 Responsible supervision (supervisor or equivalent)
- 2 Hospital 801-465-9201
- 3 Poison Control 1-800-222-1222
- 4 Ambulance 911
- 5 Fire Department 911
- 6 Police Department 911

**1.20.65.100. Work Areas and Equipment.**

A. All supervisors and workers shall be required to ensure safe work areas. An excessively littered or dirty work area constitutes an unsafe, hazardous condition

of employment and should be remedied as soon as possible after the discovery is made. When no other method or combination of methods can be provided to prevent employees from becoming exposed to toxic dusts, fumes, gases, flying objects, dangerous rays, or burns from heat, acid, caustics or any hazard of a similar nature, the city shall provide each worker with the necessary personal protection equipment, such as respirators, goggles, gas masks, certain types of protective clothing, etc. Provision shall also be made to keep all such equipment in good sanitary working condition at all times.

B. Employees will receive thorough information on the possible hazardous materials they handle. Each employee will receive training on correct handling and disposal of such materials.

C. No person shall remove, displace, destroy, or carry away any safety device or safeguard provided for use in any place of city employment or interfere with the use of any method or process adopted for the protection of employees. No employee shall refuse or neglect to follow and obey reasonable orders that are issued by a supervisor, for the protection of health, life, safety, or the welfare of employees.

D. Should an employee refuse or neglect to follow and obey reasonable safety orders issued by a supervisor, the employee will be subject to disciplinary action.

**1.20.65.110. Safety Belts.**

Safety belt use is required of all employees when operating a vehicle during business hours and/or while on city business. The operator of said vehicle must ensure passengers are properly belted.

**1.20.65.120. Vehicle Backing.**

A. It is recognized that backing a vehicle is inherently dangerous and must be done in the safest manner possible.

B. Definitions.

*Light Duty City Truck:* Any city owned pickup truck, utility truck or one-ton truck.

*Heavy Duty City Truck:* Any city owned vehicle or piece of equipment over one ton.

The following guidelines will be adhered to by all city employees:

- 1 When backing a parked city truck, drivers shall walk completely around their vehicle before getting in, and then look over their shoulder (or use mirrors when shoulder viewing is not possible) while backing.
- 2 Drivers are encouraged to back safely into parking spaces, when and where possible, since they have a clear view of where they are going to park along with potential obstacles.
- 3 When backing a *heavy duty* city truck, another employee shall “spot” the driver whenever possible. Every effort should be taken to locate and utilize a “spotter”. When a spotter is not available, drivers shall walk completely around their vehicle before getting in, and carefully watch the area they are backing into.
- 4 Failure to follow this policy will be treated as a violation of city policy and may result in disciplinary action.

C. Guidelines for Other Vehicles: All employees are encouraged to park other vehicles such that the vehicle will be driven forward from the parking space whenever possible and practical. Employees are encouraged to back vehicles into the parking space or pull forward into a double space so that when leaving the parking space, the vehicle is driven forward.

D. When backing any parked vehicle is necessary, drivers are encouraged to walk completely around their vehicle before getting in and then look over their shoulder while backing.

**1.20.65.130. Vehicle Loading Policy.**

A. When loading a *light duty* city truck, care must be taken to ensure that the load is balanced and will not shift in transit. Covers must be used if the load is one where there is a possibility of it blowing from the truck.

B. When loading a *heavy duty* city truck, the load must be balanced and care must be taken to not “overload” the legal weight limit.

C. When covers are used, they must be tied down securely.

D. Failure to follow this policy will be treated as a violation of city policy and may result in disciplinary action.

**1.20.65.140. Vehicle Inspection.**

Each employee who operates a vehicle is responsible for checking the vehicle, before operation, for unsafe conditions. If any unsafe condition(s) exists, the employee is not to operate the vehicle. When an unsafe condition(s) exists with a vehicle, the employee is to immediately report the condition, both verbally and in writing, to his/her supervisor. A copy of the report will be submitted to the lead mechanic as soon as possible after the condition is discovered.

**1.20.65.150. Accident Review Procedures.**

A. An Accident Review Committee shall be responsible for reviewing each accident involving an employee. The committee shall consist of the: assistant city manager and the department director and immediate supervisor of the involved employee, along with others deemed necessary.

B. Any employee involved in a vehicle accident shall come before the committee to present the details of the accident when deemed necessary. The committee shall then review each accident and determine each of the following:

- 1 The cause of the accident.
- 2 Whether it was preventable, and if so, what discipline is warranted.
- 3 How similar accidents can be avoided in the future.

C. Accident Review Committee meetings may be held for incidents other than vehicle accidents as deemed necessary.

D. The committee will ensure documentation of such meetings. Copies of meeting proceedings shall be placed in the personnel file(s) of involved employee(s), and the associated risk management claim file.

**1.20.65.160. Return to Work after Medical Absence or Injury.**

A. To help an employee return to work safely after a medical absence or injury, the city asks that the employee provide a recommendation to return to work from a medical provider (work release). The return to work release MUST be received by the appropriate city office personnel before an employee can return to work.

B. Such work release shall require the medical doctor to review and sign a copy of the job description, including essential functions.

C. Light duty work is an option saved for situations where the medical provider feels it is the best option. Light duty shall not exceed two weeks without review by the city.

D. The city will review each return-to-work case on an individual basis for compliance with policy and equitable options for the employee and the city.

E. Failure to comply with the request to provide medical release information can jeopardize employment, insurance benefits, and workers compensation benefits. (Amended July 2012)

**1.20.65.170. Miscellaneous.**

In addition to the rules and regulations specified in this chapter, the following shall apply:

A. Employees who do not understand or speak the English language shall not be assigned to any duty or place where the lack or partial lack of understanding or speaking of English might adversely affect their safety, or the safety of others.

B. Where there is risk of injury from hair entanglement in moving parts of machinery, employees shall confine their hair to eliminate the hazard.

C. Loose sleeves, tails, ties, lapels, cuffs, or similar garments which can become entangled in moving machinery shall not be worn where an entanglement hazard exists.

D. Watches, rings, and/or other jewelry shall not be worn on the job where they constitute a safety hazard.

E. No employee shall carry liquor into a place of employment unless required to do so by the employee's normal job duties.

F. No intoxicated person shall be allowed to go into or to loiter around any operation where workers are employed.

**1.20.70. Controlled Substance and Alcohol Testing.**

- 1.20.70.010. Purpose
- 1.20.70.020. General Statement.
- 1.20.70.030. Definitions.
- 1.20.70.040. Preliminary Information.
- 1.20.70.050. Pre-Employment Testing.
- 1.20.70.060. Reasonable Suspicion Testing.
- 1.20.70.070. Random Testing.
- 1.20.70.080. Post-Accident Testing.
- 1.20.70.090. Other Testing.
- 1.20.70.100. Positive Test Results.
- 1.20.70.110. Follow-Up Testing.
- 1.20.70.120. Release to Work After Positive Test Result.
- 1.20.70.130. Treatment Options.
- 1.20.70.140. Testing Procedures.
- 1.20.70.150. Testing Results.
- 1.20.70.160. Records.

**1.20.70.010. Purpose.**

The purpose of these provisions is to provide the city's policies and procedures related to insuring a drug free workplace in accordance with the Omnibus Transportation Employee Testing Act of 1991 and the Utah Local Government Entity Drug Free Workplace Policies Act, Utah Code Annotated §34-41-101 et seq.

**1.20.70.020. General Statement.**

A. The unlawful manufacture, distribution, dispensation, possession or use of a controlled substance and/or alcoholic beverage in the workplace is expressly prohibited. In order to achieve a drug-free workplace, all employees, volunteer firefighters as well as final candidates for employment, shall be required to participate in alcohol and controlled substance testing as a condition of employment.

(Amended February 2013)

B. City personnel shall not use, be under the influence of, or be in possession of alcohol or controlled substances while on duty, on city premises, or in city vehicles. City premises include buildings, parking lots, grounds and vehicles owned by the

city or personal vehicles being used for city business. City personnel using, possessing or being at the workplace under the influence of alcohol or controlled substances, shall be subject to disciplinary action, which may range from referral to an approved rehabilitation program for treatment or counseling, up to and including termination.

**1.20.70.030. Definitions.**

A. All terms, phrases and words used in these policies and procedures shall have the meanings as defined in this section or as defined by common usage.

- 1 **Alcohol** means the intoxicating agent in beverage alcohol, ethyl alcohol, or other low molecular weight alcohols in methyl and isopropyl alcohol no matter how packaged or in what form the alcohol is stored, utilized, or found, except for approved medical or first aid measures;
- 2 **Controlled Substance** shall have the same meaning as set forth in Utah Code Annotated §58-37-2 as it may be amended from time to time.
- 3 **Positive Test** means any test result showing a Blood or Breath Alcohol Content (BAC) of 0.02 or greater or showing the presence of any controlled substance in the test subject;
- 4 **Random** is a selection for testing based upon proper and valid statistical methods.
- 5 **Refusal to Submit to Testing** means the failure to provide an adequate sample without a valid and verified medical explanation, after the employee has received notice that s/he is being tested and a sample is required, or engages in conduct that clearly obstructs the testing process;
- 6 **Reasonable Suspicion** means the 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** means duties that require a commercial driver's license (CDL); the operation of an emergency vehicle, whether or not the vehicle is being operated in an emergency mode; duties where a worker may be working at a height of over eight (8) feet above the ground; employees working with chemicals such as chlorine, or others used in the normal course of the job function; and includes the operation of heavy equipment or power tools.
- 8 **Sample** means an adequate amount of breath, blood, urine, hair, or other substance needed to conduct a test for alcohol and/or controlled substances.

- 9 **Under the Influence** means, with respect to alcohol: a BAC of 0.02, or greater, in the test subject. With respect to controlled substances: the presence of any controlled substance in the test subject.

**1.20.70.040. Preliminary Information.**

- A. The testing mandated by this policy shall occur during, or immediately after, a regular work period of the employee and shall be deemed work time for the purpose of compensation and benefits.
- B. All costs of regular tests, including the cost of transportation, if the testing of a current employee is at a location other than the work place, will be at the city's expense.
- C. Employees may direct any questions regarding this policy to the human resource department.
- D. The city maintains the right to utilize detection methods necessary for the enforcement of this policy including blood, urine, breath, hair, or other tests, and the use of electronic detection equipment and trained animals.
- E. Failure to take a test when requested, or to cooperate with the detection methods or inspections, is grounds for disciplinary action up to and including termination of employment.

**1.20.70.050. Pre-Employment Testing.**

- A. The city requires an individual who has been extended a conditional offer of employment to undergo an alcohol and drug screen test, prior to being hired, to detect the presence of alcohol and/or controlled substances in the body.
- B. The city manager, assistant city manager, or designee, shall provide an individual who has been offered a conditional offer of employment, information on whom to contact to provide a sample to be tested for alcohol and controlled substances in accordance with these policies and procedures.
- C. Refusal to take such test(s) as may be required shall be grounds for denial of employment.
- D. An individual who tests positive for alcohol or controlled substances may be denied employment with the city.

**1.20.70.060. Reasonable Suspicion Testing.**

A. Reasonable suspicion must be based on specific, contemporaneous articulable observations concerning the appearance, behavior, speech or body odors of the person, or indications of the chronic and withdrawal effects of controlled substances. Reasonable suspicion may also be based on reliable third-party observations of the actual use of controlled substances.

B. The required observations, other than actual use, of indicators of alcohol or drug use must be made by a department director or supervisor who has received training on the physical, behavioral, speech, and performance indicators of alcohol and/or drug use.

C. Reasonable suspicion must be based on specific, contemporaneous articulable observations concerning the appearance, behavior, speech or body odors of the person, or indications of the chronic and withdrawal effects of controlled substances.

D. The required observations must be made by a department director or designated official who has received training on the physical, behavioral, speech, and performance indicators of alcohol and/or drug use.

E. Observations must be documented in writing and signed by the department director or designated official within twenty-four (24) hours or before the results of the test are announced, whichever is later.

(Amended February 2013)

**1.20.70.070. Random Testing.**

A. All employees in safety sensitive positions, and volunteer firefighters, are subject to annual random drug/alcohol tests, in order to assist in the prevention of accidents and theft, increased safety for the employee and the general public, and to maintain productivity, quality, and the security of property and information.

B. Fifty percent (50%) of eligible employees will be selected for testing for controlled substances; in addition, half of those tested for controlled substances will also be tested for alcohol. Tests will be unannounced and will be conducted during the person's shift or immediately thereafter.

C. The city maintains the right to conduct unannounced inspections of city owned property, workstations, equipment, desks, cabinets, etc. for the purpose of checking for alcohol or controlled substances.

*(Amended, May 2004, February 2013)*

**1.20.70.080. Post-Accident Testing.**

A. Any personnel involved in an accident causing personal injury which requires medical attention or causing property damage in excess of \$2,500.00 shall be subject to alcohol and controlled substances testing, as soon after the accident as possible, preferably within two (2) hours.

B. An employee is subject to testing following an accident or unsafe work practice affecting the safety of that employee or others, including the general public. Such employee shall not engage in the operation of any city equipment or engage in any employment related duties, which the department director deems dangerous to the employee or to others, until the results of the test(s) are received and the employee is released back to work by the city manager or designated representative.

C. Alcohol and controlled substance testing following an accident should be administered within two (2) hours of the accident when feasible, but no later than eight (8) hours following an accident.

D. If such testing does not occur within the two hours, documentation shall be provided stating the reason for the delay.

**1.20.70.090. Other Testing.**

A. An employee is subject to testing, if they are the subject of an investigation involving an incident or incidents of theft of property belonging to the city, to other employees, or that is entrusted to the care of the city by a private individual or entity.

B. An employee who is the subject of an investigation into a security breach of either information or property, is subject to testing.

C. If an employee's productivity or the quality of an employee's work is drastically reduced without other readily available explanation(s), such employee will be subject to testing.

**1.20.70.100. Positive Test Results.**

A. City personnel testing positive for alcohol or controlled substances shall be subject to disciplinary action, which may range from referral to an approved rehabilitation program for treatment or counseling, up to and including termination.

B. If an employee tests positive for a prescribed controlled substance within therapeutic levels which, according to the city's medical advisors, could cause an employee, in a safety sensitive position, to create potential safety hazards to themselves or others, the employee is subject to the following:

- 1 Disciplinary action up to and including termination; or
- 2 Placement on administrative leave until advised by the city's medical advisors that it is safe to return to work; or
- 3 Duties may be restricted so safety sensitive functions are not performed; or
- 4 Reduction of hours worked; or
- 5 Other options approved by the city manager's office; or
- 6 Any combination of the above.

*(Enacted, May 2004)*

**1.20.70.110. Follow-Up Testing.**

A. Employees who have violated this policy and continue to work for the 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 may 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 year shall be based on a need assessment provided by a substance abuse professional.

B. Follow up testing will be required of an employee after returning to work for a violation of this policy. Such employee is subject to six (6) unannounced tests during the first twelve (12) months after returning to work. Additional unannounced tests, as directed by a substance abuse professional, will be required for up to five (5) years following the employee's return to work.

**1.20.70.120. Release to Work After Positive Test Result.**

A. An employee who has tested positive for either alcohol or controlled substances in violation of this policy shall be required to obtain a new test result following the procedures set forth herein dealing with the accuracy of the results, which show a negative test result, prior to returning to work.

B. If an alcohol test result shows a BAC of 0.02 or greater, the employee shall be removed from, and cannot return to, a safety sensitive function until, at a minimum:

- 1 The employee undergoes evaluation by a substance abuse professional, and where necessary, rehabilitation;
- 2 The substance abuse professional determines the employee has successfully complied with any required rehabilitation; and,
- 3 The employee undergoes a return-to-duty test with a result of less than 0.02 BAC.

C. If an employee tests positive for a controlled substance (other than prescribed by a physician or other medical provider authorized to prescribe controlled substances), the employee shall be removed from, and cannot be returned to, a safety sensitive position until, at a minimum:

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

*(Amended, October 2003)*

#### **1.20.70.130. Treatment Options.**

A. If an employee tests positive or voluntarily seeks rehabilitation treatment, the city will pay for an initial substance abuse evaluation through its Employee Assistance Program (EAP). The city encourages employees to enroll in a counseling or rehabilitation program through the EAP. An employee will be required to sign a document agreeing to the following conditions in order to remain employed with full rights and benefits:

- 1 Any employee for whom treatment is recommended will be responsible for costs not covered by insurance. Each incident will be reviewed on a case-by-case basis concerning accrued leave and benefits.
- 2 If a required treatment or rehabilitation program involves confinement, the employee's position shall not necessarily be held for the determined length of the treatment and the employee may not necessarily be restored to his/her former position upon successful completion of the substance abuse rehabilitation. Each incident will be reviewed on a case-by-case basis.

#### **1.20.70.140. Testing Procedures.**

A. The city will contract with a private medical provider to draw test samples. Each sample taken will consist of split samples; one to be immediately tested, and the other to be tested at the employee's request if the initial test indicates a positive result. The employee will be responsible for one-half of the cost of the subsequent test if the employee elects to have the split sample tested. (From 1.12.050 (c) Samples may be taken by means of urine, blood, breath, saliva, hair, or other methods. The city or the medical provider may determine the type of sample to be taken.

B. The city contract with a medical provider will obligate the provider to perform collection and testing of samples in accordance with the following minimum conditions:

- 1 The collection of samples shall be performed under reasonable and sanitary conditions;
- 2 Samples shall be collected and tested with due regard to the privacy of the individual being tested, and in a manner reasonably calculated to prevent substitutions or interference with the collection or testing of reliable samples;
- 3 Sample collection shall be documented, and the documentation procedures shall include:
  - a Labeling of samples so as to reasonably preclude the probability of erroneous identification of test results; and
  - b An opportunity for the employee or prospective employee to provide notification of any information which s/he considers relevant to the test, including identification of currently or recently used prescription or nonprescription drugs, or other relevant medical information.
- 4 Sample collection, storage, and transportation to the place of testing shall be performed so as to reasonably preclude the probability of sample contamination or adulteration; and
- 5 Sample testing shall conform to scientifically accepted analytical methods and procedures. Testing shall include verification or confirmation of any positive test result by gas chromatography, gas chromatography-mass spectroscopy, or other comparably reliable analytical method, before the result of any test may be used as a basis for any disciplinary action.

#### **1.20.70.150. Testing Results.**

A. The city will notify an employee of an initial positive screening test as soon as possible after the result is known by the city. The initial contact shall be by telephone or in person and will be followed up by a written notice sent to the

employee's last known address. The notices will also provide the employee information indicating that the employee may request a second test from the split sample initially taken. The parent(s)/guardian of a minor employee testing positive will also be notified.

B. Any subsequent test results shall be considered at any subsequent disciplinary hearing if the collection, handling, and testing of the subsequent samples comply with the procedures set forth herein.

C. The city will take measures to protect the identity of employees testing positive. Test results will not be considered public documents. Test results will not be available except to the city manager, assistant city manager, the department director, and such limited others as have a need to know with respect to the employee's job function and responsibilities.

D. The city will take reasonable measures to assure accurate test results. An employee testing positive may challenge the results by taking and paying for another test within six hours of the initial test.

E. Positive test results will lead to disciplinary action, following the procedures set forth herein.

F. Positive test results will become part of the employee's personnel file. Such results may be removed after five (5) years if there have been no additional positive test results during that period of time.

#### **1.20.70.160. Records.**

A. The city will create and maintain the following records:

- 1 Collection Process:
  - a Collection Logbooks.
  - b Records documenting random selection process.
  - c Calibration Documentation for evidential breath testing devices.
  - d Training records for breath alcohol testing technicians.
  - e Records documenting decision to administer reasonable suspicion tests.
  - f Documentation related to theft or breach of security.
  - g Documentation related to post-accident testing.
  - h Documents verifying medical excuse for inability to provide breath or urine necessary for testing.

- i Annual calendar year summaries.
- 2 Test Results:
  - a Test forms and results
  - b Chain of evidence logs
  - c Documents generated by medical review personnel
  - d Records documenting refusal to submit to testing.
  - e Documentation submitted to refute test results.
- 3 Violation Reports:
- 4 Evaluation Reports:
  - a Records documenting need for rehabilitation.
  - b Records documenting compliance with rehabilitation requirements.
  - c Employee training records, course outlines and materials, attendance and receipt.
  - d Drug and alcohol testing policy.
  - e Records documenting department director training in reasonable suspicion standards.

B. The city will maintain the above records in a secure location with limited access thereto. The only persons allowed access to such records shall be the city manager, the assistant city manager, an attorney representing the city in any manner in which any such record is relevant or which may assist the city shall also be allowed access, subject to attorney/client privileges and obligations, including confidentiality. Federal or state officials authorized by Federal or State law may also have access to such records.

C. Records related to the testing, including the results, will not become part of the employee's personnel file, except positive results set forth in Section II(D), but will be maintained as separate records and will be retained according to the following schedule:

- 1 FIVE YEARS:
  - a Alcohol Tests with results showing an alcohol concentration of 0.02 or greater;
  - b Drug tests with verified positive results for controlled substances;
  - c Documentation of refusal to take drug/alcohol tests;
  - d Documentation of calibration of evidential breath testing devices;
  - e Evaluations and referrals for rehabilitation;
  - f Annual calendar year summaries.
- 2 TWO YEARS:

- a Records related to the drug and alcohol collection process (except calibration of evidential breath testing devices);
  - b Training records.
- 3 ONE YEAR:
  - a Records of negative and canceled drug tests;
  - b Records or alcohol tests showing an alcohol concentration of less than 0.02.

**1.20.75. Harassment and Violence.****1.20.75.010. General Statement.****1.20.75.020. Method of Reporting.****1.20.75.030. Enforcement.****1.20.75.040. Violence.****1.20.75.050. Sexual and Other Forms of Harassment.****1.20.75.060. Retaliation Prohibited.****1.20.75.070. Investigation of Complaints.****1.20.75.010. General Statement.**

A. Employees, at all times, should treat other employees with respect and with dignity in a manner so as not to offend the sensibility of a co-worker. The purpose of this policy is to ensure and maintain an enjoyable and safe working environment free from any form of harassment or hostility.

B. Harassment is unlawful and hurts other employees. Any of the prohibited conduct described here is harassment of anyone to whom it is directed or to others who may be subject to such harassment. Each incident of harassment, moreover, contributes to a general atmosphere in which all who share the victim's gender, race, religion, and/or feelings suffer the consequences. Sexually-oriented acts or sex-based conduct have no legitimate business purposes. Accordingly, the employee who engages in such conduct should be and will be made to bear the full responsibility for such unlawful conduct.

C. Title VII of the Civil Rights Act of 1964 prohibits employment discrimination on the basis of race, color, sex, age, or national origin; discrimination on the basis of genetic status is also unlawful. Spanish Fork City will neither tolerate nor condone acts of sexual harassment or any other form of harassment. Sexual harassment is included among the prohibitions. The City of Spanish Fork and its agents are under a duty to investigate complaints and eradicate any form of harassment or sex discrimination conduct which is in violation of this policy.

*(Amended, July 2003)*

**1.20.75.020. Method of Reporting.**

A. Questions or individual complaints involving sexual harassment or other types of harassment should be referred to any of the following positions: respective department director, city manager, assistant city manager, or assistant parks &

recreation director. At any given time, there will always be at least two (2) neutral persons to whom a complaint may be made.

B. Employees are required to report violations of the harassment policy when they first feel they have been harassed or when they are aware of another employee being harassed. Notification to the above mentioned individuals can be either verbal or in writing.

(Amended, July 2003; Amended, June 2004)

#### **1.20.75.030. Enforcement.**

A. Harassment is unlawful, and such prohibited conduct exposes not only the city, but the individual(s) involved in such conduct, to significant liability under the law. Accordingly, city management is committed to vigorously enforcing its harassment policy at all levels of the organization. Acts of harassment by employees are prohibited employment practices and are subject to sanctions and disciplinary measures. In addition to prohibiting harassment by its employees, the city will not tolerate harassment toward its employees by its citizens, contractors and/or vendors.

B. Employees will be given a copy of the city's harassment policy and will be trained at least annually about the city's harassment policy and reporting procedures.

#### **1.20.75.040. Violence.**

A. Spanish Fork City recognizes that a workplace safe from violence or the fear of violence is fundamental to the health and well-being of employees and visitors alike. The policy of Spanish Fork City is that its employees should work in environments free from physical attack, threats, and menacing or harassing behaviors. At Spanish Fork City, physical attacks, threats, harassment, and property damage are always prohibited.

B. Handguns, knives with blades in excess of four (4) inches, explosives, or any other dangerous weapon, are prohibited in the workplace unless determined necessary to function in the course and scope of employment.

C. As used in this policy, violence is defined to including the following:

- 1 **Physical Attack** is an unwanted or hostile contact, such as, but not limited to: hitting, fighting, pushing, shoving, or throwing objects.

- 2 Threat is stating a present or future intention to cause physical or mental harm. Any expression of intent to cause physical or mental harm is considered to be a threat.
- 3 Harassment is behavior or communication designed or intended to intimidate, menace, or frighten another person.
- 4 Property Damage is behavior or acts that contribute to the destruction or damage of property.

**1.20.75.050. Sexual and Other Forms of Harassment.**

A. "Sexual Harassment" means unwelcome sexual advances, requests for sexual favors or other verbal or physical acts of a sexual nature or sex-based nature where:

- 1 submission to such conduct is made either explicitly or implicitly a term or condition of an individual's employment;
- 2 an employment decision is based on an individual's acceptance or rejection of such conduct; or
- 3 such conduct interferes with an individual's work performance or creates an intimidating, hostile or offensive working environment.

B. "Other Forms of Harassment" means and includes, but is not limited to horseplay, insults, practical jokes, hazing, teasing, and similar conduct which is degrading and offensive.

C. Prohibited acts of harassment can take a variety of forms such as subtle pressure for sexual activity to physical assault. Harassment includes, but is not limited to:

- 1 Physical Assaults of a sexual nature, such as:
  - a Rape, sexual battery, molestation or attempts to commit these assaults.
  - b Intentional physical conduct which is sexual in nature, such as touching, hugging, pinching, patting, grabbing, brushing against another employee's body, or poking another employee's body.
- 2 Unwanted sexual advances, propositions or other sexual comments, such as:
  - a Sexually-oriented gestures, noises, remarks, jokes, or comments about a person, a person's sexuality or sexual experience.
  - b Preferential treatment or promises of preferential treatment to an employee for submitting to sexual conduct, including soliciting or

- attempting to solicit any employee to engage in sexual activity for compensation or reward;
- c Subjecting, or threats of subjecting, an employee to unwelcome sexual attention or conduct or intentionally making performance of the employee's job more difficult because of that employee's gender.
- 3 Displaying, possessing, bringing, reading, or viewing, pictures, posters, calendars, graffiti, objects, promotional materials, reading materials, or other materials that are sexually suggestive, sexually demeaning, or pornographic on city property or while performing city functions.
- a A picture will be presumed to be sexually suggestive if it depicts a person of either gender who is not fully clothed or in clothes that are not suited to, or ordinarily accepted for, the accomplishment of routine work in and around the office/shop and who is posed for the obvious purpose of displaying or drawing attention to private portions of his or her body.
  - b Reading or otherwise publicizing in the work environment materials that are in any way sexually revealing, sexually suggestive, sexually demeaning or pornographic; and
  - c Displaying signs or other materials purporting to segregate an employee by gender in any area of the work place (other than restrooms and similar semi-private lockers/changing rooms).

D. Inter-employee dating is discouraged, regardless of departments or divisions. Supervisors are strictly prohibited from dating subordinates.

(Amended July 2016)

**1.20.75.060. Retaliation Prohibited.**

A. It is unlawful to retaliate or to take reprisal in any way against anyone who has articulated any concern about violence, harassment or discrimination. Prohibited conduct includes, but is not limited to:

- 1 Disciplining, changing work assignments of, providing inaccurate work information to, or refusing to cooperate with or discuss work-related matters with any employee, because that employee has complained about or resisted harassment, discrimination or retaliation; and
- 2 Intentionally pressuring, falsely denying, lying about or otherwise covering up or attempting to cover up conduct such as that described in any item above.

**1.20.75.070. Investigation of Complaints.**

A. Inform. Employees should not assume that the city is aware of an existing situation. The first step to correct a problem begins with the proper individuals in the city receiving information about any type of violence, harassment, or discrimination.

B. Responsibility. The city and its agents are under a duty to investigate or to eradicate any form of violence, harassment, discrimination or complaints about conduct in violation of this policy.

C. Complaints. Complaints of violence, harassment, discrimination, or retaliation that are in violation of this policy will be accepted in writing or orally. Anonymous complaints will be taken seriously and investigated. A complaint need not be limited to someone who was the target of harassment or retaliation. Complaints should be directed to individuals listed in § 1.54.020.

D. Parties Involved. Only those who have an immediate need to know, including the investigative officers and/or his/her designee, the alleged target of harassment or retaliation, the alleged harasser(s) or retaliator(s) and any witness(es), will or may find out the identity of the complainant. Confidentiality will be protected, to the extent practicable under the law and under the necessities of disciplinary action, be protected. All parties contacted in the course of an investigation will be advised that all parties involved in a charge are entitled to respect and that any retaliation or reprisal against an individual who is an alleged target of harassment or retaliation, who has made a complaint or who has provided evidence in connection with a complaint is a separate actionable offense as provided in the schedule of penalties.

E. Cooperation. All employees will fully cooperate in any investigation of violence, harassment, discrimination or retaliation. Disciplinary action will be taken against any employee who obstructs or who does not fully cooperate with an associated investigation.

F. Reports and Determination. The determination of the legality of a particular action will be made from the facts, on a case by case basis. All complaints should be well documented and records should include all relevant facts, along with a description of the investigation undertaken, the disposition of the complaint, and the sanctions taken, if any.

## 1.20.80. Disciplinary Procedures.

### 1.20.80.010. General Statement.

### 1.20.80.020. Causes for Disciplinary Action.

### 1.20.80.030. Documentation.

### 1.20.80.040. Appeal.

### 1.20.80.050. Oral Warning and/or Reprimand.

### 1.20.80.060. Written Reprimand.

### 1.20.80.070. Suspension.

### 1.20.80.080. Demotions.

### 1.20.80.090. Termination.

### 1.20.80.100. Hearing Provisions.

### 1.20.80.110. Appeal Procedures - Discharge, Transfer, Suspension.

### 1.20.80.010. General Statement.

A. It is the responsibility of all employees to observe city regulations when there is cause for disciplinary measures, action may include, but shall not be limited to:

- 1 Oral and written reprimands;
- 2 Suspension, with or without pay;
- 3 Demotion;
- 4 Discharge.

### 1.20.80.020. Causes for Disciplinary Action.

A. Violation of city policies, rules, or regulations, may result in disciplinary action, up to and including termination. Supervisors will provide written documentation when an employee receives disciplinary action. The supervisor will follow appropriate guidelines for discipline. Allegations of misconduct shall include, **but shall not be limited to:**

- 1 Refusal to comply with lawful instruction unless such instruction is injurious to the employee's or to the general public's health or safety.
- 2 Insubordination, verbal abuse of a superior, or unwillingness to submit to proper authority.
- 3 Poor attitude.
- 4 Conviction of a felony while an employee of the city.
- 5 Fraud, dishonesty, or deceit.
- 6 Indulging in offensive conduct or using offensive language towards the public or in public toward city officers or employees.
- 7 Violation of harassment policy.

- 8 Deliberate or careless conduct endangering the safety of the employee, other employees, or the general public.
  - 9 Inducing or attempting to induce any employee in the service of the city, to commit an unlawful act, violation of city regulations, official policy, or departmental orders.
  - 10 Using, threatening or attempting to use personal or political influence in an effort to secure special consideration as a city employee.
  - 11 Incompetency or inefficiency in the performance of job duties.
  - 12 Carelessness or negligence with city monies, equipment, or property, including improper or unauthorized use of city equipment or materials.
  - 13 Theft or intentional destruction of city property.
  - 14 Preventable accidents.
  - 15 Intentional falsification of personnel records, time reports, or other city records.
  - 16 Sleeping on duty except as provided for in official city regulations.
  - 17 Violation of the city's drug and alcohol policy.
  - 18 Abusive treatment of the public and/or other employees.
  - 19 Unlawful Discrimination.
  - 20 Unwillingness to work harmoniously with other employees.
  - 21 Unauthorized solicitation on city property; distributing unauthorized printed matter on city property.
  - 22 Tardiness.
  - 23 Creating to or contributing to unsanitary conditions.
  - 24 Gambling on city property.
  - 25 Failure to timely report an injury or accident
  - 26 Failure to report to work without proper notice.
  - 27 Failure to obtain pre-approval for overtime or for changes to pre-approved work schedule.
  - 28 Violation of any of the provisions of these policies and procedures.
  - 29 Failure to improve or to change behavior as specified in counseling or written requests, requirements and/or expectations made by a supervisor.
- (Amended, November 2003, September 2007)

**1.20.80.030. Documentation.**

Documentation made of reprimand(s) should be signed by the employee, by the supervisor, and by others deemed necessary.

**1.20.80.040. Appeal.**

Employees shall have the right to appeal disciplinary procedures as outlined in these policies.

*(Amended, March 2004)*

**1.20.80.050. Oral Warning and/or Reprimand.**

When grounds for disciplinary action exist, and the supervisor determines more severe action is not immediately necessary, the supervisor shall have the option to communicate the deficiency orally to the employee. Such oral communication shall be made as soon as possible after the occurrence requiring the discipline. The supervisor shall take steps to make sure proper documentation is made of such oral communication, including date and item discussed. Documentation will be placed in the employee's personnel file

**1.20.80.060. Written Reprimand.**

A. The city manager, department director or designated supervisor may, in writing, reprimand an employee for cause. Such reprimand shall be addressed to the employee and shall be signed by the employee. If the employee refuses to sign the reprimand, the supervisor will note that the reprimand was delivered to the employee.

B. Written reprimands can be in the form of an "immediate action form", or in the form of a letter. The department director shall make the decision depending upon the severity of the incident being recorded.

*(Amended July 2012)*

**1.20.80.070. Suspension.**

A. A department director, following a hearing, may suspend an employee for cause, with or without pay, for up to, but not to exceed fifteen (15) working days per incident.

B. On or before the effective date of the suspension, the employee shall be furnished a written copy of the statement setting forth reasons for the suspension.

C. During any period of suspension without pay, vacation, sick leave, or comp time may not be used to supplement missed pay. Also, vacation and sick leave benefits shall not accrue.

*(Amended, March 2004; Amended September 2007)*

**1.20.80.080. Demotions.**

A department director may, following a hearing, demote an employee for cause.  
(Amended, March 2004)

**1.20.80.090. Termination.**

A department director may, following a hearing, terminate an employee for cause.  
(Amended, April, 2002, July 2012)

**1.20.80.100. Hearing Provisions.**

A. A hearing shall be held prior to discharge, involuntary transfer resulting in less remuneration (demotion), or suspension without pay for more than two days of an employee, with the exception of probationary, seasonal, temporary, or at-will employees. A written notice shall be given to the employee listing the allegations and identifying the date and location of the hearing.

B. The department director shall act as the hearing officer for all such hearings.

C. Those attending may include, but shall not be limited to, the assistant city manager, supervisor(s), affected employee, an attorney for each side, witnesses called for testimony, and a recorder of minutes. Witnesses shall only be allowed to remain in the hearing during their testimony.

D. A written record will be kept of all hearing proceedings.

E. The hearing shall consist of the following, but shall not be limited to:

- 1 Address the purpose of the hearing.
- 2 Address the allegations.
- 3 Allow the employee the opportunity to respond.
- 4 Allow the supervisor the opportunity to respond.

F. A decision will be rendered within ten (10) days following the hearing.

G. The employee shall be notified of the decision as soon as possible following the rendering of the decision.

H. An employee dissatisfied with the result of the hearing shall have the right to appeal the decision to the city manager by filing a notice with the city manager's office within ten (10) days of the receipt of the decision. A hearing with the manager shall be held within twenty (20) days of receipt of the notice of appeal. The hearing shall follow the outline as given in this section.

I. An employee dissatisfied with the result of the hearing before the city manager shall have the right to appeal the decision to the Appeal Board by following the procedures set forth in §1.58.110.

(Amended, April 2002; Amended, March 2004)

**1.20.80.110. Appeal Procedures - Discharge, Transfer, Suspension.**

A. Appeals pertaining to the discharge, involuntary transfer resulting in less remuneration (demotion), or suspension without pay for more than two (2) days, of classified employees shall be handled in accordance with Utah Code Ann. §10-3-1106 and in the following manner:

- 1 The appeal shall be taken by filing written notice of the appeal with the city recorder within ten (10) days after the discharge, involuntary transfer, or suspension.
- 2 Upon receipt of the appeal, the city recorder shall forthwith refer a copy of the same to the Appeals Board.
- 3 Upon receipt of the referred copy from the city recorder, the Appeals Board shall forthwith commence its investigation, take and receive evidence, and fully hear and determine the matter which relates to the cause for discharge, involuntary transfer (demotion), or suspension.
- 4 The employee shall be entitled to appear in person and to be represented by counsel, to have a public hearing, to confront the witnesses whose testimony is to be considered, and to examine the evidence to be considered by the Board.
- 5 The decision of the board shall be by secret ballot, and shall be certified to the recorder within fifteen (15) days from the date of the ballot. In the event the board upholds the discharge transfer, or suspension, the officer or employee has the remedies available in Utah Code Annotated §10-3-1106(5)(c).
- 6 In the event the board does not uphold the discharge, transfer (demotion), or suspension, the recorder shall certify the decision to the employee affected, and to the supervisor from whose order the appeal was taken. The employee shall be entitled to the remedies set forth in Utah Code Annotated §10-3-1106(5)(b).

(Enacted, April 2002; Amended, March 2004.)

**1.20.85. Grievance Procedure.****1.20.85.010. General Statement.****1.20.85.020. Definition.****1.20.85.030. Procedures - General Grievances.****1.20.85.040. Immunity.****1.20.85.010. General Statement.**

A. The purpose of this chapter is to establish a grievance procedure which will provide classified service employees with a clearly defined and organized communication system through which complaints or grievances may be presented.

B. The objective of these procedures is to provide a grievance resolution system free from discrimination, coercion, intimidation, restraint, or reprisal. The system will also enable employees to receive fair and equitable treatment and adjustments.

C. Every effort shall be made by the involved parties to resolve grievances at the lowest possible level.

D. Employees who have grievances created by work situations shall have the right to submit such grievances for orderly disposition according to the procedures as outlined in this article.

(Amended, April 2002.)

**1.20.85.020. Definition.**

Grievances shall include, but are not limited to such matters as employee-supervisor relationships, duty assignments not affecting job classification, shift and job location assignments, hours worked, working facilities and conditions, policies for granting leave, disciplinary actions, short of termination or demotion and similar matters.

**1.20.85.030. Procedures - General Grievances.**

A. Only the grievance originally presented shall be considered on appeal as the process progresses. To insure this limitation, a copy of the original grievance shall be filed at the office of the city manager. Similar grievances may be consolidated and processed together as a single issue. All grievances, with exception of involuntary termination or transfer, shall be handled in the following manner:

- 1 An employee with a grievance shall submit the issue in writing to his/her immediate supervisor within five (5) working days after the affected employee first knew of or became aware of the act or condition upon which the grievance is based. The employee is responsible to provide a copy to the assistant city manager on the same day the issue is presented to the immediate supervisor.
- 2 The immediate supervisor shall review the issue and render a written decision within five (5) working days of the date s/he is presented with the grievance by the employee's report. A copy of the written decision shall be provided to the assistant city manager.
- 3 If no mutually agreeable settlement is reached under Step 2, the involved parties may petition, in writing, to the department director for his/her review. The department director shall render a written decision within five (5) working days of the date s/he is presented with the grievance by the employee's report. A copy of the written decision shall be given to the assistant city manager
- 4 If no mutually agreeable settlement is reached under Step 3, involved parties may petition, in writing, to the city manager for his/her review.
- 5 The city manager shall hold a hearing within five (5) working days of receipt of the grievance.
- 6 The city manager shall have ten (10) working days after the hearing to thoroughly investigate the matter, make written findings, and notify the parties concerned of a decision.
- 7 If no mutually agreeable settlement is reached under Steps 4-6, involved parties may petition, in writing, to the city council within five (5) working days after receipt of the city manager's decision. The decision of the city council shall be final and shall be given to all involved parties no later than thirty (30) days from the date the written petition is received.

*(Amended April 2002.)(Section 1.62.040. Repealed and Renumbered to 1.58.110. April 2002.)*

**1.20.85.040. Immunity.**

If any employee is denied the opportunity to present a grievance as prescribed by this article, or if the employee is threatened or subjected to duress when presenting the grievance, the employee may so notify the city manager in writing. The city manager shall authorize an investigation of such complaint, and based upon findings, act in accordance with disciplinary procedures as outlined herein.

**1.20.90. Appeal Board.****1.20.90.010. Organization of Board.****1.20.90.020. Duties and Responsibilities.****1.20.90.010. Organization of Board.**

The City Council shall act as the Appeal Board, which shall be chaired by the Mayor.

**1.20.90.020. Duties and Responsibilities.**

The board shall serve as the review authority for handling appeals on matters pertaining only to the discharge, involuntary transfer resulting in less remuneration (demotion), or suspension without pay for more than two (2) days, of classified employees.

*(Amended, March 2004)*

### 1.20.95. Miscellaneous Policies.

- 1.20.95.010. Uniforms.
- 1.20.95.012. Personal Protective Equipment (PPE).
- 1.20.95.020. Residency Requirement.
- 1.20.95.030. Breaks.
- 1.20.95.040. Gifts and Conflict of Interest.
- 1.20.95.050. Political Activity.
- 1.20.95.060. Communication Equipment.
- 1.20.95.070. Cellular Phones
- 1.20.95.080. Social Media Policy
- 1.20.95.090. Indemnification.
- 1.20.95.100. Driver's License.
- 1.20.95.110. Retained Authority.
- 1.20.95.120. Public Relations.
- 1.20.95.130. Violation of Personnel Rules and Regulations.

#### 1.20.95.010. Uniforms.

Division managers shall designate positions required to wear uniforms based on safety, public exposure, and other job related functions. This policy is applicable to all departments, except the Public Safety Department. Police department uniforms are discussed in the Spanish Fork Police Department Policy Manual, Chapter 1046.

A. General. All shirts, jackets or hats provided by the city should have a city logo and be considered the uniform of the employee. Uniforms are recommended for employees who work out of the office in the public on a regular basis. If uniforms are provided they are required attire for the employee. Managers shall determine the specific need and requirements of a uniform for each employee in the division. The manager must budget accordingly and stay within approved budgets and must follow the purchasing policy to acquire uniforms. State bid shall be used whenever possible.

B. Ownership. All uniforms are the property of Spanish Fork City but the laundering and care of the uniform is the responsibility of the employee. The division manager is responsible to ensure that all the uniforms in the division are in good condition, properly taken care of and replaced when necessary. All uniforms shall be returned to the division manager to be disposed of when it is either worn

out or the employee terminates employment with the city. It is the responsibility of the supervisor to collect such uniforms

C. Colors and Style. The department director shall ensure that uniforms are consistent in color and style throughout the department. Colors should match as closely as possible to the Spanish Fork graphic standards or the MUTCD reflective/warning colors. A copy of the Spanish Fork graphic standards is located in the G:\Shared\FORMS folder.

D. Logo. Logos shall meet the Spanish Fork graphic standards. Thread colors can be found in the administration office. A copy of the Spanish Fork graphic standards is located in the G:\Shared\FORMS folder.

*(Amended July 2012)*

**1.20.95.012. Personal Protective Equipment (PPE).**

A. General. The division manager shall determine the specific need and requirements for PPE for each employee in the division. The manager must budget accordingly and stay within approved budgets.

B. Boot Allowance. All employees, whether part or full time, who need a certain quality of boot for safety should be given a boot allowance. The division manager must determine whether an employee should have a boot allowance. The boot allowance is \$150 per year. It is paid to an employee when hired and then annually thereafter. The allowance is paid through payroll. The division manager is responsible to ensure that each employee who receives a boot allowance is wearing appropriate boots in good condition while on the job.

*(Amended July 2012)*

**1.20.95.020. Residency Requirement.**

A. Spanish Fork City maintains a residency requirement for employment for the city manager. An individual appointed to this position must maintain residency in city limits within a time frame designated by the appointing authority. Non-compliance with this requirement may jeopardize the employee's standing with the city.

B. Supervisors (except those designated by the city manager), police officers, and those employees on standby, must live within a reasonable distance in order to respond to emergencies.

*(Amended April 2010)*

**1.20.95.030. Breaks.**

A. Employees of the city will be allowed two (2) fifteen (15) minute breaks during an eight (8) hour work period.

B. Breaks are to be taken within close proximity of the job site. Breaks can be taken at the city shops only if the job site is located at the shops. Breaks cannot be accrued for use at a later time (half hour at a time) or on different days.

C. Personal business, phone calls, and other items should be performed during breaks.

(Amended, May 2003; November 2003)

**1.20.95.040. Gifts.**

A. No officer or employee shall directly or indirectly solicit any gift or accept or receive any gift in which it could reasonably be inferred that the gift was intended to influence the employee, or could reasonably be expected to influence him/her in the performance of his/her official duties or was intended as a reward for any official action on the employee's part.

Examples of such gifts include, but may not be limited to the form of money, services, loan, travel, entertainment, hospitality, promise, or any other form under any circumstances.

B. The purpose of this policy is to assist officials and employees of Spanish Fork City with the acceptance and disposition of gifts given to them by someone other than the City such that they do not violate the provisions of the Utah Municipal Officers' and Employees' Ethics Act, Utah Code Ann. §10-3-1302 et. seq. This is not applicable to gifts and awards Spanish Fork City may grant to its own officials and employees.

C. Officials and employees are sometimes given ceremonial memorabilia, mementos, or souvenir gifts in situations where it would be inappropriate or even offensive to decline the gift. Examples include a memento gift given by a sister-city representative in commemoration of an official visit or other important occasion; a souvenir pen given as part of the execution of an important agreement; and other similar acknowledgments and gifts distributed for various reasons at similar activities or events. Officials and employees should use the following guidelines and procedures in accepting and disposing of such gifts:

1. Upon receipt of ceremonial gifts, officials and employees may appropriately display the gifts, but are reminded that gifts to Spanish Fork City are property of the City and should be retained

by the City at the conclusion of the official or employee's term of service.

2. Sometimes ceremonial gifts are personal in nature and are intended to be given to the individual and not the City. Spanish Fork City permits officials and employees to accept ceremonial gifts, however, all personal gifts, including ceremonial gifts to an official or employee should be disclosed on an appropriate disclosure form consistent with established policies and procedures. Officials and employees are reminded that personal gifts made or accepted in violation of the Utah Municipal Officers and Employee's Act, Utah Code Ann. §10-3-1301 et seq. are prohibited and may subject a violator to civil and/or criminal sanctions.
3. In determining whether a ceremonial gift is being given to Spanish Fork City (and is therefore the property of the City), or is given as a personal gift to an official or employee, the intent of the party making the gift is usually decisive. If the intent of the party is unknown, or if the matter is otherwise ambiguous, additional factors should be considered, including:
  - a. The nature of the gift itself – whether the item is personal or impersonal in nature;
  - b. The monetary value of the gift may indicate whether the gift is intended for the City or an individual. The more expensive the gift, the more likely the gift should be considered to be a gift to, and the property of, Spanish Fork City. In contrast, an inexpensive, incidental gift with individualized connotations may more likely be considered a personal gift to an individual; and
  - c. Gifts with notable historical significance should be considered to be property of the City so long as the City recognizes its historical value, even where the giver and/or recipient might consider the gift personal in nature.
4. Where a personal gift is historical in nature, it is suggested that the recipient official or employee allow the City to retain and display the gift so long as the City recognizes and values its historical importance. If the City ever ceases to recognize a personal gift as of historical value, the City should relinquish the gift to the official or employee to whom it was given. An important factor in deciding whether a gift should be considered the City's property or an official or employee's personal property is whether the official or employee receiving the gift declared the gift on a disclosure form at the time the gift was made.
5. Ceremonial gifts that are the property of Spanish Fork City shall be inventoried by the City and identified as property of Spanish Fork City in the records of the City and discretely on the gift itself.

Ceremonial gifts that may be the property of an official or employee, but are in the possession of Spanish Fork City because of their historical significance shall be identified as such in the records of the City and discretely on the gift itself. The City Recorder shall annually provide a copy of the list to the Mayor for review and disposition of items consistent with this policy.

- D. Officials and employees are urged to use care in receiving and disposing of all gifts because public confidence in the integrity of its public servants is indispensable to our government. An official or employee may always defer personal acceptance of a gift in favor of ownership by the City and may be wise to do so if there is any ambiguity regarding the matter. Where ambiguity exists, the Mayor may make a final decision regarding the matter that shall be final and binding on all parties. The City generally advises officers and employees to adhere to the guidelines in Utah Code Ann. §10-3-1304 as far as the value of gifts is concerned. However, gifts greater in value than \$50.00 may be accepted if they are occasional and do not have the intent to influence the decision making of the recipient. Likewise, the City also cautions that gifts with a value less than \$50.00 are inappropriate and illegal if they are given with the intent to influence the decision making of the recipient.

*(Amended November 2015)*

**1.20.95.045. Conflict of Interest.**

- A. Confidential Information. No employee shall disclose to others, or use to further his/her own personal interests, confidential information acquired by said employee in the course of performing his/her official duties.
- B. Representation. No employee shall represent either the city or any outside public interest before any other agency, public or private, except with the express authorization or at the direction of either the city manager (or his/her delegated and authorized representative) or the Spanish Fork City mayor and/or city council.
- C. Every employee who has an ownership interest in a company, with which the City does business, shall disclose that ownership interest if the employee has any ability to influence the city's decision to do business with that company.

*(Amended July 2012, November 2015)*

**1.20.95.050. Political Activity.**

- A. No person shall be denied the opportunity to complete an application for city employment with Spanish Fork City by virtue of political opinion or affiliation.

B. No person employed by the city may be dismissed from service as a result of political opinion or affiliation. Any city employee may voluntarily contribute funds to political groups.

C. Any city employee may become a candidate for any public office. Should the employee become elected to the position of mayor or city council member, the employee shall resign from their employment with the city. The employee's position will not be held for the employee after his/her stay in office is ended.

D. No city officer or employee, whether elected or appointed, may directly or indirectly coerce, command, advise or solicit any officer or employee to pay, lend or contribute part of his/her salary or compensation or anything else of value to any party, committee, organization, agency or person for political purposes. No city officer or employee, whether elected or appointed, may attempt to make any officer's or employee's personnel status dependent upon the employee's support or lack of support for any political party, committee, organization, agency or person engaged in a political activity.

E. No officer or employee may engage in any political activity during the hours of employment.

F. Nothing contained in this section shall be construed to permit partisan political activity of any city employee who is prevented or restricted from engaging in such political activity by provision of the Federal Hatch Act.

**1.20.95.060. Communication Equipment.**

A. All e-mail, voicemail, Internet access, etc. are the sole property of Spanish Fork City. When using the email or voicemail systems, and other equipment including city computers, the employee knowingly and voluntarily consents to being monitored and acknowledges the employer's right to conduct such monitoring.

B. Employees shall have no expectation of privacy regarding any use of the employer's property, including email, voicemail, etc. and that by virtue of employment or continued employment, the employee expressly and voluntarily consents to whatever monitoring the city chooses. The purpose of such monitoring includes, but is not limited to, ensuring proper use of company equipment, ensuring productivity, and prevention of harassment or misuse of equipment.

C. E-mail, voicemail, Internet, etc. cannot be used for any improper purposes, such as harassing or annoying anyone, obtaining illegal or copyrighted materials, or transmitting or receiving messages that insult, degrade or poke fun at sex, gender, race, color, national origin, age, religion, disability, citizenship, etc.

D. Employees are prohibited from sending, forwarding, or otherwise transmitting commercial or sexually explicit emails which are unsolicited.

E. Employees shall not intentionally pass on viruses or other items which might affect the city computer system.

F. Employees may use a copy machine, facsimile machine and computer printers for personal use when appropriate payment is made. The cost per page will be determined by the finance director and shall be posted where such machines are used.

G. Select personnel shall receive cable television, internet service and/or phone service at their homes at no cost. This option is designed to allow specific employees to respond more readily and to address emergency situations with proper equipment and tools during non-working hours. All employees in this category shall be authorized by the city manager upon recommendation of a department director.

*(Amended, November 2003; January 2004, April 2010, July 2012)*

#### **1.20.95.070. Cellular Phones.**

A. City owned cellular phones are provided for the convenience of the city and employees in the performance of their official duties.

B. Employee Eligibility. A cell phone will be issued to an eligible employee or the city will provide reimbursement for use of a personal cell phone for city business when his/her job description requires the employee to: be reachable immediately, be on call outside of normal business hours, or be away from a fixed workstation for a substantial portion of his/her work day.

C. Determination of cell phone issuance or reimbursement is up to the department director and city manager. Employees that are issued a city-owned cell phone, or paid a monthly reimbursement, must be reachable on their cell phones both during and after regular business hours.

D. Cell Phone Reimbursement Levels. The following levels are to be used by Department Directors in determining reimbursement to the employee for the use of a personal cell phone for work related purposes

- 1 **Level 1:** Minimal use of cell phone after hours or while away from a desk. Generally does not require the issuance of a city-owned cell phone, but phone service can be reimbursed at \$10 per month.
- 2 **Level 2:** Some interaction with the public and other employees while away from a desk. Reimbursed at \$23 per month.
- 3 **Level 3:** Extensive interaction with the public and other employees while away from a desk. Reimbursed \$33 per month.
- 4 **Level 4:** Data plan and/or extensive communication with the public and other employees via phone, text and email during and after regular business hours in order to be more effective in job performance. Reimbursed at \$54 per month.
- 5 **Level 5:** Data Plan as described in level 4 with wireless access point capability. To be used by employees that require internet service on other electronic devices. This level should not be used if the employee has a separate wireless card. Reimbursed at \$79 per month.

E. An employee receiving phone reimbursement must provide the city with their cell phone number.

F. Personal Use. Personal use of city-owned cell phones is permitted for incidental calls during the time when the city is assessed minutes for usage. Personal usage on weekends and evenings will be unlimited as long as the city plan allows unlimited minutes on nights and weekends. Employees that have opted to use their personal cell phone and receive reimbursement from the City for business use should equally limit the amount of time they use their phone for personal use while on City time.

G. Cell Phone Care. Employees issued a city-owned cell phone are responsible for its use and treatment. If a city-owned phone is damaged, lost or stolen, the employee is required to notify his/her supervisor immediately. The City will not be responsible for personal cell phones that get damaged, lost or stolen even if the event occurs while on City time.

*(Added July 2012; Amended July 2016)*

**1.20.95.080. Social Media Policy.**

A. The City may elect to use social media such as Facebook, Twitter, YouTube, or others to disseminate information to the public. Only authorized City personnel may post information from, or on behalf of, the City. The City Manager shall designate who is authorized to make such posts.

B. One of the purposes of using social media is to present matters of interest to residents, businesses and visitors. The City encourages questions, comments, and concerns, keeping in mind this is a moderated online discussion site and not a public forum. Once posted, Spanish Fork City reserves the right to delete submissions that contain:

- 1 Vulgar language;
- 2 Personal attacks of any kind;
- 3 Offensive comments that target or disparage any ethnic, racial, or religious group.

Furthermore, the City also reserves the right to delete comments that are:

- 1 Spam or which include links to other sites,
- 2 Clearly off topic,
- 3 Advocate illegal activity,
- 4 Promote particular services, products, or political organizations,
- 5 Infringe on copyrights or trademarks,
- 6 Use personally identifiable medical information. The City recommends that the participants not share any medical information.

The City does not retain any of the posts. Posts are retained or deleted based upon a schedule maintained by the site host.

C. Employees who make comments on social media sites, as City employees, whether those site are sponsored by the City or others, should present themselves in an appropriate and professional manner, as set forth in §1.20.95.120 of the Personnel Policy. Employees should note, when speaking of City issues, that their opinions do not necessarily represent official City Policy or business practices, unless authorized by the City Manager to make those representations. Employees will be held responsible and accountable for their posts. Posts which adversely affect morale, create insubordination, or encourage violation of laws or policies, or which violate any of the terms or conditions of the Personnel Policy, are subject to disciplinary action. Employees are encouraged to think through their posts before making posts.

*(Added July 2012)*

**1.20.95.090. Indemnification.**

A. Except as set forth herein, and in Paragraph B, in the event of any personal liability suit filed against any at will or classified employee, elected official, member of a city board, commission, council or committee, the city shall save, hold harmless and indemnify such individuals so long as that employee's or person's activities were in conformance to the work assigned as stipulated in the employee's job description, applicable statute, council, or management directive or other municipal document setting forth the functions of the individual's performance on behalf of the city. The city further agrees to pay any and all damages, settlements, and/or legal fees which may result from such actions filed against an individual or individuals duly authorized to represent the city.

B. An officer or employee of the city, whether elected, appointed, or employed, shall be personally liable and the city shall have no liability if it is determined:

- 1 That the act or omission in question did not occur:
  - a During the performance of the employee's duties; or
  - b Within the scope of his/her employment; or
  - c Under color of authority; or
- 2 That the injury or damage resulted from the fraud or malice of the employee; or
- 3 That the injury or damage on which the claim was based resulted from:
  - a The employee driving a vehicle, or being in actual physical control of a vehicle:
    - i With a blood alcohol content equal to or greater by weight than the established legal limit; or
    - ii While under the influence of alcohol or any drug to a degree that rendered the person incapable of safely driving the vehicle; or
    - iii The employee being physically or mentally impaired so as to be unable to reasonably perform his/her job function because of the non-prescribed use of a controlled substance as defined in Utah Code §58-37-4, or because of the combined influence of alcohol and a non-prescribed controlled substance as defined by Utah Code §58-37-4.

C. The provisions of this section shall not apply to those persons named as defendants in actions brought against them by the city.

**1.20.95.100. Driver's License.**

- A. Employees involved in the performance of their duties, operating a city owned vehicle or a private vehicle, must possess a valid driver's license with the appropriate class specification necessary for their duties.
- B. Employees required to have a commercial driver's license (CDL) must comply with all standards established by State law.
- C. The City will reimburse the employee for the driver's license fee incurred in obtaining the license. Employees required to obtain a physical in order to obtain a CDL are required to submit the costs of the physical through their personal health insurance company. The City will reimburse employees for any license fees, insurance copays, or other costs not covered by the insurance upon presentation of a receipt(s). Physicals must be taken at a certified medical examiner's office as listed on the DOT's national registry.
- D. An employee performing duties while operating a city or private vehicle with a suspended, revoked, or lapsed license, shall be subject to disciplinary action including, but not limited to suspension, demotion, or dismissal.
- E. An employee must notify their supervisor immediately upon suspension or revocation of their driver's license.
- F. As a condition of employment, each employee must allow the city office to perform at least one (1) annual check on their driver's license.  
(Amended May 2014)

**1.20.95.110. Retained Authority.**

In implementing these personnel policies and procedures, the city, through its appropriate officials and management employees, retains the total authority to:

- 1 Determine the "mission" of its various departments, commissions, boards, etc.;
- 2 Set standards and levels of service;
- 3 Determine means and methods by which government operations are to be conducted;
- 4 Increase the efficiency of operations;
- 5 Determine the size and composition of the work force;
- 6 Allocate and assign work;
- 7 Locate and relocate operations, processes, and materials used in carrying out city operations;

- 8 Contract for services;
- 9 Determine the procedures and standards for employment, promotions and other necessary personnel functions;
- 10 Assign work to and schedule employees in accordance with city requirements;
- 11 Change work schedules and assignments;
- 12 Establish appropriate dress and grooming standards;
- 13 Dismiss employees due to lack of work, lack of funds, disciplinary reasons or for organizational purposes;
- 14 Take disciplinary action against employees when necessary;
- 15 Determine the content and intent of job classifications;
- 16 Create employee performance standards and require compliance with standards in quality and quantity;
- 17 Determine the facilities, methods, technology, means and structure in carrying out the work of the City; and
- 18 Establish funding levels to carry out city services.

**1.20.95.120. Public Relations.**

A. The measure of city government is, to some extent, based on the effectiveness and personal contact of its employees with the general public. It is expected that all employees will avoid conduct at work or elsewhere that might cause embarrassment to, or criticism of the city. Often times, the city employee is the only contact a private citizen has with our municipal government, and although the citizen may not always be right, he/she does have an active interest in the city and in its government. Therefore, it is essential the attitudes and actions of the employees of the city, both on and off duty, bring credit to the city. Good public relations can best be created by the simple process of being helpful, courteous and treating people in the same manner in which the employee would like to be treated.

B. It is also important to the public relations of the city that each municipal employee be neat, clean, and impressive in appearance and respectable in his/her use of language.

**1.20.95.130. Violation of Personnel Rules and Regulations.**

Violations of the provisions of these policies and regulations shall be grounds for discipline, up to and including termination.