RESOLUTION No. 13-01

ROLL CALL

VOTING	YES	NO
G. WAYNE ANDERSEN *Mayor (votes only in case of tie)*		
ROD DART *Council member*	X	
RICHARD M. DAVIS *Council member*	X	
BRANDON B. GORDON *Council member*	X	
STEVE LEIFSON *Council member*	X	
KEIR A. SCOUBES *Council member*	X	

I MOVE this resolution be adopted: Council member Dart
I SECOND the foregoing motion: Council member Leifson

RESOLUTION No. 13-01

A RESOLUTION AMEDNING THE SPANISH FORK CITY EMPLOYEE PERSONNEL MANUAL

WHEREAS, Spanish Fork City has a long history of volunteer efforts throughout the City; and

WHEREAS, the public safety department has maintained two divisions which have been staffed by volunteers for many years, namely, the ambulance division and the fire division; and

WHEREAS, recent changes in federal law and interpretations of federal regulations have made it necessary to make the ambulance volunteers part time employees; and

WHEREAS, the same changes don't apply to firefighters, who may remain as volunteers; and

WHEREAS, the city personnel manual contains references to volunteer ambulance personnel, volunteer fire personnel and employees serving as volunteer that must be changed to comply with proposed changes; and

WHEREAS, the City Council must approve all changes to the personnel manual;

NOW THEREFORE, be it resolved by the City Council of Spanish Fork City that the Spanish Fork City Employee Personnel Manual is hereby amended as follows:

1. The definition of At-Will Employees in section 1.04.050 be amended as follows:

At-Will Individual 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 Individuals shall be:

1. Department directors and employees appointed by the Governing Body as defined in Spanish Fork Municipal Code §4.04.020
2. All elected officials, members of boards and commissions;
3. Volunteers, and all other individuals appointed to serve without a wage;
4. Consultants and counsel rendering professional service;
5. Part-time, Temporary, Special Projects, and Seasonal employees.

2. Section 1.24.050 be amended as follows:

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.

3. Section 1.24.085 be completely rewritten as follows:

1.24.085. 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 burden on their work load.

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

4. The title heading to section 1.28.100 be deleted.

5. Section 1.28.060 (D) be amended as follows:

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 resources 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 resources office if the leave has been approved.

6. Section 1.28.120 be amended as follow:

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.

7. Section 1.50.020 be amended as follows:

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 work place, 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.

8. Section 1.50.060 be amended as follows:

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.

9. Section 1.50.070 be amended as follows:

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.

10. This resolution is effective the 9th day of February, 2013.

DATED this 5th day of February, 2013.

G. Wayne Anderson

G. WAYNE ANDERSEN, Mayor

Attest:

Kent R. Clark

KENT R. CLARK, City Recorder