

Fillmore City



Utah's First Capital

PERSONNEL POLICIES & PROCEDURES

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This document supersedes all personnel policies and procedures
Previously Established or approved by Fillmore City.

PREFACE

It is the policy of Fillmore City to establish reasonable rules of employment conduct (i.e., guidelines for management and employees to follow) and to ensure compliance with these rules through a program consistent with the best interests of Fillmore City and its employees. THIS MANUAL IS NOT, AND SHALL NOT BE CONSTRUED AS, AN EXPLICIT OR IMPLIED CONTRACT, SHALL NOT MODIFY ANY EXISTING AT-WILL STATUS OF ANY FILLMORE CITY EMPLOYEE, AND SHALL NOT CREATE ANY DUE PROCESS REQUIREMENT IN EXCESS OF FEDERAL OR STATE CONSTITUTIONAL OR STATUTORY REQUIREMENTS. THE TERM “AT-WILL” MEANS EMPLOYEES CAN TERMINATE OR BE TERMINATED AT WILL. EXCEPTIONS ARE EMPLOYEES HAVING WRITTEN CONTRACTS SIGNED BY THE MAYOR OF FILLMORE CITY.

It is also the policy of Fillmore City to comply with Federal and State Equal Employment Opportunity guidelines. All employment decisions will be made without unlawful regard as to race, color, religion, sex, national origin, age or disability. To this end, Fillmore City will not engage in any unlawful discrimination against any employee or applicant for employment because of race, color, religion, sex, national origin, disability, age, or veteran’s status, and will ensure that applicants and employees are treated without unlawful regard to these characteristics.

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

Fillmore City reserves the right to change any of its policies and/or procedures at any time in the future for any reason.

INTRODUCTION

Fillmore City's Personnel Policies and Procedures Manual is simply a written guide for management and staff. This manual not only outlines Fillmore City's policy on the various phases of the employer-employee relationship, it also indicates how policy is to be administered. Each employee is given the charge to read, understand, and follow the policies and procedures contained in this manual and to use this Manual as a guide when policy needs to be applied to a given situation.

Experience has shown that written policies promote consistency, continuity, and understanding within an organization. Written policies also aid in consistently achieving fair and equitable interpretation of policy. Employees always feel a deeper understanding of their role in the organization when they realize that policies are uniformly administered. It is the obligation of all employees of Fillmore City to conduct themselves in conformity with the principle of Equal Employment Opportunity at all times. All employment activities including, but not limited to, advertising, recruitment, hiring, promotion, demotion, transfer, disciplinary action, layoff, termination, compensation, and training, shall be conducted without unlawful regard to race, color, religion, sex, nation origin, age or disability.

And finally, no employee, officer, agent or other representative of Fillmore City has any authority to enter into any agreement for employment for any specified period of time or to make any agreement or representation, verbally or in writing, which alters, amends, or contradicts the provisions of this Personnel Policies and Procedures Manual.

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SECTION I: EQUAL EMPLOYMENT OPPORTUNITY (EEO)

1. **GENERAL POLICY.** It is the policy of Fillmore City to comply with Equal Employment Opportunity standards in all phases of personnel administration: job structuring, recruitment, examination, selection, appointment, placement, training, upward mobility, discipline, etc. without unlawful regard to race, color, religion, sex, age, physical or mental disability, national origin or veteran status.
2. **SUPERVISOR RESPONSIBILITIES.** The Mayor, or personnel officer, will ensure that Fillmore City is in compliance with all of the personnel policies and procedures in this manual, including all EEO standards. Additionally, the Mayor, or personnel officer, will ensure that each employee receives a copy of the Employee Handbook and that the employee signs and dates a Policy Statement and Acknowledgment Form stating receipt of the manual. The Mayor, or personnel officer, will then file the signed and dated Policy Statement and Acknowledgment Form in the employee's personnel file.
3. **EMPLOYEE RESPONSIBILITIES.** Employees are responsible for informing themselves about Fillmore City's policies as set forth in the Fillmore City Employee Handbook by reading them and, if necessary asking that they be explained to them. Additionally, all employees should inquire of the Mayor or Personnel Officer the procedures to follow for specific situations, which are either not, addressed in the Employee Handbook or which they do not understand. It is the responsibility of every employee to know and understand the policies, which govern the administration of personnel practices in Fillmore City.

SECTION II: EMPLOYEE HIRING

1. EMPLOYMENT. Job Descriptions defining the essential functions of the vacant position shall be drafted by the Mayor, or personnel officer before the vacancy is posted or otherwise advertised internally or externally.
2. RECRUITMENT. All recruitment shall be conducted in accordance with Fillmore City's equal opportunity guidelines.
 - A. Internal Promotions. It is Fillmore City's policy to give first consideration to current qualified city employees desiring to fill an open job position. No advertising is required for internal promotions
 - B. External Advertising.
 - (1) Only the Mayor, or personnel officer, is authorized to place advertisements and respond to inquiries from employment agencies and/or job applicants.
 - (2) Each Job Opening Notice should contain a statement indicating that Fillmore City is an equal opportunity employer.
 - (3) Job Opening Notices may be advertised through any channels the Mayor deems appropriate, for a period to be determined by the Mayor and personnel officer.
 - (4) All Job Opening Notices must specify where job applications are to be obtained and where the completed applications are to be returned, and the deadline for filing an application.
 - (5) Job applicants residing in Fillmore City will be given hiring preference.

Fillmore City allows for the employment of non-residents so long as the non-resident employee can commute from his/her permanent residence to his/her place of employment in no more than twenty (20) minutes. The commute time requirement applies to each employee, no matter the position held. The requirement also applies to each of the employee's working periods, including regularly scheduled hours and on-call working periods. If a non-resident is hired who does not meet the commute time requirement, he/she must either become a resident of Fillmore City or establish a permanent

residence that is no more than twenty minutes away from Fillmore City before the completion of his/her probationary period.

3. SELECTION.

- A. Nepotism. It is the policy of Fillmore City to comply with the provisions of Utah's Anti-Nepotism Act, Utah Code 52-3-1.
- B. Employment of Minors. It is the policy of Fillmore City that no one under the age of fourteen (14) shall be hired for any position.
- C. Rehires. Job applications received from former employees will be processed using the same procedures and standards that govern all other non-employee applications. The Mayor, or personnel officer, will review the former employee's personnel records and the circumstances surrounding termination of previous employment with Fillmore City.
 - (1) Former employees who have been terminated for cause, or who voluntarily resign while facing disciplinary action, are not eligible for rehire.
 - (2) Former employees who have voluntarily terminated are not eligible for rehire until the position has been properly advertised and all applications have been duly processed. In all cases, applicants residing in Fillmore City will be given hiring preference.
 - (3) Applicants who are rehired shall be required to serve a probationary period.
- D. Job Applications. All interested job applicants shall complete a job application. Applications will remain active for six months and a qualified applicant may be selected to fill a vacant position without advertising during that time.
 - (1) All applications and resumes shall be submitted to the personnel officer for review and forwarded to the Mayor for his review.
 - (2) Job applications shall be signed by the job applicant and the truth of all information contained therein shall be certified by the job applicant's signature. The job applicant shall, if

requested by the mayor or personnel officer, provide a copy of required certified educational transcripts either with the application or upon hire.

- E. General Aptitude Test Battery (GATB). When necessary, job applicants may be required to take the GATB.
- F. Other Tests. Job Applicants may be required to take other tests, which Fillmore City deems necessary for a specific position. Job applicants for certain positions may require skills for which a known level of competence must exist such as mathematics or timed typing tests. When Fillmore City uses other ability tests, Fillmore City shall make reasonable accommodations for disabled applicants.
- G. Job Applicant Disqualification. An application may be rejected for, but not limited to, the following reasons. When the job applicant:
 - (1) Does not follow the instructions for submitting an application.
 - (2) Does not meet minimum qualifications established for the position.
 - (3) Is physically or mentally unable to perform the essential duties and responsibilities of the position with, or without, reasonable accommodation(s) (determined only after a conditional offer of employment, pending the results of a medical examination, has been extended to a job applicant).
 - (4) Has falsified a material fact or failed to complete the application.
 - (5) Has failed to timely file the application.
 - (6) Has an unsatisfactory employment history or poor work references.
 - (7) Has failed to attain a passing score, if an examination is required.
- H. Interviewing.
 - (1) The Mayor, personnel officer, and department head will select applicants to interview from those who have passed

the preliminary screening tests and conduct the interviews. Job related duties and qualifications will provide the basis for initial screening of job applicants. During the interview, all job applicants should be advised that any and all of the information provided will be verified.

- (2) Individuals conducting job interviews shall only ask questions that pertain to the job position. The interview will be conducted in a manner that is consistent with Fillmore City's Equal Employment Opportunity policy.

- I. Reference Checks. In order to facilitate references checks, written permission shall be obtained from the applicant using the Applicant's Consent to Release Information Form. Fillmore City may contact the references for each job applicant to verify information furnished by the applicant.

PLACEMENT.

- A. Job Offers. After a job applicant is approved by the Mayor, the Mayor or Personnel Officer shall send the successful job applicant a written job offer letter stating the job description, salary conditions, and any provisional conditions of employment and clearly state that the offer is not accepted until the candidate signs the written conditional job offer letter and returns it to Fillmore City by the requested date. The letter shall also contain:

- (1) The employee's job title.
- (2) The employee's supervisor.
- (3) Any relocation commitments, if applicable.
- (4) Fillmore City's at-will employment policy.
- (5) The employee's starting date.
- (6) The length of the employee's probationary period.
- (9) Notice that employment may be contingent upon passing a background examination, drug tests, medical/physical examinations, etc.

- B. Salary shall be established according to the Fillmore City Salary Schedule. New employees may be started at a step level justified

by skills, education, or experience that meet or exceed minimum requirements of the position. Entry level to be determined by the Mayor.

- C. After a job applicant has accepted the offered position and salary the appointment shall be ratified by the city council in a public meeting.
- D. Job Rejection Letters. Within five (5) working days after the job offer has been accepted, non-selected job applicants, that were interviewed, will be notified.
- E. Medical Examinations. Once Fillmore City has extended a conditional job offer to the job applicant, a medical interview or examination may be conducted by a health professional chosen by Fillmore City to determine a job applicant's ability to fulfill essential job related requirements. Only the Mayor, or his designee, may authorize such interviews or physical examinations. All costs for required medical interviews or physical examinations will be borne by Fillmore City. The prospective employee must sign a written release of this information to Fillmore City.
- F. Reinstatements. Employees who are reinstated into Fillmore City may maintain their original anniversary date for seniority purposes as well as for those benefit programs governed by the anniversary date. The policy will be as follows:
 - (1) Layoffs. Employees who terminate because of reduction in work force will maintain their original anniversary date for seniority purposes if they are re-employed by Fillmore City.
 - (2) Voluntary resignations. Employees who voluntarily terminate their employment with Fillmore City may maintain their original anniversary date, subject to the Mayor's approval.
- G. Hiring New Employees.
 - (1) The Personnel Officer, is responsible for having new employees fill out all pre-employment forms, benefit applications, enrollment forms and providing basic information on Fillmore City's policies.
 - (3) Additional requirement for employment of minors (employers may protect themselves from unintentional violation of the

child labor provisions by keeping on file an employment or age certification for each minor employed to show that the minor is the minimum age for the job.):

- (a) Minors shall be employed and scheduled in conformance with existing child labor laws and compulsory school attendance laws.
- (b) Unless otherwise exempt, a minor employee must be paid according to the statutory minimum wage and overtime provisions of 1 ½ times the employee's regular wage after forty {40} hours worked in a work week, of the Fair Labor Standards Act of 1938, as amended.
- (c) Individuals fourteen (14) and fifteen (15) years old may not be employed:
 - [1] During school hours, except as provided for in work experience and career exploration programs.
 - [2] Before 7 a.m. or after 7 p.m., except 9 p.m. from June 1 through Labor Day (time depends on local standards).
 - [3] More than three (3) hours a day on school days.
 - [4] More than eighteen (18) hours a week, in school weeks.
 - [5] More than eight (8) hours a day, on non-school days.
 - [6] More than forty (40) hours a week, in non-school weeks.
 - [7] In any occupations found and declared to be hazardous.
 - [8] In the operation or tending of hoisting apparatus.
 - [9] In the operation or tending of any power-driven machinery.

[10] Outside window washing that involves working from window sills, and all work requiring the use of ladders, scaffolds or their substitutes.

- (d) Employees sixteen (16) and seventeen (17) years old are subject to Department of Labor Orders when working in any occupations which the Secretary of labor “shall find and by order declare to be particularly hazardous or detrimental to their health and well-being” as set forth in WH Publication 1330, entitled Child Labor Requirements in Nonagricultural Occupations.

H. Orientation Day. Newly hired Fillmore City employees shall complete all required paperwork and receive an orientation on or before their first day of work.

- (1) In accordance with the Immigration Reform and Control Act of 1986, all new employees shall provide proof of identity and employment status by completing an Employment Eligibility Verification Form, I-9. The employee must sign under penalty of perjury that they are a U.S. citizen, a lawful permanent resident alien, or an alien otherwise authorized for U.S. employment.
- (2) All new employees shall complete and sign a Form W-4 Federal Withholding Statement.
- (3) All new employees should be given a tour of the work place with a brief overview of company rules and benefits. The employee should complete a New Employee Orientation Form..

I. Probationary Period for New Hires.

- (1) All new employees shall be subject to a probationary period. Depending upon the job requirements and complexity of the position, the probationary period may range from 3 months to one year. The Mayor or personnel officer will make the determination. The Mayor or personnel officer may extend the probationary period an additional 3 months to 6 months based on the employee’s performance. Probationary employees may be terminated with or without notice for any or no reason without any right to due process, notice, explanation, or appeal

in connection with said termination. Employees in their probationary period shall not be eligible for benefits.

- (2) Probationary periods begin on the first day of employment. Management will provide guidance to probationary employees so they understand work requirements.
- (3) An employee in the probationary period may be evaluated periodically and shall have a performance evaluation at the end of this period. This performance evaluation may be used to provide information to both the employee and management regarding the employee's performance. A performance evaluation and the results of such evaluation shall not obligate management to a particular course of action relative to the probationary employee nor shall it create any due process or property rights for the probationary employee relative to his/her job/position.
- (4) If an employee transfers to another department within Fillmore City, the employee shall have another three month probationary period. After this new probationary period, the employee shall receive a performance review.
- (5) After an employee has completed the probationary period, and received a satisfactory performance review, he/she may be eligible for a pay increase.

5. VOLUNTEERS.

- A. Guidelines for volunteer service may be developed by the Mayor or personnel officer.
- B. Prior to accepting any volunteer services, the volunteer shall sign a Memorandum of Understanding Agreement defining the nature and terms of the volunteer services.
- C. A volunteer shall be provided the protections as an employee of Fillmore City for Workers compensation benefits for compensable injuries sustained by the volunteer while acting in the scope of employment.

- F. Volunteer service experience will be recognized for determining minimum qualifications for an employment position with Fillmore City.

SECTION III: PROTECTION FROM CONTRACTOR CAUSED LOSSES/LIABILITIES

1. GENERAL POLICY. Fillmore City will take all necessary precautions and steps in written contracts to prevent loss and liability arising from entering relationships with independent contractors using the Hold Harmless Agreement , which is a part of the Indemnity Provision Contract, or the entire Indemnity Provision Contract .
2. SUPERVISOR RESPONSIBILITIES.
 - A. To ensure that no work is performed by any private contractor until a written contract between Fillmore City and the contractor has been entered into and signed by both parties.
 - B. Each contract with a private contractor should contain indemnity/hold harmless clauses, which provide that:
 - (1) All contracts must contain indemnity and defense provisions in which the contractor assumes all liability arising out of work performed by the contractor or their officers, employees, agents, and volunteers.
 - (2) All contractors must provide evidence that they have acquired and maintain comprehensive general liability coverage, including liability insurance covering the contract concerned, prior to the execution of the contract.
 - (3) Fillmore City and its officials, employees, agents and volunteers must be named as “additional insured” on the liability insurance policy.
 - C. Each contract with a private contractor should contain provisions that ensure the contractor is carrying workers’ compensation insurance coverage.
 - (1) Fillmore City should require evidence of Workers Compensation insurance (or evidence of qualified self-insurance) from all contractors.
 - (2) Fillmore City should have the contractor show evidence of the contractor’s Workers Compensation coverage to Fillmore City.

SECTION IV: ALCOHOL AND DRUG FREE WORKPLACE

1. GENERAL POLICY. The purpose of this policy is to implement the Federal Drug Free Workplace Act of 1988 by providing for a safe and productive work environment that is free from impaired performance caused by employee use or abuse of alcohol, controlled substances, and/or medication.
2. EMPLOYEE RESPONSIBILITIES.
 - A. No employee shall unlawfully manufacture, dispense, possess, use, or distribute any controlled substance, medication, or alcohol.
 - B. Any employee convicted under a federal or state statute regulating controlled substances shall notify their supervisor and the Mayor within five days after the conviction.
 - C. No employee shall consume alcoholic beverages immediately before work, during work hours, or while at work during breaks or lunches.
 - D. No employee shall be impaired by alcohol, illegal drugs, or medication during work hours.
 - E. No employee shall represent Fillmore City in an official capacity while impaired by alcohol, illegal drugs, or medication.
 - F. No employee using medication that may impair performance shall operate a motor vehicle or engage in safety sensitive functions while on duty for Fillmore City.
 - G. If an employee is using prescription or non-prescription medication that may impair performance of duties, the employee shall report that fact to their supervisor.
 - H. An employee who has reason to believe that the performance of another employee is impaired by alcohol, illegal drugs, and/or medication shall immediately notify the Mayor, personnel officer.
3. DISCIPLINARY ACTION. Because of the serious nature of illegal use or abuse of alcohol, controlled substances, and/or medication, appropriate employee disciplinary action will be taken, up to and including termination.

SECTION V: CDL DRIVERS DRUG TESTING PROGRAM

1. GENERAL STATEMENT.

A. It is the policy of Fillmore City that the unlawful manufacture, distribution, dispensation, possession or use of a controlled substance and/or the distribution, dispensation, possession, or use of alcohol in the workplace is expressly prohibited.

(1) In order to achieve a drug-free work place, employees in, and applicants for, safety sensitive positions shall be required to participate in all of the following alcohol and controlled substances testing:

(a) When an applicant has been extended a conditional offer of employment but before beginning work.

(b) When there is a reasonable suspicion to believe that the employee is in an impaired state.

(c) When the employee has been involved in an “on duty accident” or unsafe work practice.

(d) On a random basis.

(e) As a condition for return to duty after testing positive for controlled substances or alcohol.

(f) As part of follow-up procedures to employment related drug or alcohol violations.

(2) Applicants for all other positions shall, as a condition of employment, be required to participate in alcohol and controlled substances testing after the applicant has been extended a conditional offer of employment but before beginning work.

B. Scope. This policy covers all employees of and applicants to Fillmore City.

C. Definitions.

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

2. POLICY.

A. Testing Notice.

- (1) Before performing any alcohol or drug test authorized by this policy Fillmore City, through its designated representative shall notify the employee being tested, verbally or in writing,

whether the test being administered is required by the Omnibus Transportation Employees Testing Act of 1991, or whether it is required by this policy.

- (2) Fillmore City employees who, under Fillmore City requirements, hold CDLs are required under rules established by the Federal Highway Administration to be subjected to pre-employment, reasonable suspicion, random, post-accident, return-to-duty, and follow-up drug and alcohol testing.

- (a) When conducting any of the above noted tests on CDL employees, Fillmore City shall provide the employee with the following notice:

- [1] The drug and/or alcohol test is required under rules established by the Federal Highway Administration pursuant to the Omnibus Transportation Employees Testing Act of 1991

- [2] Refusal to submit to the required testing may result in disciplinary action, up to and including termination.

- (3) Fillmore City employees who are not required by Fillmore City to hold a CDL, but who are employed in safety sensitive positions, while not subject to testing under federal statute, are subject to pre-employment, reasonable suspicion, random, post-accident, return-to-duty, and follow-up drug and alcohol testing under this policy.

- (a) When conducting any of the above noted tests on Non-CDL safety sensitive employees, Fillmore City shall provide the employee with the following notice:

- [1] The drug and/or alcohol test is required by the policies and procedures of Fillmore City.

- [2] Refusal to submit to the required testing may result in disciplinary action, up to and including termination.

- B. Pre-Employment Testing. Fillmore City requires a final applicant selected for a position with Fillmore City to undergo an alcohol and

drug screen test to detect the presence of alcohol and illegal drugs or controlled substances in the body. Refusal to take such a test shall be grounds for denial of employment. An applicant who tests positive for controlled substances or whose test detects a BAC of .04 or higher may be denied employment with Fillmore City.

- (1) Drug and alcohol testing shall be conducted after the selected applicant has been extended a conditional offer of employment but before beginning work.
- (2) All of Fillmore City's job announcements and conditional offers of employment shall contain the following notice:
 - [a] all applicants selected for employment with Fillmore City shall be required to take a drug and alcohol test with negative results as a precondition of employment.
 - [b] A positive test result or failure to submit to the required testing shall result in a withdrawal of any conditional offer of employment with Fillmore City.
- (3) If the final applicant tests positive for drugs of alcohol as set forth above, or refuses to submit to testing as defined by this policy, the conditional offer of employment shall be withdrawn in writing and the applicant shall not be employed by Fillmore City.

C. Prohibited Conduct.

- (1) Employees shall not use, be under the influence of (.02 BAC), or be in possession of alcohol while on duty, on Fillmore City premises or while in Fillmore City vehicles. Fillmore City premises includes buildings, parking lots, grounds and vehicles owned by Fillmore City of personal vehicles being used for Fillmore City business.
- (2) Employees shall not use, be under the influence of, be in possession of, or be in such a condition as to test positive for alcohol or controlled substances while on duty, on Fillmore City premises or while in Fillmore City vehicles. Fillmore City premises includes buildings, parking lots, grounds and vehicles owned by Fillmore City of personal vehicles being used for Fillmore City business.

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

D. Reasonable Suspicion Testing.

- (1) When a designated supervisor makes a determination that there is reasonable suspicion to believe that an employee performing or assigned to safety sensitive positions is using, is under the influence or, or is in possession of alcohol or controlled substances, the employee shall be subject to drug/alcohol testing.
 - (a) The supervisor making the determination that reasonable suspicion exists shall submit written documentation setting forth the specific, contemporaneous articulable observations concerning the appearance, behavior, speech or body odors of the driver which resulted in the reasonable suspicion determination. Reasonable suspicion of use of a controlled substance may also be based on observation of indications of the chronic and withdrawal effects of controlled substances.
 - [1] The required observations underlying reasonable suspicion testing must be made by a supervisor or Fillmore City official who has received at least two (2) hours of training on the physical, behavioral, speech, and performance indicators of alcohol and drug use.
 - [2] Observations underlying the reasonable suspicion testing must be documented in writing and signed by the supervisor or Fillmore City designated official within twenty four (24) hours or before the results of the test are announced, whichever is later.

- (b) Reasonable suspicion testing may not be conducted by the same supervisor who makes the reasonable suspicion determination.
- (2) Special requirements associated with reasonable suspicion alcohol testing.
 - (a) Alcohol testing is authorized only if the observations set forth above are made during, just proceeding, or just after the performance of safety sensitive functions.
 - (b) If an alcohol test is not administered within two (2) hours following the identification of reasonable suspicion, the supervisor shall prepare and maintain documentation stating why the test was not administered within two (2) hours.
 - (c) If an alcohol test is not administered within eight (8) hours following the identification of reasonable suspicion, the supervisor shall cease attempts to administer an alcohol test and shall prepare and maintain documentation stating why the test was not administered within eight (8) hours.
- (3) Special requirements associated with reasonable suspicion drug testing. If a drug test is not administered within thirty two (32) hours following the identification of reasonable suspicion, the supervisor shall cease attempts to administer a controlled substance test, and shall prepare and maintain documentation stating why the test was not administered within thirty two (32) hours.
- (4) Upon required testing due to reasonable suspicion, the employee tested shall not engage in the operation of any Fillmore City equipment or engage in any employment related duties, which their supervisor deems dangerous to themselves or others until the results of the tests are received and the employee is released back to work by the City Council Members.

E. Random Testing.

- (1) Employees assigned to, or performing, safety sensitive duties are subject to random drug/alcohol tests.

- (2) Random tests shall be both of the following:
 - (a) Unannounced.
 - (b) Reasonably spread throughout the year.
- (3) Each employee within a testing pool must have an equal chance of being tested each time a random test is conducted.
- (4) Random Testing for CDL Drivers.
 - (a) CDL drivers may be subjected to random alcohol testing only while performing safety sensitive functions, just before the driver is to perform safety sensitive functions, or just after the driver has ceased performing safety sensitive functions.
 - (b) Drug tests may be performed at any time the driver is on duty.
- (5) Random Testing for Non-CDL Safety Sensitive Employees. Non-CDL safety sensitive employees may be subjected to random alcohol and drug tests any time the employee is on duty.
- (6) Pool Testing - Consortiums.
 - (c) Fillmore City may join a consortium with testing pools large enough so that Fillmore City's CDL drivers are always subject to random testing and the required annual testing rate shall be met by tests conducted of all drivers within the pool.
 - (d) If and when Fillmore City chooses to join a drug/alcohol testing consortium, Fillmore City shall designate a liaison to coordinate with the testing consortium and obtain and maintain all of the following records and information:
 - [1] How the random selection pool was assembled.
 - [2] The method of selection and notification of drivers.

- [3] The location of collection sites.
- [4] Methods of reporting the test results on each driver.
- [5] Summary reports on the consortiums program showing that the consortium tested at the prescribed minimum annual rates for alcohol and/or controlled substances.

F. Post Accident Testing.

- (3) Any surviving CDL driver involved in an accident resulting a citation for a moving traffic violation or loss of human life, or surviving employee in a safety sensitive position involved in an accident involving the loss of human life, shall be tested as soon as practical for alcohol and controlled drugs.

- (a) An employee who is subject to post-accident testing shall remain readily available for such testing or shall be deemed to have refused to submit to testing.

- (b) The results of tests conducted by Federal, State, or Local law enforcement officers having independent authority to conduct tests to detect alcohol or controlled substances may be used by the employer to meet post-accident testing requirements.

- (c) Time frames for testing and consequences of failure to test:

- [1] Alcohol.

- [a] If the test is not administered within two (2) hours following the accident, the supervisor shall prepare and submit documentation stating why the test was not administered within two (2) hours.

- [b] If the test is not administered within eight (8) hours following the accident, the supervisor shall make attempts to administer an alcohol test and shall prepare and submit documentation

stating why the test was not administered within eight (8) hours.

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

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

G. Consequences of Positive Drug/Alcohol Test.

(1) Alcohol.

- (a) If any alcohol test result shows a blood alcohol content of 0.04 or greater, the employee shall be removed from, and cannot return to, a safety sensitive function until, at a minimum, all of the following are met:

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

- (b) If an employee's test results shows an alcohol concentration of greater than 0.02, but less than 0.04, the employee shall not be permitted to perform any safety sensitive functions for at least twenty four (24) hours.

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

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

(3) General.

- (a) If through any of these detection methods or on his initiative, an employee tests positive or seeks rehabilitation treatment, Fillmore City will pay for an initial substance abuse evaluation.
- (b) Fillmore City encourages employees to enroll in a counseling or rehabilitation program. An employee will be required to sign a document agreeing to the following conditions in order to remain employed with full rights and benefits:

[1] Any employee for whom treatment is recommended will be responsible for costs not covered by insurance. The employee will be required to use accrued compensatory time, annual vacation leave, and then sick leave until all leave is expended. Fillmore City will pay the employee's benefit package during the allotted treatment time, but not wage supplements during this time. Each incident will be reviewed on a case-by-case basis.

[2] If a required treatment or rehabilitation program involves confinement, the employee's position may be held for the determined length of the treatment and the employee restored to his

former position upon successful completion of the substance abuse rehabilitation. Each incident will be reviewed on a case-by-case basis.

- H. Follow-up Testing. Employees who have violated this policy and continue to work for Fillmore 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 will be tested a minimum of six (6) times in the first (1st) twelve (12) months following their return to duty.
 - (2) Follow-up testing beyond one (1) year shall be based on a need assessment provided by a substance abuse professional.
- I. General.
 - A. Fillmore City maintains the right to conduct unannounced inspections of Fillmore City owned property, work stations, equipment, desks, cabinets, etc.
 - B. Fillmore City maintains the right to utilize detection methods necessary for the enforcement of this policy including blood, urine, or other tests, and the use of electronic detection equipment and trained animals.
 - C. Failure to cooperate with these detection methods or inspections is grounds for disciplinary action up to and including termination of employment.
 - D. Employees may direct any questions regarding this policy to the mayor or personnel officer.

SECTION VI: SEXUAL/GENDER HARASSMENT

1. GENERAL POLICY. It is the policy of Fillmore City that:
 - A. The giving or withholding of tangible job benefits based on the granting of sexual favors and any behavior or conduct of a sexual/gender based nature which is demeaning, ridiculing or derisive and results in a hostile abusive or unwelcome work environment constitutes sexual harassment.
 - B. Unlawful discrimination/harassment of employees of any type, on or off duty, based on sex/gender, subtle or otherwise, shall not be tolerated and violators will be subject to disciplinary action up to and including termination.
 - C. Retaliation or reprisals are prohibited against any employee who opposes a forbidden practice, has filed a charge, testified, assisted or participated in any manner in an investigative proceeding or hearing under this policy.
 - D. False or bad faith claims regarding sexual or gender harassment shall result in disciplinary action, up to and including termination, against the accuser.
 - E. Employees accused of sexual harassment and facing disciplinary action shall be entitled to receive notice of charges, the evidence to be used against them, and an opportunity to respond before any disciplinary action may be taken.
 - F. Records and proceedings of sexual harassment claims, investigations, or resolutions are confidential and shall be maintained separate and apart from the employee's personnel file.
 - G. All employees, supervisors and management personnel shall receive training on the sexual/gender harassment policy and grievance procedures during orientation and in-service training.
2. PROHIBITED CONDUCT.
 - A. Any deliberate, unwanted, or unwelcome behavior of a sex/gender based nature, whether verbal, non-verbal, or physical is prohibited.
 - B. Two major categories of sexual/gender harassment are:

- (1) Quid Pro Quo, or the granting or conditioning of tangible job benefits or the granting of sexual favors.
- (2) Creating a hostile or unwelcome work environment, which can occur through any or all of the following general means.
 - (a) Level One: Sex role stereotyping.
 - [1] Assignments made or denied solely on the traditional historic perceptions regarding the types of jobs that specific gender may/should perform.
 - [2] Comments or written material reinforcing traditional historic perceptions regarding gender.
 - (b) Level Two: Gender harassment/discrimination.
 - [1] Intentional or unintentional behavior/conduct of a visual or verbal nature directed at a specific gender, which is demeaning, ridiculing, or derisive.
 - [2] Creating an environment that demonstrates a demeaning, ridiculing, or derisive attitude toward a specific gender.
 - (c) Level Three: Targeted or individual harassment.
 - [1] Intentional behavior predicated on gender or expressing sexuality, which is directed at a specific group or individual.
 - [2] Offensive conduct may be verbal, visual, or physical, including unwanted touching of a non-criminal nature.
 - (d) Level Four: Criminal touching.
 - [1] The intentional unwanted touching of the breasts, buttocks, or genitals of another.
 - [2] Forcible sexual abuse.

3. TYPES OF CORRECTIVE ACTION. Any employee who is being sexually harassed or who has personal knowledge of clearly offensive conduct may address the issue either through the formal or informal processes described below:

A. Informal Action.

- (1) Employees who are experiencing an unwelcome or hostile work environment at Level One, Level Two, or Level Three as described above may, if they so desire, choose to address that unwelcome behavior/conduct informally by notifying the individual responsible for the behavior of the behavior that is objectionable, that the conduct/behavior is unwelcome, and that future similar behavior will result in a formal complaint. Employees experiencing sexual harassment at this level are not required to use the informal process and may file a formal complaint if they so desire.
- (2) This notification may be:
 - (a) Verbally, in person.
 - (b) In writing, signed or unsigned.
 - (c) Through a supervisor, verbally or in writing. The victim may:
 - [1] Ask the supervisor for assistance in determining what to say and how to approach the offending employee.
 - [2] Request the supervisor to accompany the victim when the victim gives the offending employee notice.
 - [3] Ask the supervisor to give notice to the offending employee, accompanied by the victim.
 - [4] Ask the supervisor alone to provide notice to the offending employee.

B. Formal Action.

- (1) Employees who are experiencing an unwelcome or hostile work environment which is clearly offensive or at Level Four as described above, or who have been subjected to quid pro

quo type sexual harassment, should address that unwelcome behavior/conduct through the formal remedial process.

- (2) Formal complaints should be in writing and specify:
 - (a) The identity of the victim.
 - (b) The identity of the offending employee.
 - (c) The offensive behavior that the employee engaged in.
 - (d) The frequency of the offensive behavior.
 - (e) Damage the victim suffered as a result of the offensive behavior.
 - (f) How the victim would like the matter settled, or what the victim would like to see happen.
- (3) The victim will be allowed a reasonable amount of time during work to prepare a formal complaint.
- (4) The victim should submit formal written complaints to their immediate supervisor. If the immediate supervisor is the employee engaging in the offensive behavior, the formal complaint should be submitted to the next highest supervisor, the department head, the Mayor, or personnel officer.

4. DISCIPLINARY ACTION. Employees found guilty of sexual harassment may face disciplinary action up to, and including, termination based on all the circumstances of the case, as well as the offending employee's work history.

5. MAINTAINING COMPLAINT FILES.

- A. Information related to any sexual harassment complaint, proceeding, or resolution shall be maintained in a separate and confidential sexual harassment complaint file. This information shall not be placed or maintained in an employee's personnel file.
- B. Information contained in the sexual harassment complaint files shall be released only with the written authorization of the victim and the Mayor, or personnel officer.

- C. Participants in any sexual/gender harassment proceeding/ investigation shall treat all information related to that proceeding/ investigation as confidential.

6. VICTIM PROTECTION.

- A. Individual complaints, either verbal or written, are confidential.
- B. Victims of alleged sexual harassment shall not be required to confront the accused outside of a formal proceeding.
- C. The accused shall not contact the victim regarding the alleged harassment.
- D. Retaliation or reprisals are prohibited against any employee who opposed a practice forbidden under this policy, or who has filed a charge, testified, assisted, or participated in any manner in an investigation, proceeding or hearing.
 - (1) Any employee engaging in prohibited retaliatory activities shall be subject to disciplinary action up to, and including, termination.
 - (2) Retaliation is an additional and separate disciplinary offense.
 - (3) Retaliation may consist of, but is not limited to, any of the following:
 - (a) Open hostility.
 - (b) Exclusion or ostracism.
 - (c) Special or more closely monitored attention to work performance.
 - (d) Assignment to demeaning duties not otherwise performed during the regular course of the employee's duties.

SECTION VII: EMPLOYEE CODE OF CONDUCT

1. **PROFESSIONALISM.** Fillmore City is a professional association whose purpose, among others, is to provide professional services to its citizens. Its employees must adhere to high standards of public service that emphasize professionalism and courtesy. Employees are required to carry out efficiently the work items assigned at their responsibility, to maintain good moral conduct, and to do their part in maintaining good relationships with their supervisors and fellow employees, the public, and other member employees and officials.
2. **PRIVILEGED INFORMATION.** Fillmore City employees involved with information of significant public interest may not use this privileged information for personal gain, nor to benefit friends or acquaintances. If an employee has an outside interest, which could be affected by any Fillmore City plan or activity, this situation must be reported to the Mayor immediately. Each employee is charged with the responsibility of ensuring only information that should be made available to the general public is released as defined in the Government Records Access and management Act.
3. **CONFIDENTIALITY.** Every employee has an obligation to protect confidential information and never discuss privileged information with others who are not authorized to receive it, either inside or outside the office.
4. **GIFTS AND GRATUITIES.** Fillmore City employees are prohibited from soliciting or accepting any gift, gratuity, favor, entertainment, loan or item of monetary value from any person seeking to obtain business with Fillmore City, or from any person within or outside Fillmore City employment whose interests may be affected by the employees' performance or nonperformance of official duties. Fillmore City employees will not accept gifts or gratuities except under circumstances allowed by the Utah Employee Ethics Act 67-16.
5. **ATTENDANCE.** Regular attendance and punctuality are essential to providing high quality work, service to customers, and to avoid extra work for fellow employees. Therefore, when the employee is going to be late or will not be able to report to work, the supervisor must be notified prior to the scheduled work time. If the employee is ill or has an emergency, the supervisor must be notified as soon as possible on each day of absence.

6. APPEARANCE. Fillmore City reserves the right to expect its employees to present a favorable impression during any contact with the public. All employees are expected to maintain a neat and clean personal appearance. Standards of dress shall be appropriate to the job and the tasks to be accomplished. Office personnel shall comply with the office dress code standards.

A) Public Works Employee Uniforms

1. Employees who in the course of their regular job duties meet one of the criteria listed below will be required to wear an approved uniform:
 - a. Employee encounters the chance of ruining their clothes due to excessive dirt, grease and corrosive material, etc.
 - b. Employee normally works outside and represents the City within the community.
 - c. Employee needs to be identified as a part of a specific work group.
2. The department head will determine the color, type, style, and identification for employee uniforms. All insignias on City-issued uniforms will be consistent with the approved logo.
3. If employees are furnished uniforms, he/she must wear the regulation uniforms while performing work for the City except when special circumstance or work conditions exist and the approval of the supervisor has been obtained.
4. Issued uniform items may consist of the following:
 - a. Long or short sleeve shirts or blouses
 - b. Shorts, pants, and/or jeans
 - c. Hats
 - d. Winter wear (e.g., overalls, bib, jacket)
 - e. All required insignia (patches, name plates, badges, etc.); and
 - f. Any other item that the department head determines is necessary for the safe performance of the employees' positions such as personal protective equipment, including, but not limited to, rain coats, appropriate safety footwear, and headgear designed to protect the wearer.

5. An employee may only wear accessories with the City uniform if authorized and approved by the department head. Pins, buttons, patches, accessories, or other markings denoting membership or affiliation with a political group, professional organization, employee association, or other work-related group may not be worn on uniforms.

B) Reasonable Accommodation

The City recognizes the importance of individually held religious beliefs of employees within the workplace. The City will reasonably accommodate an employee's religious beliefs in terms of workplace attire, unless the accommodation creates an undue hardship or safety hazard. Accommodation of religious beliefs in terms of attire may be difficult in light of issues of safety for employees and coworkers within certain departments, specifically fire and public works. Employees requesting accommodations based on religious beliefs should consult with the Department Head and Human Resources Director.

C) Off Duty

Employees will not wear City-issued uniforms, including any issued hat, for other than city work. However, uniforms may be worn to and from work, including any incidental stops that may occur while on the way to and from work (examples include basic errands such as trips to the bank or grocery store) and while performing specific assigned or approved functions.

Any clothing, including uniforms, with City logos or other items that identify a person as a City employee will not be worn off duty to bars, night clubs, adult entertainment establishments or during the purchase or consumption of alcohol. Employees are expected to use caution to avoid wearing City Clothing at any off-duty location in which citizenry may question appropriateness.

D) Other Provisions

Employees in violation of this policy may be sent home. Under such circumstances, non-exempt employees will not be paid for work time missed, and exempt employees will be required to make up the work time missed. Employees whose grooming or personal appearance violates this policy may be disciplined, up to and including termination of employment.

7. SMOKING. Smoking is not permitted in Fillmore City facilities. Fillmore City also prohibits smoking in Fillmore City owned vehicles.
8. PERSONAL USE OF FILLMORE CITY PROPERTY
 - A. City vehicles, equipment, tools and other property have been acquired for tasks that accomplish city purposes. Authorized use includes direct travel by the employee between his/her residence and place of work. Use or rental for other purposes shall be authorized by the mayor, personnel officer, or department supervisor with the stipulation that a city employee must operate the equipment.
 - B. Personal use of office equipment and city property must be authorized by the supervisor and may be used on the employee's personal time if it does not conflict with the employee's job responsibilities or normal city business. Actual cost for supplies or the established employee rate must be reimbursed to the city. Personal use of the telephone shall be limited to necessity and must not disrupt the carrying out of employee responsibilities.
 - C. All data stored and/or developed on Fillmore City owned computer equipment is the property of Fillmore City and may be viewed/ reviewed by the Mayor, supervisor, or personnel officer at any time.
9. PURCHASING. When procurement involves the expenditure of federal assistance funds, Fillmore City shall comply with all applicable federal laws and regulations, state laws, and city ordinances and resolutions.
 - A. All purchases for the city shall be in accordance with the city's purchasing ordinance and shall be approved by the Purchasing Agent prior to the purchase.
 - B. The Purchasing Agent shall determine if funds are available prior to the purchase.
 - C. The Mayor and City Council shall have the final approval for any purchase but shall not approve any purchase, which exceeds the available funds.
10. TIME RECORDS
 - A. All employees of Fillmore City are required to maintain an accurate and legible record of all their hours worked for Fillmore City and all leave hours taken on time records furnished by the city.

- B. Time records will be signed and dated by the employee, and forwarded to the personnel officer for review and payment.
- 11. CREDIT CARDS. Fillmore City credit cards shall be used for official business only, and shall not be used for the personal convenience of an employee.
- 12. OUTSIDE ACTIVITIES. Fillmore City employees shall not use Fillmore City owned property in support of outside interests and activities when such use would compromise the integrity of Fillmore City or interfere with the employee's duties. Specifically, an employee who is involved in an outside activity unrelated to Fillmore City business shall:
 - A. Pursue the outside activity on the employee's own time.
 - B. Discourage any phone, mail or visitor contact related to the outside interest at Fillmore City.
 - C. Arrange for annual leave or compensatory time off in advance to pursue the outside interest during business hours.
- 13. POLITICAL ACTIVITY.
 - A. An employee shall not be coerced to support a political activity, whether funds or time are involved.
 - B. An employee shall not engage in political activity during work hours, unless on approved leave.
 - C. An employee shall not engage in any political activity while on duty.
 - D. An employee shall not use, discriminate in favor of or against, any person or applicant for employment based on political activities.
 - E. An employee shall not use the employee's title or position while engaging in political activity.
- 14. SECONDARY EMPLOYMENT.
 - A. Fillmore City employment is primary.
 - (1) Employment with Fillmore City shall be the employee's primary employment. Fillmore City employees are permitted

to engage in secondary or outside employment under the following guidelines. Outside employment must not be of a type that would reasonably give rise to criticism or suspicion of conflicting interests or duties.

- (2) Employees are required to provide written notification to the Mayor, or personnel officer before starting any secondary or outside employment. This notification should include the following information:
 - (a) The employer's name, business name, and business address.
 - (b) A general overview of the type of business engaged in by the secondary employer.
 - (c) The specific duties engaged in by the employee at their secondary employment.

B. Fillmore City's approval process.

- (1) The Mayor, or personnel officer, shall review the information in the Notice of Secondary Employment and determine whether the employee's secondary employment is approved or denied. Factors to consider include, but are not limited to, the following:
 - (a) That the secondary employment reasonably articulates some factor or factors which could negatively impact the employee's work performance for Fillmore City. For example, that the secondary employment could reasonably be expected to be too physically or mentally draining on the employee.
 - (b) That the secondary employment could invoke a conflict of interest with employment with Fillmore City.
 - (c) That the secondary employment is immoral or unethical.
- (2) This decision shall be communicated in writing to the employee. The employee:
 - (a) Shall abide by that decision.

- (b) May appeal the decision to the City Council, whose decision shall be final.

15. USE OF TELEPHONES

- A. Telephones and cellular phones provided by Fillmore City are for business use; however Fillmore City recognizes that on occasion employees may need to make use of such phones for personal reasons. Personal calls are to be made during a break or lunch period. Personal calls are to be kept to a minimum. For safety reasons, if a cellular phone must be used while driving, the employee shall pull over to the side of the road and stop while using the phone. No long distance calls are permitted on city telephones unless the employee is using a personal pre-paid phone card.
- B. Employee-owned cellular phones, beepers, and any other personal communication devices are to be used responsibly during work hours. If a supervisor determines that cell phone use interferes with satisfactory work performance the supervisor may prohibit cellular phone use during work hours. Fillmore City is not responsible for any loss or theft of personal cell phones or other personal property left on the premises or in any vehicle.

SECTION VIII: DISCIPLINARY ACTION

1. GENERAL POLICY.

A. It is the policy of the Fillmore City that management will inform its employees about what is expected at work, what constitutes employee misconduct, and what the employee's rights are, if disciplined.

B. It is the responsibility of all employees to observe rules of conduct necessary for the proper operation of Fillmore City government. Administrative procedures have been established for the handling of disciplinary measures when required. All such measures shall follow the presentation of charges to the employee.

C. Disciplinary action, up to and including termination, may be imposed for misconduct.

D. Written documentation concerning employee disciplinary action imposed will become a permanent part of an employee's Personnel Record.

2. TYPES OF DISCIPLINARY ACTION.

A. Verbal Warning.

Whenever grounds for disciplinary action exist, and the Mayor, personnel officer, or supervisor determines that more severe action is not immediately necessary, the deficiency demonstrated should be verbally communicated to the employee.

B. Written Reprimand.

(1) The Mayor, personnel officer, or supervisor may reprimand an employee. The employee shall receive a written reprimand setting forth the reason(s).

(2) A copy of the reprimand, signed by the Mayor and the employee, shall be permanently placed in the employee's personnel file. If the employee refuses to sign the form; the Mayor, or personnel officer, will so state.

C. Suspension.

- (1) The Mayor, or personnel officer, may suspend an employee with or without pay for up to, but not exceeding, thirty (30) calendar days for cause.
- (2) When suspending an employee, the Mayor, or personnel officer, shall follow the due process proceedings hereinafter set forth in paragraph 5 of this section, entitled, "Imposing Disciplinary Action".
- (3) On or before the effective date of the suspension, the Mayor, or personnel officer, shall furnish the employee with a written Suspension Notification setting forth the reason(s) for suspension.
- (4) A copy of the Suspension Notification, signed by the Mayor, or personnel officer, and the employee, shall be permanently placed in the employee's personnel file. If the employee refuses to sign the form; the Mayor, or personnel officer, will so state.
- (5) An employee on suspension shall be responsible for making full employee contributions to her/his employee medical insurance benefits.

D. Demotion.

- (1) The Mayor, or personnel officer, may demote an employee or reduce the pay for cause or provide for reasonable accommodation in appropriate circumstances.
- (2) When demoting an employee, the Mayor, or personnel officer, shall follow the due process proceedings hereinafter set forth in paragraph 5 of this section, entitled, "Imposing Disciplinary Action".
- (3) On or before the effective date of the demotion, the Mayor, or personnel officer, shall furnish the employee with a written Demotion Notification setting forth the reason(s) for demotion.
- (4) A copy of the Demotion Notification, signed by the Mayor, or personnel officer, and the employee, shall be permanently placed in the employee's personnel file. If the employee

refuses to sign the form; the Mayor, or personnel officer, will so state.

E. Transfer.

- (1) The Mayor, or personnel officer, may transfer an employee (with the exception of an orientation employee) by furnishing the employee with a written Transfer Notification.
- (2) A copy of the Transfer Notification, signed by the Mayor, or personnel officer, and the employee, shall be permanently placed in the employee's personnel file. If the employee refuses to sign the form; the Mayor, or personnel officer, will so state.

F. Termination.

- (1) Fillmore City is an at-will employer. The Mayor, or personnel officer, may terminate an employee with or without cause.
- (2) When terminating an employee for cause, the Mayor, or personnel officer, shall follow the due process proceedings hereinafter set forth in paragraph 5 of this section, entitled, "Imposing Disciplinary Action".
- (3) On or before the effective date of the termination for cause, the Mayor, or personnel officer, shall furnish the employee with a written Termination Notification setting forth the reason(s) for termination.
- (4) A copy of the Termination Notification, signed by the Mayor, or personnel officer, and the employee, shall be permanently placed in the employee's personnel file. If the employee refuses to sign the form; the Mayor, or personnel officer, will so state.

3. CAUSES FOR DISCIPLINARY ACTION.

A. Causes for disciplinary action, up to and including termination, may include, but are not limited to, the following:

- (1) Violation of the laws of the State of Utah or the United States, other than minor traffic offenses.
- (2) Violation of the code of personal conduct.

- (3) Conduct, which endangers the peace and safety of others or poses a threat to the public interest.
- (4) Unjustified interference with work of other Fillmore City employees.
- (5) Misconduct.
- (6) Malfeasance.
- (7) Mifeasance.
- (8) Nonfeasance.
- (9) Incompetence.
- (10) Negligence.
- (11) Insubordination.
- (12) Failure to maintain skills.
- (13) Inadequate performance of duties.
- (14) Unauthorized absence or tardiness.
- (15) Falsification or unauthorized alteration of records.
- (16) Violation of Fillmore City policies.
- (17) Falsification of employment application.
- (18) Discrimination in hiring, assignment, or promotion.
- (19) Sexual harassment.
- (20) Violation of the Personnel Policies and Procedures.
- (21) Use of alcohol or drugs, other than medication prescribed by a physician, that affect job performance.
- (22) Excessive absenteeism and/or tardiness; failure to report to work without notification of the supervisor unless it is impossible to give such notice.

- (23) Knowingly marking the time slip of another employee, authorizing one's time slip to be marked by another employee, unauthorized alteration of a time slip.
- (24) Unauthorized possession of firearms, weapons, or explosives on Fillmore City owned property, with the obvious exception of police officers.
- (25) Carelessness, which affects the safety of personnel.
- (26) Vending, soliciting, or collecting contributions on Fillmore City's time or premises without proper authorization.
- (27) Theft or removal of any Fillmore City property or the property of any employee from the work area premises without proper authorization.
- (28) Gambling or engaging in a lottery at any Fillmore City work area.
- (29) Misusing, destroying, or damaging any Fillmore City property or the property of any employee.
- (30) Deliberately restricting work output of themselves or others.
- (31) Drinking any alcoholic beverage during the workday, or being under the influence of illicit drugs or alcohol during the workday.
- (32) Sleeping during working hours, with the obvious exception of firefighter employees.
- (33) Fighting on Fillmore City premises, or while on city business.
- (34) Any act which might endanger the safety or lives of others.

4. CONDUCTING AN INVESTIGATION.

- A. The Mayor, or personnel officer, may conduct an investigation into the allegations, which form the grounds for disciplinary action.
- B. During an investigation to determine the facts upon which disciplinary action may be imposed, the Mayor, or personnel officer, may place an employee on administrative leave.

- C. Disciplinary action shall not be imposed until an informal pre-disciplinary hearing, with appropriate written notice, has been completed by the Mayor, or personnel officer. .

5. IMPOSING DISCIPLINARY ACTION.

- A. The Mayor, or personnel officer, shall conduct disciplinary action in a consistent manner.
- B. The employee shall receive timely notice of the pre-disciplinary meeting, overview of allegations, and potential disciplinary action.
- C. Prior to imposing disciplinary action, the employee shall have the opportunity to review the disciplinary action with the Mayor, or personnel officer. The employee shall have the opportunity to respond to the allegations. The employee's written response, if any, and other related documents shall be placed in the employee's personnel file.
- D. In determining the type and severity of the disciplinary action, the Mayor, or personnel officer, may consider aggravating and mitigating circumstances which include, but are not limited to, the repeated nature of misconduct; prior disciplinary action imposed; the severity of the misconduct; the employee's work record; the effect on Fillmore City operations; and/or the potential of the misconduct to harm person(s) or property.
- E. For disciplinary action other than a verbal reprimand, the Mayor, or personnel officer, shall notify the employee, in writing, of the findings of the investigation/pre-disciplinary hearing. The written statement shall include:
 - (1) The grounds for disciplinary action, including a description of the specific misconduct for which the disciplinary action is being imposed.
 - (2) Any prior disciplinary action imposed.
 - (3) The disciplinary action to be imposed.
 - (4) The effective date and duration of the disciplinary action.
 - (5) The corrective action necessary, if any, for the employee to avoid further disciplinary action.

- F. Suspension, demotion, transfer, or termination of an employee shall require the approval of the Mayor.
- G. The Mayor, or personnel officer, may note the disciplinary action on their personal notes at the time the disciplinary action is imposed and/or on the employee's performance evaluation form.

6. APPEAL PROCEDURES.

- A. Probationary employees are not entitled to appeal.
- B. Department Heads, Appointed Officials, and Statutory Officers are not entitled to appeal.
- C. Employees have no verbal warning appeal rights.
- D. Employees have no written reprimand appeal rights.
- E. Appealing to an Appeals board. Upon written receipt of an Employee Demotion, Transfer, or Termination Notice, some employees have the right to first appeal the disciplinary process and action imposed by the Mayor, or personnel officer, to an Appeals Board (exceptions include at-will employees).
 - (1) An employee must submit a written notice of appeal to Fillmore City's Recorder within ten (10) days or an employee will be deemed to have waived all appeal rights.
 - (2) The Appeals Board shall be the city council.
 - (3) If the Appeals Board overturns the Employee Disciplinary Action:
 - (a) The Appeals Board may also reinstate up to fifteen (15) days loss of pay associated with the Employee Disciplinary Action.
 - (b) The Mayor, or personnel officer, shall remove the record of the disciplinary action from the employee's personnel file.
 - (4) The decision of the City Council shall be final. If the Fillmore City Council upholds the Employee Disciplinary Action, an employee has no additional appeal rights.

SECTION IX: GRIEVANCE PROCEDURES

1. GENERAL POLICY.

- A. Verbal complaints shall not be considered a Grievance, but shall be investigated within ten (10) days of the complaint to determine the validity of the complaint.
- B. Employees who perceive that they have a grievance against Fillmore City should exhaust the administrative procedure set forth in the body of this policy before addressing their grievance through any other forum. An employee may file a written grievance with the Mayor or personnel officer about any perceived work-related injustice or oppression resulting from an act, occurrence, omission, condition, or unfair labor practice. Issues addressable throughout the grievance process include, but are not limited to:
 - (1) Employee-supervisor relationships.
 - (2) Duty assignments not affecting job classification.
 - (3) Shift and job location assignments.
 - (4) Working conditions.
 - (5) Practices affecting granting of leave.
- C. Grievances should be resolved at the lowest administrative level possible. Employees and supervisors shall attempt to resolve grievances informally by discussing the grievance issues before any formal written grievance is filed. Each employee pursuing a formal grievance must prepare and submit a separate written grievance/appeal. Written grievances shall contain, at a minimum, the following information:
 - (1) Name of the employee.
 - (2) Date the occurrence or action underlying the grievance occurred.
 - (3) Nature of the grievance
 - (4) Historical information related to the grievance.

- (5) Requested resolution.
 - (6) Signature of the employee filing the grievance and date filed.
- D. Employees will be allowed a reasonable amount of time during work to prepare written grievances. Employee grievances must be filed within ten (10) days of the occurrence or event giving rise to the grievance, or within ten (10) days of when the employee acquires knowledge of the occurrence or event giving rise to the grievance.
- E. At each level of the grievance process, after an administrator has received an employee grievance, the administrator shall have ten (10) working days to respond in writing to the grievance.
- F. If an administrator is unable to answer the grievance within the specified time period due to extenuating circumstances, the administrator may take an additional ten (10) working days to answer the grievance if they notify the employee in writing of the exigent circumstances and that the extension is being exercised. If the grievance remains unresolved or the decision is considered unacceptable, the employee may appeal the decision to the next level of appeal.
- G. Absent exigent circumstances, if the supervisor fails to respond within the allotted time, the employee may proceed to the next level of appeal.
- H. Only the issues presented in the original grievance may be considered throughout the appellate process. A grievance and any necessary appeals shall be processed through the following chain of command, if applicable:
- (1) Immediate Supervisor.
 - (2) Department Head.
 - (3) Personnel Officer.
 - (4) Mayor.
 - (5) City Council.

- I. The decision of the City Council constitutes the final level of appeal and is final and cannot be appealed.
2. **CONFIDENTIALITY.** Written Grievances shall be private data under the government Records Access Management Act of the State of Utah. The Mayor or City Council may declare the grievance documents to be confidential and/or order the entire record, or any part of it, sealed.

SECTION X: TERMINATION OF EMPLOYMENT

1. TYPES OF TERMINATION. Any involuntary termination or termination of any employee who is allowed to resign, in lieu of an involuntary termination, should be reviewed with legal counsel before termination is pursued or a resignation is accepted to ensure the employee's due process or property rights are not violated.
 - A. Retirement. Voluntary termination at the end of an employee's career.
 - B. Voluntary Resignation. When an employee wishes to resign, he/she will submit a written notice of voluntary resignation and present it to the Mayor, or personnel officer. A written notice of voluntary resignation may be rescinded by the Mayor or personnel officer if a written request from the employee is filed prior to the date of resignation and if the position has not been filled.
 - C. Resignation, in Lieu of an Involuntary Termination, Agreement. The Mayor, or personnel officer, may conclude that an employee should be involuntarily terminated for no reason or for cause. If Involuntary Termination proceedings have begun, but have not been completed and an employee suggests that he/she would like to voluntarily resign, the Mayor or personnel officer may agree to a Resignation In Lieu Of An Involuntary Termination.
 - D. Involuntary Termination. The Mayor, or personnel officer, may conclude that an employee should be involuntarily terminated for no reason or for cause.
 - E. Reductions in Force/Layoffs. Whenever it is necessary to reduce the number of employees in Fillmore City because of lack of work or lack of funds, Fillmore City may attempt to minimize layoffs by readjustment of personnel through reassignment of duties in other work areas.
 - F. Medical. The American's with Disabilities Act (ADA) prohibits illegal discrimination by an employer against an

“otherwise qualified individual with a disability.”

Consequently, an employee should not be terminated for medical reasons without prior consultation with legal counsel.

- G. Death. If an employee of Fillmore City dies, that person’s estate receives all pay due and any earned and payable benefits as of the date of death.

2. REQUIRED NOTICE PRIOR TO TERMINATION.

- A. All employees, including “at-will” employees, must notify Fillmore City Personnel Officer at least two (2) weeks before retiring or voluntarily resigning to be eligible to receive pay for unused, accrued vacation leave, to receive pay for vested sick leave, and/or for rehire.
- B. Fillmore City does not have a requirement to give any prior notice to an employee before terminating his/her employment with Fillmore City.
- C. Unused, accrued vacation leave and vested sick leave shall be paid for terminations of employment involving Reductions in Force/Layoffs, Medical Reasons, and Deaths.

3. TERMINATION PROCEDURES.

- A. A Notice of Voluntary Resignation, signed by the employee and the Mayor, or personnel officer, may be utilized in Voluntary Resignations.
- B. Involuntary Terminations/Separations for Cause require Fillmore City to provide terminating employees with written notification of due process. “At-Will” Involuntary Terminations do not require Fillmore City to provide their terminating employees with written notification of due process.
- C. A Resignation in Lieu of an Involuntary Termination Agreement, signed by the employee and the Mayor, or personnel officer, may be utilized in negotiated terminations. A Resignation In Lieu of an Involuntary Termination Agreement does not require Fillmore City to provide terminating employees with written notification of due process.

- D. The following steps should be taken for Voluntary Retirements:
- (1) Fillmore City should communicate the status of each employee's retirement benefits. Upon request for retirement benefits, Fillmore City should notify the appropriate state and federal regulatory agencies.
 - (2) Fillmore City should give the employee ample time to review the retirement plan.
 - (3) Fillmore City should have the employee sign a release, or a declaration statement, stating that he/she is electing retirement of his/her own free will.
- E. The following steps should be taken for Reductions in Force/Layoffs:
- (1) Determine whether Fillmore City is required to follow statutory guidelines related to the reduction in force/layoff. If Fillmore City is required to follow statutory guidelines; policy, procedure and actual practice must comply with said guidelines.
 - (2) If Fillmore City is facing a possible reduction in labor force, Fillmore City should explain the situation to its employees, advising them of the possibility that reductions in force/ layoffs may become an economic necessity for Fillmore City.
 - (3) In the selection of employees for Fillmore City's reduction in force/layoff, the following guidelines should be considered:
 - (a) Selection should be based upon the employee's ability to perform the work assignments within the affected department.
 - (b) Seniority should govern the selection when ability is equal.
 - (c) Emergency, temporary, and probationary employees should be laid off first.

- (d) Permanent employees should be the last to be laid off, when possible, in inverse order of their length of service.
 - (e) Before any reduction in force/layoff, Fillmore City should determine whether it is subject to the requirements of the Worker Adjustment and Retraining Notification Act, 29 U.S.C. 2101, et seq.
 - (f) Fillmore City should carefully explain to the employee the employee's options.
 - (g) If Fillmore City cannot give advanced notice of a reduction in force/layoff to the employee, two weeks' severance pay may be given in lieu of notice for a bona fide reduction in force/layoff.
- (4) Written reductions in force/layoffs notices should contain the following information:
 - (a) Statement that separation from employment is based on reduction in force/layoff.
 - (b) Anticipated date of layoff.
 - (c) Any options regarding employee placement in another position.
- F. Arrange for distribution of any paychecks which may be due the employee, including pay for any hours worked but not paid; pay for unused, accrued vacation leave (if applicable); or pay for vested sick leave (if applicable).
- G. The terminating employee will return any supplies or equipment, which are the property of Fillmore City, to Fillmore City at termination.
- H. All terminating employees should complete an Exit Interview with the Mayor, or personnel officer. The Exit Interview Form should be signed by the employee and the Mayor, or personnel officer.

SECTION XI: RECORD KEEPING

1. GENERAL POLICY. Federal law requires employers to keep detailed data about their employees.
2. CONFIDENTIALITY. Employee records are maintained in compliance with the law.
 - A. Confidentiality must be maintained at all times with access limited to employees and their supervisory chain.
 - B. Fillmore City's policy is that only relevant, job-related information is maintained on its employees, that such information is held in strict confidence, and that access is limited only to those who require it for legitimate business reasons.
3. PERSONNEL FILES REQUIREMENTS.
 - A. General.
 - (1) Personnel files are maintained on each employee and kept by the personnel officer. The record copy (original) of all appropriate personnel information, as set forth hereafter, related to an employee shall be filed in the employee's personnel file.
 - (2) No information from any record placed in an employee's personnel file will be communicated to any person or organization except by the Mayor, or personnel officer.
 - (3) Employees, or their representative designated in writing, may examine the employee's personnel file upon written request, pursuant to law, during normal working hours at the office of the Fillmore City personnel officer. When a Supervisor requires access to the personnel file of an employee under her/his supervision for the handling of personnel matters, the supervisor must obtain authorization from the Mayor or personnel officer.

B. Contents.

- (1) An employment record; including the employee's job application, resume, interview forms, Employment Eligibility Verification (Form I-9), Employee's Withholding Allowance Certificate (Form W-4), etc.
- (2) A signed copy of the employee's acknowledgment of receiving a copy of the personnel policies and procedures manual; and the performance standard for the position the employee currently occupies.
- (3) All personnel action forms.
- (4) Any information the employee wants included in response to any personnel actions.
- (5) Record of any other pertinent information having a bearing on the employee's status.

C. Employee Information/Change of Employee Status. Employees are responsible for ensuring that personal employee information contained in their personnel files is current and accurate. Employee information (any change in number of dependents, marital status, address, telephone number, etc.) should be updated by completing an Employee Information/Change of Status Form and giving it to the Mayor, personnel officer, to file in their personnel file.

4. OTHER FILES REQUIREMENTS. Records related to job applications, test papers completed by job applicants, results of any pre-employment physical exam, etc. should be kept for a period of at least one (1) year. In addition, records should be examined annually to keep the files current and to save those records that management feels should be kept longer.

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

- A. Employee's sex.
- B. Time and day work week begins.
- C. Hours worked each day and total hours worked each week.

- D. Total daily or weekly straight-time earnings.
- E. Total additions to, or deductions from, wages paid each pay period, including an explanation of items that make up additions and deductions.
- F. Date of payment and pay period covered.
- G. Total overtime above regular compensation for work week.

SECTION XII: PERFORMANCE EVALUATIONS

1. GENERAL POLICY.

- A. Performance evaluations will consist of a review between the supervisor and the employee. The performance evaluation will be kept on file in the employee's personnel file.
- B. It is the policy of Fillmore City that employee evaluations be conducted in a manner, which will ensure fair treatment and an objective evaluation of employee performance.
- C. Goal setting is critical for the development of performance plans and standards. Goals define in broad terms the underlying purpose of a given activity or set of activities.
- D. Objectives specify what should be achieved during an employee's employment with Fillmore City.
- E. There are certain fundamental principles, which govern the establishment of goals, objectives, and performance standards.
 - (1) Participatory Goal Setting. In setting goals and objectives of employees, the supervisors should seek to involve employees in the process.
 - (2) Outline Results to be Achieved. There should be room for flexibility. The supervisor should discuss with the employee how much will be done, when it needs to be completed, and what resources will be required.
 - (3) Relate to Organizational Objectives and Goals. In the process of initially formulating performance plans, each employee should be provided with the larger picture and how their work contributes to the organization. This is the responsibility of each supervisor.
 - (4) Define Objectives. Objectives must be clearly defined and understood by both employees and their supervisors. There must be clear agreement on resources to be made available, periodic reviews and other related control activities.

- (5) Give Support. Employees should understand that they will be fully supported by their supervisors in pursuing the achievement of the mutually agreed upon objectives and standards.

2. PERFORMANCE PLANS.

- A. When time and circumstances permit, supervisors should complete a written performance plan with their new employees prior to their assignment to their work station. When circumstances do not permit, supervisors should complete a written performance plan with their new employees as soon as possible given the existing constraints. Performance planning is a continuing and collaborative process in which employees and their supervisors:
 - (1) Jointly identify objectives for the next performance evaluation period.
 - (2) Define priorities and performance standards for the next performance period.
 - (3) Compare progress against expectations and revise the plan, when necessary.
- B. The performance plan shall include goals and objectives, mutually acceptable performance standards, and a prioritization of goals and objectives.
- C. Both employees and their supervisor shall sign the performance plan. The employee shall receive a copy from their supervisor who shall retain a copy.

3. PERFORMANCE STANDARDS.

- A. Performance standards and expectations shall be established for each employee. Employees shall participate in the establishment of performance standards and expectations relevant to their jobs.
- B. Employees shall be advised of how they are performing in relation to established standards.
- C. Performance evaluations are an ongoing process, which requires that supervisor and subordinates meet periodically to discuss achievements, review performance and mutually

agree on strategies to eliminate performance deficiencies. This ongoing process culminates in the written evaluation at the end of the annual performance evaluation period.

- D. Employees shall be made aware of the time frames and actions to be taken to improve performance and to increase the value of service.
 - E. Employees shall know what role their supervisors shall play in providing them with assistance toward improved performance.
 - F. Employees shall have the right to prepare relevant comments to accompany their evaluations.
4. PERFORMANCE RATINGS.
- A. Each employee evaluation shall provide an overall performance rating which can be equated to one of the following:
 - (1) Improvement Needed. Performance fails to meet the minimum requirements of the position. Unsatisfactory progress has been made in response to corrective action. Removal from the job/position or termination is recommended.
 - (2) Marginal. Performance does not meet all requirements of the job/position. Some unsatisfactory progress has been made in response to corrective action.
 - (3) Satisfactory. Performance meets all requirements of the job/position.
 - (4) Good. Performance exceeds all requirements of the job/position.
 - (5) Exceptional. Performance consistently far exceeds all requirements of the job/position.
5. PERFORMANCE PERIODS.
- A. Probationary Period Employees.

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

B. Permanent employees.

- (1) Performance evaluations shall be completed annually before the end of each fiscal year.
- (2) Although a salary adjustment never automatically follows a performance evaluation, the performance evaluation will be included as a component of any compensation increase.

6. CONFIDENTIALITY.

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

SECTION XIII: CLASSIFICATIONS/COMPENSATION

1. GENERAL POLICY. Fillmore City will pay at least minimum wages and overtime to all employees except those who are specifically exempt from minimum wage and overtime under the Fair Labor Standards Act (FLSA) of 1938.
2. EMPLOYMENT CLASSIFICATIONS. There are five classifications of employees within Fillmore City:
 - A. Full-time. An employee hired for an indefinite period in a position for which the normal work schedule is no less than forty (40) hours per week. Full-time employees qualify for Fillmore City benefits after the probationary period.
 - B. Part-time without benefits. An employee hired for an indefinite period in a position for which the normal work schedule is not more than twenty (20) hours per week. Part-time employees do not qualify for Fillmore City benefits.
 - C. Part-time with benefits. An employee hired for an indefinite period in a position for which the normal work schedule is more than thirty (30) hours per week but less than forty (40) hours per week. Part-time employees with benefits qualify for limited Fillmore City benefits.
 - D. Part-time elected officials. The Mayor and Council are part-time positions eligible for medical, dental, and life insurance benefits.
 - E. Temporary. An employee hired for a position, which is required for only a specific, known duration, usually less than six (6) months. Temporary employees do not qualify for Fillmore City benefits.
 - F. Seasonal. An employee hired for a position, which is required only for the summer or winter months. Summer or winter only employees do not qualify for Fillmore City benefits.
3. EMPLOYMENT STATUS. To facilitate provisions of the Fair Labor Standards Act, employees shall also be classified as either exempt or non-exempt, with respect to eligibility for overtime payment. They shall be defined as:

- A. Exempt. Positions of a managerial, administrative, or professional nature, as prescribed by Federal and State Labor Statutes shall be exempt from minimum wage and mandatory overtime payment regulations. Department Heads are exempt.
 - B. Nonexempt. Positions of a clerical, technical, or service nature, as defined by Federal and State Labor Statutes, which are covered by provisions for minimum wage and mandatory overtime payment regulations.
4. WORK WEEK.
- A. Begins on Sunday evening at 12:00 a.m. (midnight).
 - B. Ends on Sunday evening at 11:59 p.m. (midnight, essentially a calendar week).
 - C. Employees engaged in “public safety” activities, such as Law Enforcement and Fire Protection Departments: As directed by the Mayor, or personnel officer.
5. WORK DAYS.
- A. Full Time: Monday - Friday.
 - B. Part Time: As directed by the Mayor, or personnel officer.
 - C. Employees engaged in “public safety” activities, such as Law Enforcement and Fire Protection Departments: As directed by the Mayor, or personnel officer.
6. WORK HOURS.
- A. Full Time: Monday through Thursday 8:00 a.m. - 12:00 noon/ 12:30 p.m. - 5:30 p.m., and Fridays 8:00 a.m. to 12:00 p.m. or as approved by the Mayor or personnel officer.
 - B. Part Time: As directed by the Mayor, personnel officer, or supervisor.

6a. LIBRARY HOURS OF OPERATION

Summer Hours – April 1st to September 30th:
Monday – Thursday: 10:00 a.m. to 7:00 p.m.
Friday: 10:00 a.m. to 6:00 p.m.

Saturday and Sunday: Closed

Winter Hours – October 1st to March 31st:

Monday – Thursday: 10:00 a.m. to 6:00 p.m.

Friday: 10:00 a.m. to 5:00 p.m.

Saturday: 9:00 a.m. to 1:00 p.m.

Sunday: Closed

7. ATTENDANCE. Employees shall be in attendance at their work stations during normal working hours.
8. BREAKS AND LUNCH PERIODS.
 - A. Full-time:
 - (1) Breaks: Two (2) optional fifteen (15) minute paid breaks during a standard work day. Breaks cannot be used to extend the lunch period or shorten an employee's work hours.
 - (2) Lunch: 30-minute unpaid lunch period during a standard work day.
 - B. Part-time: As directed by the Mayor, personnel officer, or supervisor.
 - C. Employee breaks and lunch periods will be taken at the discretion of the Mayor, or supervisor, to ensure continuity in the flow of work.
 - D. If employees choose to work through their paid breaks, it is her/his decision to do so and no extra compensation will be given for the extra time worked.
9. COMPENSATORY TIME OFF.
 - A. Employees may receive compensatory time off in lieu of overtime pay at Fillmore City's discretion. The Mayor, or supervisor, reserves the right to schedule when an employee's accrued compensatory time will be used.
 - B. The law requires that after non-exempt employees have accumulated the maximum amounts of compensatory time off during any work period, any additional overtime must be paid to employees not engaged in "public safety" activities;

not more than forty (40) hours of compensatory time off may accrue.

- C. Compensatory time will be accumulated at the overtime rate of one and one-half (1½) hours for all hours worked by non-exempt employees in excess of forty (40) hours.
- D. Generally, supervisors should schedule non-exempt employees so that any compensatory time earned is taken off in the week in which it is earned.
- E. Compensatory time not used by public works employees will be paid out to the employee at the end of each quarter to allow no more than forty hours of accumulated comp time.

10. OVERTIME PAY.

- A. For all employees, overtime pay applies for over forty (40) hours worked in a work week and shall be compensated at the rate of one and one-half (1½) times the regular hourly rate of the employee.
- B. For all employees, if a holiday, vacation, or sick day falls within a work week, those hours shall be counted as hours worked for purposes of calculating overtime/compensation time off. If employees work on a holiday because of an emergency situation, they will receive their holiday pay and then will be allowed to take the holiday off at a later date, with prior approval by their supervisor and scheduled within one month of the original holiday.
- C. Overtime shall be approved by the Mayor, personnel officer, or supervisor before worked. Overtime shall be authorized for personnel only when absolutely necessary to provide required services. Violation of this policy may result in disciplinary action, up to and including termination.

11. TIME SHEETS. Employees will complete and sign, as verification of accuracy, an Employee Time Sheet showing all hours worked, including overtime, and all leave taken and submit the time sheet by 8:00 am on the Monday following the last day of the pay period to the personnel officer, for review before payment of wages. If a holiday falls on that Monday, time sheets shall be submitted by 8:00 am on the Tuesday following the last day of the pay period. Exempt employees are required to complete time sheets.

12. COMPENSATION. Based on performance, a new employee may be eligible for an increase after the probationary period, and each year for up to ten years with cost of living adjustments (COLA) being applicable after that. Half steps may be awarded if performance merits less than a full step increase. Bonuses or increases based on meritorious or superior performance of job duties as indicated by a performance evaluation may be granted at any time upon recommendation by the department head or personnel officer and with the approval of the mayor. A cost of living increase will be granted for permanent regular full or part-time employees at the beginning of each budget year if the budget allows and approved by the city council.

13. BENEFITS.

A. Full Time Employee.

Full time employees that have completed the probationary period may elect to participate in all benefits offered by Fillmore City. Employees that choose not to participate will not receive payment in lieu of benefits.

B. Suspended Employee.

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

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

C. Part Time Employee with Benefits.

Part time employees that have completed the probationary period may elect to participate in the retirement and medical benefits offered by Fillmore City.

D. Part Time Employee.

(1) Part time employees are not eligible for benefits.

(2) Temporary and summer employees do not qualify for benefits.

E. Elected Officials.

(1) Medical, Dental, and life insurance. Elected officials that chose not to participate will not receive payment in lieu of benefits.

(2) Elected officials do not qualify for any other benefits.

SECTION XIV: SALARY PLANNING

1. GENERAL POLICY. The personnel officer in conjunction with the Mayor shall be responsible for the development and maintenance of a uniform and equitable pay plan for Fillmore City which shall consist of minimum and maximum rates of pay for each position and such intermediate steps as deemed necessary and equitable. Salaries shall be linked directly to the position classification plan and may take into consideration the following factors:
 - A. Ranges of pay for other positions.
 - B. Prevailing rates of pay for similar employment in both public and private organizations.
 - C. Cost of living factors.
 - D. Other benefits received by employees.
 - E. The financial policy and economic conditions of Fillmore City.
2. PAY PLAN DEVELOPMENT AND ALLOCATION.
 - A. The Personnel Officer shall conduct a study of salary levels and shall make adjustment recommendations to the Mayor at least every five (5) years. Implementation of adjustments is subject to the availability of funds.
 - B. The Mayor or personnel officer shall assign each position level to a pay range based upon the levels' relationship to other levels as defined in the position level plan and by market data.
3. APPOINTMENT.
 - A. Pay for newly hired employees shall normally be set at the minimum of the pay range assigned to a job class. However, the Mayor may approve hires up to the range of midpoint, as warranted by job qualifications and experience subject to the availability of funds.
 - B. The Mayor shall not authorize hiring above the midpoint of a pay range except in unusual circumstances.

4. MERIT INCREASE.
 - A. Permanent full-time and part-time employees are eligible to receive merit increases as recommended by the supervisor and approved by the Mayor.
 - B. A merit increase is based upon consistent excellent performance.
5. SELECTIVE SALARY ADJUSTMENT.
 - A. The Mayor may approve a selective salary adjustment in order to mitigate an inequity caused by merit increase freeze or other similar circumstances.
 - B. A selective adjustment is subject to the availability of funds and guidelines established by the City Council.
 - C. Promotion.
 - D. Longevity.
6. BONUSES
 - A. A bonus may be awarded in recognition for superior performance based upon the as recommendation of the supervisor and approved by the Mayor.
 - B. A bonus may be awarded in lieu of a salary adjustment as approved by the Mayor.
7. REASSIGNMENT. Except when due to a demotion or a disciplinary action, an employee who is reassigned to a position with similar job demands shall be paid at least the same salary received prior to the reassignment. If the job demands are less the salary may be reduced, if the demands are more, the salary may be increased.
8. DEMOTION. If an employee is demoted, either voluntarily or involuntarily, the Mayor may reduce the salary to the applicable pay range.
9. BENEFITS.
 - A. Suspended Employee.

- (1) An employee suspended for disciplinary reasons shall continue to be eligible to receive Fillmore City retirement, health, dental, disability and life insurance programs subject to the conditions set forth in paragraph 8.A. (2) below.
- (2) The employee shall pay the employee portion of insurance premiums to continue coverage through the period of suspension.

SECTION XV: PAYROLL ADMINISTRATION

1. PAY PERIODS. The Fair Labor Standards Act requires that wages be calculated on a weekly basis for employees not working in “public safety” activities, unless an exception is granted by the Department of Labor.
2. PAY DAYS. For regular permanent full-time or part-time employees, Fillmore City’s pay periods are bi-weekly, where each pay period will begin on Monday and end on the Sunday two weeks following the first day of the pay period, i.e., 14 day or two week pay periods. Pay day will be on each Wednesday following the end of the 14 day / two week pay period. For all other employees, payment will be made once per month on the last day of each month.
3. PAY DEDUCTIONS. Fillmore City is permitted to make deductions authorized by their employees. The following is a checklist of payroll deductions:
 - A. Itemized Deductions.
 - (1) Mandatory:
 - (a) Social Security.
 - (b) Federal Tax.
 - (c) State Tax.
 - (2) Optional:
 - (a) Credit Union Loan.
 - (b) Credit Union Savings.
 - (c) Employer.
 - (d) Garnishment.
 - (e) Group Life Insurance.
 - (f) Hospitalization.
 - (g) Major Medical Insurance.

- (h) Pension Fund.
- (i) Savings Plan.
- (j) Stock Purchase Plan.
- (k) Union Dues.
- (l) 401K Loan Repayment.
- (m) Cafeteria Plan for flexible spending accounts.

4. Pay Advances. Fillmore City does not provide pay advances on wages to employees.

SECTION XVI: REIMBURSABLE EXPENSES

1. GENERAL POLICY. With prior approval, legitimate expenses will be reimbursed by Fillmore City to the employee. Receipts shall be required to reimburse the employee. Reimbursement may be in the form of a separate check. Records must be kept reflecting the amount of reimbursement each employee has received.
2. PER DIEM ALLOWANCES. Fillmore City will give employees and other authorized personnel on city approved travel a per diem allowance for each day away from home according to the following schedule:

Breakfast	\$15
Lunch	\$15
Dinner	\$29

For a total of \$59 per day. Compensation will be made only for meals missed from home. Example: If an employee travels in the afternoon for a next day conference, they would only be compensated for the dinner meal on that travel day. Meal expenses cannot exceed the per diem rate. Requests for per diem advances must be submitted in advance.

3. TRAVEL POLICY.
 - A. Authorized travel in an employee's personal vehicles shall be paid by the employee. The employee shall keep track of the mileage associated with the approved travel and submit a request for reimbursement to the City Recorder. The mileage rate will be consistent with the established rate used by the Internal Revenue Service. Whenever possible employees should travel together to limit the number of travel reimbursement claims. If an employee or other authorized person is receiving travel reimbursement from another entity that person is not entitled to reimbursement from Fillmore City. Example: The UAMPS representative receives travel reimbursement from UAMPS and so he may not receive travel reimbursement for the same mileage, lodging, or meals from Fillmore City.
 - B. All hotel or other sleeping accommodations and airplane or other travel accommodations shall be arranged in advance for overnight trips and a claim for payment submitted at least two weeks prior to the departure date to the City

Recorder with the name and address of the vendor, date of event, amount per night, and total amount requested. A check and tax exemption certificate will be issued to the employee at least one day before the scheduled departure. All receipts to verify that the expenditures must be submitted to the City Recorder upon the employee's return to work.

- C. If such payment is not possible, Fillmore City shall reimburse to the employee the cash amount of the cost of such sleeping and travel accommodations after receiving the appropriate receipts to verify that the employee has expended their own money for such purposes. Failure to produce a receipt in such circumstances will necessitate the withholding of reimbursement.

SECTION XVII: BENEFITS

1. WORKER' COMPENSATION.

- A. All employees are covered by workers' compensation, which provides medical reimbursement and disability benefits for job-related illness or injury. An employee does not accrue benefits while receiving workers' compensation payments. For exact compensation coverage, check the workers' compensation contract on file with the Mayor, or personnel officer.
- B. Employees may use accrued vacation or sick leave to make up the difference between workers' compensation benefits and their base pay.
- C. Medical Attention. Employees who sustain a bona fide, on-the-job injury may seek medical attention from the medical facility of their choice. They must tell the doctor, HOW, WHEN and WHERE the accident occurred. The doctor will complete a medical report and copies of this report should be sent within seven (7) days to the insurance carrier, the Industrial Commission, and to the injured worker (Please Note: Do not submit doctor or hospital bills for on-the-job injuries or illness to the regular medical plan).
- D. Initial Reporting of Illness or Injury. Reporting the accident or illness is critical to qualification for payment under workers' compensation. If an employee is injured while on the job, no matter how minor, the circumstances should be reported to the personnel officer immediately. After Form 122 is filled out, a copy must be sent to the insurance carrier and a copy must be sent to the Industrial Commission within seven (7) days of the date of injury.
- E. Reporting while off the Job. While on leave because of a bone fide, on-the-job injury or illness, employees must contact their supervisor or the personnel officer to report on their condition. Failure to provide the required medical status reports may result in revocation of the leave and/or immediate termination.

- F. Return to Service. All employees must return to work after the approval of the attending physician. A statement from the attending physician stating the employee is able to resume normal duties will be required before returning to work. Failure to return to work when directed may result in immediate termination. An employee who is able to return to work in light duty status may be required to work in a different department and perform duties not contained within his/her current job classification.
 - G. At the time of final release or settlement of a workers' compensation claim, if no vacancy exists; and, if a reasonable effort, which has proven to be unsuccessful, has been made to place the employee in another position, they may be terminated and paid any accrued benefits due to them.
- 2. SOCIAL SECURITY/FICA. All employees whether full-time, part-time, or temporary are covered by the benefits of Old Age, Survivors, and Disability Insurance as provided for by law. Contributions of the employee and Fillmore City will be made in accordance with the provision of the law.
 - 3. INSURANCE.
 - A. Medical Health Insurance. It is the policy of Fillmore City to provide a medical insurance package for each elected official and each qualifying full-time employee, which may include coverage for an eligible spouse and family. The amount of premium paid by Fillmore City and/or the employee shall be determined by the City Council. Fillmore City does not have a "pay in lieu of benefit policy" and does not pay participating employees the difference in premium rates between plans. A qualifying employee is an employee who is working 30 to 40 hours per week and who has completed the probationary period. Elected officials may choose to participate in the medical health insurance plan at the same rate as an employee. Retired or terminated employees with vested sick leave may continue to participate in the city medical insurance plan if they make arrangements with the insurance carrier and pay the required monthly premium.
 - B. Early Retiree. Current employees who are at least sixty-three (63) years of age at the date of retirement and also have ten (10) years or more of service to the City can retire and the City will pay the active single-coverage health insurance premium through the month of the early retiree's sixty-fifth (65th) birthday, or until

eligible for Medicare, whichever occurs first, provided he/she is eligible for the City's medical plan at the time of retirement and he/she is not eligible for coverage through another employer. The City will pay a value to the same contribution rate and on the same active single-coverage health plan that the City contributes towards recurring premiums for current City employees/personnel, if any. Insurance benefits will cease if a retiree is Medicare eligible, or eligible for benefits through employment with another employer. It is the responsibility of the retiree to notify the City if this occurs. If the early retiree elects this option, then they forfeit the payout for their accrued sick leave and vacation as provided in section XIX.4.F. In other words, an employee can elect to receive either the payout for their accrued sick leave and vacation time or elect to have the city pay for their single coverage health insurance as explained above. The City will not pay both the accrued leave payout and the post-retiree insurance monthly payment. By electing this early retiree coverage, the early retiree forfeits any COBRA benefits. The City reserves the right to modify or discontinue the Policy or change the formula of the City's contributions.

C. COBRA Benefits. COBRA benefits apply to groups which employ 20 or more employees. Fillmore City employees are instead eligible for Utah State Extension benefits after termination, other than retirement. An employee that retires may remain on the group health plan under the State 75 Extension for up to 18 months or until they are eligible for Medicare. The State Extension benefits are for a period of six (6) months only. The affected employee must pay the entire premium plus a 2% up-charge.

D. Life Insurance. A basic life insurance policy is provided free of charge for each qualifying full-time employee at Fillmore City's expense.

4. CONTINUING EDUCATION. Employees are encouraged to obtain continuing education through attendance at job related seminars. Requests for attendance must be approved in advance by the Mayor, or personnel officer.

A. Required by Fillmore City. When Fillmore City requires an employee to attend any education or training course, conference, seminar, or certification course, Fillmore City will provide the necessary time off with pay and will reimburse the employee for all associated costs including

tuition or registration fees, authorized travel, meals, and lodging.

- B. Encouraged by Fillmore City. Employees are encouraged to further their education and training in areas determined by the Mayor that will enhance their job performance. If advance approval is given by the Mayor, upon successful completion of relevant training courses, employees may be reimbursed at a rate determined by the Mayor for tuition fees, materials, and other necessary and approved expenses upon presentation of proper receipts. Proof of successful completion will include one of the following:
 - (1) A certificate indicating successful course completion, if applicable.
 - (2) A grade point average of 2.0 or higher on a 4.0 (A, B, C, D) scale.
 - (3) A grade pass on a pass/fail grading system.
 - (4) Employee must sign a Commitment Statement to remain with Fillmore City for at least one year following the completion of each cost-sharing education program.
 - C. Fillmore City does not participate in unapproved continuing education which is not required or encouraged
5. RETIREMENT SYSTEM. Additional details are available from the personnel officer.
- A. All qualifying full time Fillmore City employees are covered by the Utah State Retirement Systems, unless otherwise authorized by the City Council according to State Law. A qualifying employee is an employee who qualifies for city benefits and is working over 30 hours per week.
 - B. Tier 2 (those persons potentially eligible for the retirement system and having no qualification for the URS until on or after July 1, 2011) elected and appointed officials eligibility for URS contributions is as follows:
 - 1. All Tier 2 elected officials are part-time ineligible for URS contributions. Eligibility for retirement coverage under Utah Retirement Systems shall be administered in accordance with the

statutory rules governing Utah Retirement Systems.

2. All Tier 2 appointed officials are full-time eligible for URS contributions. Eligibility for retirement coverage under Utah Retirement Systems shall be administered in accordance with the statutory rules governing Utah Retirement Systems.

SECTION XVIII: FAMILY AND MEDICAL LEAVE ACT (FMLA)

1. GENERAL POLICY.

- A. The Family and Medical Leave Act of 1993 requires employers of 50 or more, including “public agencies” to provide up to a total of twelve (12) work weeks of unpaid leave during any twelve (12) month period for “eligible” employees at the time of the birth or adoption of a child or at the time of a serious health condition affecting the employee or a family member.
- B. A single “public agency” is further defined under Section 3(x) of the Federal Labor Standards Act to include Fillmore City.
- C. A ‘serious health condition’ is an illness, injury, impairment, or physical or mental condition that involves inpatient care in a medical facility or continuing treatment by a health care provider.
- D. “Intermittent leave” or a “reduced leave schedule” for medical reasons can be taken under this policy “when medically necessary”. Intermittent leave or a reduced leave schedule to care for a new child can be taken only if the employee and Fillmore City mutually agree to that arrangement.
 - (1) Intermittent leave is leave that is not taken consecutively.
 - (2) A reduced leave schedule is a leave schedule that reduces the usual number of hours per work week or hours per work day.

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

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

- C. Be employed by an employer who employs at least fifty (50) people within a seventy five (75) mile radius around the work site.
- D. Fillmore City does not meet the eligibility criteria.

SECTION XIX: LEAVES OF ABSENCE

1. ABSENT WITHOUT LEAVE.
 - A. Any unauthorized absence of an employee from duty shall be grounds for disciplinary action, up to and including termination, by the Mayor, or personnel officer.
 - B. Any employee who is absent for 2 or more consecutive work days without authorized leave shall be deemed to have voluntarily resigned. If extenuating circumstances are found to have existed, however, the Mayor, or personnel officer may subsequently grant a leave of absence with or without pay as the circumstances dictate.
 - C. Any employee who walks off the job during scheduled work hours without authorization to leave shall be deemed to have voluntarily resigned.
2. ANNUAL VACATION LEAVE.
 - A. Each permanent full-time employee shall receive annual vacation leave at the following rate:
 - (1) From hire date to 5 years of service, 80 hours per year.
 - (2) From 5 years to 10 years of service, 120 hours per year.
 - (3) After 10 years of service, 160 hours per year.
 - B. New full time employees shall accrue annual vacation leave from the date of hire, but will not be eligible to use any vacation time until three months from the date of hire. Advancement from one level to another shall be at the beginning of the calendar year after the eligibility anniversary date.
 - C. The maximum annual vacation leave which can be accrued and carried forward from calendar year to calendar year is 80 hours. Any accrued annual vacation leave in excess of the allowed hours shall be forfeited on the day following the last day of the last pay period of the calendar year in which the leave was accrued unless special circumstances justify a

payout or additional carryover hours approved by the Mayor. All vacation leave benefits accrue from the day following the last day of the last pay period of each calendar year. Any exceptions must be approved by the Mayor.

- D. A holiday, which falls during an employee's annual vacation leave, shall be counted as a paid holiday and not as annual vacation leave.
 - E. An employee who is separated from employment may be compensated for all accrued annual vacation leave.
 - F. All annual vacation leave requests should be submitted a reasonable time in advance of the desired time off to the personnel officer. Requests to be considered on a first-come-first-served basis.
 - G. Official annual vacation leave records will be maintained by the personnel officer.
 - H. Vacation usage will be reported on the monthly time record.
3. 3. HOLIDAY LEAVE.
- A. Holidays that apply to full time employees are:
 - (1) New Year's Day..... January 1
 - (2) Martin Luther King Day..... 3rd Monday in January
 - (3) President's Day..... 3rd Monday in February
 - (4) Memorial Day Last Monday in May
 - (5) Juneteenth National Freedom Day June 19
 - (6) Independence Day July 4
 - (7) Pioneer Day July 24
 - (8) Labor Day..... 1st Monday in September
 - (9) Columbus Day..... 2nd Monday in October
 - (10) Veterans Day..... November 11
 - (11) Thanksgiving..... 4th Thursday & Friday in November
 - (12) *Christmas December 25
 - (13) Any Other Designated State Holidays

*When Christmas falls on a weekday, the afternoon of December 24th will be a holiday. The Mayor may grant the afternoon of New Year's Eve as a holiday.

- B. If a holiday falls on Saturday, the preceding Friday shall be the observed holiday; if it falls on Sunday the following Monday shall be the observed holiday.

- C. Employees on-call status on holidays, as on other days, will be determined by the department supervisor. An employee required to work on one of the above holidays will receive compensatory time for time worked on a paid holiday.
 - D. A holiday occurring during any period in which annual leave or sick leave is granted will be computed as a paid holiday and not as leave.
4. SICK LEAVE.
- A. Purpose. Sick leave shall **not** be considered as a privilege that an employee may use at her/his discretion, but shall be **allowed only in case of necessity and actual sickness or disability** of the employee or immediate family member of the employee (immediate family member shall mean dependent child or spouse).
 - B. Use of sick leave. Sick leave may be used at any time with approval of the supervisor or personnel officer for any of the following reasons:
 - (1) When the employee is unable to perform his/her regular duties or other temporary work to which he/she may be assigned.
 - (2) Visits to hospitals, clinics, doctor's and dentists' offices for diagnosis or treatment of illness or injury or examination. Sick leave must be taken in one-half hour increments.
 - C. Eligibility. Sick leave shall be available to all permanent full-time employees. A new employee may not use sick leave until 3 months from the date of hire
 - D. Accrual. Sick leave will accrue from the date of hire at the rate of 1 day per month worked or twelve 12 days per year. Sick leave shall not accrue if an employee is in a leave-without-pay status or takes sick leave for more than 10 work days in that month. Sick leave shall continue to accrue at one 1 day per month worked until termination or retirement. Records will be kept by the personnel officer.
 - E. Use. Sick leave shall be charged in not less than 1/2 hour increments. Advance sick leave is not allowed.

- F. A full-time employee shall be vested for sick leave compensation after working for Fillmore City for 10 years. A vested employee who voluntarily resigns, or who retires may be compensated for accrued sick leave at a rate of fifty percent (50%) of the employee's regular wage for each unused sick day (limit of 900 hours) or may choose to remain on Fillmore City's insurance as provided in section XVII.3. If a retiree elects to be compensated for the accrued sick leave, the retiree forfeits the option of continuing on the City's health insurance as provided in section XVII.3.F. of this policy. The City will not pay both the accrued leave payout and the post-retiree insurance monthly payment.
- G. Payments.
- (1) In order to qualify for sick leave payments, an employee must notify the supervisor or personnel officer, prior to 8:00 am or their normal starting time, on each day of absence unless the circumstances surrounding the absence make such notification impossible. The Mayor, or personnel officer, should also be kept advised of the employee's progress and expected date of return to duty. If an unapproved absence continues more than 2 days the city may assume the employee has voluntarily terminated employment.
 - (2) Any absence for illness beyond accrued sick leave will result in the employee being carried on annual leave status until all annual leave has expired, then be carried in a leave-without-pay status.
- H. Certification of Illness. For sick leave in excess of 3 consecutive working days, or if abuse of sick leave is indicated, the Mayor, or personnel officer, may require a certificate from the attending physician stating that such illness prevented the employee from working.

5. MATERNITY LEAVE.

- A. An employee who becomes pregnant , or whose legal or common law spouse becomes pregnant, may continue working, prior to the birth of the child, until such time as the employee can no longer satisfactorily perform the essential functions of their duties. The Mayor, or personnel officer, may grant an employee annual vacation leave, sick leave, and/or leave without pay for this period of absence. Regulations governing annual vacation leave, sick leave, and leave without pay will apply.
 - B. During a maternity leave period in excess of 30 calendar days, an employee's annual vacation leave, sick leave, and/or time toward their performance evaluation, if applicable, shall not accrue.
 - C. Fillmore City may fill vacancies created by maternity leave with temporary or provisional appointments. At the expiration of the maternity leave, the employee shall return to the same position, where feasible, or to a similar position. Failure of the employee to return to work at the expiration of maternity leave shall be considered a voluntary resignation of their position and employment without notice.
6. INJURY LEAVE. Any employee injured on the job, however slightly, must report the fact immediately to the personnel officer. It shall be the duty of the personnel officer, to obtain information regarding the accident or injury and to complete and submit such reports as are required. Unused sick leave or vacation leave may be granted in accordance with applicable rules and regulations. During injury leave periods, vacation leave, sick leave, or time toward yearly performance evaluation shall not accrue, unless an exception is granted by the Mayor, with approval of the City Council. However, injury leave for periods greater than 6 months shall in no case be granted. Furthermore, eligibility for such leaves requires conformance with all workmen's compensation regulations.
7. EMERGENCY LEAVE. The Mayor, or personnel officer, may allow a permanent full-time, or part-time with benefits, employee reasonable time off, not to exceed 3 working days with pay, in case of an emergency. Time will be charged to the employee's sick leave, annual vacation leave, or accrued compensatory time. The Mayor shall have the authority to grant longer leaves in unusual circumstances in which an emergency exists. During an emergency leave period in excess of 30 calendar days, an

employee's annual vacation leave, sick leave, or time toward their yearly performance evaluation, if applicable, shall not accrue.

8. **MILITARY LEAVE.** A permanent full-time employee may be granted military leave for active service. Extended military leave is defined as any leave of 2 months or more and may be granted without pay. Short-term military leave shall be granted with compensation for the difference in salary for active duty, for service in the national Guard or in the Armed Forces reserves for the purpose of fulfilling annual field training. Paid military leave shall not exceed ten 10 working days in any one 1 calendar year. (Utah State Code 39-3-1 & -2). Any compensation, including travel and expense allowance, received by the employee must be turned back to Fillmore City.
9. **JURY/COURT LEAVE.** A permanent or probationary period employee may be granted leave with full pay when performing jury duty or when required to serve as a witness for Fillmore City and/or in any Fillmore City litigation in any municipal, county, state, or federal court, or before an administrative tribunal. Any compensation, including travel and expense allowance, received by the employee must be turned back to Fillmore City. Paid leave will not be granted when the employee is serving as his own witness in financial and related suits that he has initiated.
10. **FUNERAL LEAVE.** The Mayor, or personnel officer, may grant an employee 2 days of funeral leave with pay to attend the funeral of the employee's family and in special circumstances may grant up to 5 days. Family is defined as a spouse, child, step-child, daughter or son-in-law, parent, step-parent, grandchild, mother or father-in-law, sister or brother-in-law, and grandparent of the employee. Funeral leave shall not be charged against accrued annual vacation or sick leave.
11. **ADMINISTRATIVE LEAVE WITH PAY.**
 - A. While performing authorized duties. A permanent or probationary period employee may be granted administrative leave with pay to perform authorized duties in connection with Fillmore City business, attend trade or professional meetings which relate to official duties, participate in recognized and authorized training programs, or facilitate the needs of Fillmore City.
 - B. Pending possible disciplinary action. A permanent or probationary period employee may be granted administrative

leave with pay pending the outcome of an investigation undertaken to determine if disciplinary action against the employee is warranted.

- C. An exempt employee who is required to attend evening meetings may take 4 hours of paid administrative leave per pay period. This time may not accrue and must be taken within the pay period or forfeit it.

12. LEAVE WITHOUT PAY.

- A. Under special and urgent circumstances, the Mayor, or personnel officer, may grant an employee leave without pay for a specified period of time, usually not more than twelve (12) weeks. At the expiration of the leave without pay, the employee shall return to the same position, where feasible, or to a similar position. Failure of the employee to return to work at the expiration of leave without pay shall be considered a voluntary resignation of their position and employment without notice.
- B. A leave without pay shall not constitute a break in service. However, during a leave without pay period in excess of thirty (30) calendar days, an employee's annual vacation leave, sick leave, and time toward their performance evaluation, if applicable, shall not accrue.
- C. Leave without pay shall be granted:
 - (1) For education purposes when the employee's course of study will be of direct benefit to Fillmore City, and the absence will not be a hardship for the department, and the employee agrees to return to work at the end of the leave without pay period.
 - (2) To attend funerals not covered by the funeral leave policy.
 - (3) To attend to an ill or injured member of the employee's immediate family when the absence is not covered by sick leave.
- F. Employees are expected to apply for leave without pay in advance and in writing, providing as much detail about the absence as possible so that the Mayor, or personnel officer, may decide whether the leave without pay is warranted.

13. DOCUMENTATION OF LEAVE. Some of the above absences must be supported by a copy of the official paperwork causing the absence. Such paperwork must be submitted to the Mayor, or their designated representative, as soon as possible. In some cases where official paperwork is not available, the Mayor, or personnel officer, may request that the employee supply additional information in writing to support the absence.

SECTION XX: GENERAL SAFETY

1. GENERAL POLICY. The following general safety rules will apply in all agency work places. Each work unit may prepare separate safety rules applicable to the specific nature of work in their area but not in conflict with these rules.
 - A. Proper licensing and extreme caution are required by all employees operating any type of power equipment.
 - B. Employees will use safety equipment appropriate to the job, such as safety glasses, gloves, toe guards, back supports, and hard hats, if required or appropriate to the work performed.
 - C. Employees will avoid wearing loose clothing and jewelry while working on or near equipment and machines. Long hair will be properly secured.
 - D. All accidents, regardless of severity, personal or vehicular, shall be reported immediately to the supervisor or personnel officer.
 - E. Defective equipment will be reported immediately to the supervisor or personnel officer..
 - F. Employees will not operate equipment or use tools for which licensing and training has not been received.
 - G. In all work situations, safeguards required by State and Federal Safety Orders will be provided.
 - H. Due to the potential risk of serious injury or death, employees are prohibited from entertaining, or caring for, guests or family members in or around inherently dangerous work areas.
2. PROPER USE OF FILLMORE CITY MOTORIZED EQUIPMENT AND MAINTENANCE TOOLS. The use of Fillmore City motorized equipment or maintenance tools for private purposes is prohibited. However, reasonable use of Fillmore City tools and equipment may be authorized by the supervisor, the mayor, or the personnel officer if used and/or operated by a city employee.

- A. Employees shall be required to attend training provided by Fillmore City; including an explanation of job hazards, safety procedures and training on all equipment, tools, etc., necessary for the accomplishment of the employee's job description. Employees may attend additional training as approved by the City.
- B. A commercial driver's license (CDL) is required for operators of commercial motor vehicles. No individual shall be allowed to operate such vehicles unless they have a current commercial drivers license in their possession. This license is required pursuant to the Commercial Motor Vehicle Safety Act, signed into law on October 27, 1986. Employees must renew their commercial drivers license at four (4) year intervals.
- C. Operators and passengers in a business-use vehicle equipped with seat belts must wear them when the vehicle is in operation, and all employees operating vehicles shall observe all local traffic laws.
- D. Employees shall keep the agency vehicles that are used by them clean, presentable, and serviceable. Employees receiving car allowances shall also keep their vehicles clean, presentable, and serviceable.

SECTION XXI: UTAH OSHA REQUIREMENTS

1. GENERAL POLICY. It is the policy of Fillmore City to maintain an environment that is free from any recognizable hazard that is likely to cause death or serious injury to any employee through open communication with all employees.
2. POSTING OSHA NOTICES. Fillmore City will post all required OSHA notices in conspicuous places (such as employee bulletin boards or where similar notices are usually posted). Employees may obtain additional information from the Mayor when they have questions about any of the standards that are provided under OSHA.
3. INSPECTION PROCEDURES. All employees should follow the procedures listed below in the event an inspector from OSHA presents himself or herself on the job site.
 - A. If an inspector arrives on the job site, an employee should understand that they are not authorized to offer any information requested by the inspector.
 - B. The employee will inform the inspector that the employee will contact the Mayor, Supervisor, or personnel officer, who will accompany the inspector during any inspection.
 - C. The Mayor should make sure that all employees know who they are required to contact, including all alternates, in the event an OSHA inspector shows up on the job site.
 - D. If the OSHA inspector does not reveal the appropriate credentials at the outset of the inspection, the supervisor, Mayor, or personnel officer, should ask the inspector to reveal their credentials and should examine them before allowing an inspection of the job site.
 - E. The supervisor, Mayor, or personnel officer, should not refuse an inspection of the job site where the inspector does not have a warrant to inspect.
 - F. If the credentials are appropriate, and before beginning the inspection, the supervisor, Mayor, or personnel officer, should ask the inspector the reason the inspection is being conducted. If it is routine, no further requests are required. If the inspection was due to an employee complaint, the

supervisor, Mayor, or personnel officer, should request a copy of the complaint. This will help Fillmore City correct any safety problems (Please Note: Under no circumstances should the information received on an employee complaint be used for disciplinary action toward an employee as this type of action is prohibited by law).

- G. The supervisor, Mayor, or personnel officer, should accompany the inspector during the entire inspection of the job site.
- H. The supervisor Mayor, or personnel officer, should take notes throughout the entire inspection and note every comment and observation made by those participating in the inspection. The supervisor, Mayor, or personnel officer, accompanying the inspector should not volunteer any unsolicited information.

4. ACCIDENT REPORTING PROCEDURES.

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

- F. Fillmore City shall give the employee a copy of the OSHA report and explain the employee's rights and responsibilities concerning the work related injury or occupational disease.
- G. If an employee later dies as a result of work related injury, Fillmore City shall file a report with OSHA within seven (7) days of first knowledge or notification of the death.

SECTION XXII: CONFINED SPACE ENTRY

1. GENERAL POLICY. Fillmore City shall have a written confined space entry policy, if required in accordance with Volume 29 Code of Federal Regulation 1910.146.
2. REQUIREMENTS. When required, the written confined space entry policy shall include at least the following:
 - A. Annual training on confined space issues.
 - B. A review of potential confined spaces.
 - C. A permitting system for entering permit-required confined spaces.
 - D. A rescue plan for managing confined space incidents.
 - E. Protocols for managing contractors doing work in Fillmore City's confined spaces.
 - F. A list of the appropriate personal protective equipment and hardware (hoists, winches, gas monitors, respirators, and ventilation gear) required for safe entry and exit.

SECTION XXIII: DISASTER RESPONSE PLANNING

1. GENERAL POLICY. Fillmore City has developed the following Disaster Response Plan and all employees will be expected to adhere to this Disaster Response Plan to the maximum extent possible and practicable.

2. EMPLOYEE DISASTER NOTIFICATION.

Supervisors are responsible for notifying all Fillmore City employees of the disaster response action to be taken in the event of a disaster or pending disaster, if possible.

3. NATURAL DISASTER RESPONSE PLAN (WIND, WATER, FIRE, EARTHQUAKE, VOLCANO). Following a Natural Disaster:

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

- (1) Employees will report to the supervisor, Mayor, or personnel officer, as soon as practical and await instructions.

- (2) Use of all Fillmore City vehicles, equipment, tools, and office items, including telephones and computers, will be used only as directed by an employee's supervisor during an emergency situation.

- (3) Employees will be allowed to contact their families as soon as their supervisor can allow this action to be taken.

- B. Employees not at work will assess the disaster and take whatever evasive action is necessary, within the law, to protect themselves and their families.

- C. Employees not at work will contact the supervisor, Mayor, or personnel officer, as soon as practical for further instructions.

4. MAN MADE DISASTER RESPONSE PLAN (NUCLEAR, TERRORIST, I-15 RECONSTRUCTION). Following a Man Made Disaster:

- A. Employees already at work will assess the disaster and take whatever evasive action is deemed necessary, within the law, to protect themselves, their fellow employees, and the public in general.
 - (1) Employees will report to their immediate supervisor, mayor, or personnel officer, as soon as practical and await instructions.
 - (2) Use of all Fillmore City vehicles, equipment, tools, and office items, including telephones and computers, will be used only as directed by an employee's supervisor during an emergency situation.
 - (3) Employees will be allowed to contact their families as soon as their supervisor can allow this action to be taken.
 - B. Employees not at work will assess the disaster and take whatever evasive action is necessary, within the law, to protect themselves and their families.
 - C. Employees not at work will contact the supervisor Mayor, or personnel officer, as soon as practical for further instructions.
5. SUSPICIOUS PERSON OR ASSAILANT THREATS.
- A. Be Prepared. Fillmore City has developed the following procedures to be followed in the event that a suspicious person or assailant is in the area:
 - (1) Employees will use the "Surname" of the supervisor, Mayor, or personnel officer, who they are addressing, repeated again, to alert the supervisor, Mayor, or personnel officer, of a threatening situation. An example following this procedure would be: "Mr. (Last name of the Mayor), Mr. (Last name of the Mayor), could you please come to the front desk".
 - (2) Employees will give a pre-arranged physical signal to supervisors or employees that a threatening situation exists. An example following this procedure would be: "An employee would momentarily rub both of their ears with both of their hands at the same time".

- B. Be Observant. Fillmore City has developed a Suspicious Persons or Assailants Identification Checklist for employees to use. Features and physical characteristics that employees can remember about suspicious persons or assailants will greatly help local law enforcement officials in the apprehension of suspects.
6. TELEPHONE THREATS.
- A. Be Calm and Courteous to the caller. Employees will notify the supervisor, Mayor, or personnel officer, using a prearranged signal while the caller is on the line. An example following this procedure would be: "Throwing a pencil or other small item near the supervisor, Mayor, personnel officer, or other employee, followed by rapidly waving the arm to get their attention. The employee will communicate with the supervisor, Mayor, personnel officer, or other employee by using or passing notes. The employee will not attempt to talk to the supervisor, Mayor, personnel officer, or employee by putting their hand over the phone and talking or whispering.
 - B. Be Attentive. Fillmore City has developed a Telephone Threat Checklist for employees to use. Voice characteristics, background noises, and other details that employees can remember about suspicious persons or assailants will greatly help local law enforcement officials in the apprehension of suspects.
7. MAIL LETTER AND PACKAGE BOMB THREATS.
- A. Be Cautious. Visually assess the letter or package and inform the supervisor, Mayor, or personnel officer, of anything unusual. It is always better to be safe than sorry!
 - B. Be Careful. Fillmore City has developed a Mail Letters and Packages Bomb Recognition Checklist for employees to use. Unusual weight, shape, or other details that employees can remember about suspicious persons or assailants will greatly help local law enforcement officials in the apprehension of suspects.
8. SUSPICIOUS ARTICLE THREATS. Be Alert. Report all suspicious articles to the supervisor, Mayor, or personnel officer. Do not touch, pick up, shake, or attempt to move, any articles of a suspicious nature.