

## REQUEST FOR COUNCIL ACTION

**SUBJECT:** Approve the latest updates to the Employee Handbook.

**SUMMARY:** The Employee Handbook is designed to provide a summary of The City of West Jordan guidelines for the workplace. Periodically, the City Manager reviews the employee handbook to make necessary revisions. Human Resources has solicited input from the City Manager, Employee Associations, Attorney's Office, and Department Heads. This process has been completed and is pending Council approval. All changes have been tracked on the attached document.

This handbook supersedes all previously issued editions. The City reserves the right to change any or all guidelines mentioned along with any other procedures, practices, benefits or other programs at the City.

**FISCAL AND/OR**

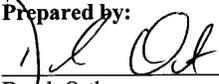
**ASSET IMPACT:** There is a cost of approximately \$2,000 for staff time and a one-time charge associated with printing hard copies of the handbook. Employees will have online access to the updated employee handbook.

**ATTACHMENTS:** 1. *Pages 1-20 Employee Handbook Changes*  
2. *Pages 1-70 Revised Employee Handbook*

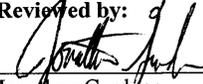
**MOTION RECOMMENDED:**

"I move to adopt The City of West Jordan's Employee Handbook as revised on December 21, 2016."

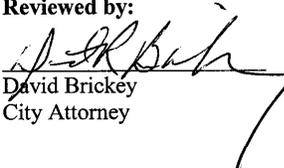
Prepared by:

  
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Human Resources Specialist

Reviewed by:

  
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Reviewed by:

  
David Brickey  
City Attorney

Recommended by:

  
Mark R. Paless  
City Manager

## Employee Handbook Changes 12/21/16

1. Changed Purpose to City Manager's Welcome and updated message. (Pg. 1)
2. General Policies, Cell Phones-added sentence on personal cell phone usage. (Pg. 3)
3. General Policies-added Communication Protocol. (Pg. 3)
4. Employment Categories, Executive Positions-added positions to list and clause regarding grandfathered employees. (Pg. 5)
5. Disabilities, EEO-added pregnancy, childbirth, breastfeeding, or related conditions. (Pg. 6)
6. Disabilities, Reasonable Accommodations-added pregnancy, childbirth, breastfeeding, or related conditions (Pg. 7)
7. Employment Policies and Job Status- added City Hiring Process. (Pg. 8)
8. Employment Policies and Job Status, Promotion-added sworn public safety officers will serve 6 month probation. (Pg. 10)
9. Classification and Pay System, Overpayments-renamed section to Overpayments and Duty to Verify Paycheck Statements, updated content. (Pg. 14)
10. Classification and Pay System-added Underpayments and Other Corrections to Paycheck Statements. (Pg. 14)
11. Multiple changes made under FLSA for Firefighters.
  - a. FLSA for Firefighters, Firefighter's Tour of Duty-clarified paid shift information. (Pg. 17)
  - b. FLSA for Firefighters, Overtime/Compensatory Hours-corrected FLSA cycle work period. (Pg. 17)
  - c. FLSA for Firefighters, Overtime/Compensatory Hours-removed individuals hired on or before 2008 section. (Pg. 17)
  - d. FLSA for Firefighters, Work Period/Pay Period-removed information related to being compensated with comp time for hours in excess of 136 hours. (Pg. 17)
  - e. FLSA for Firefighters, Overtime/Compensatory Rates-removed overtime section regarding employment date and hours worked. (Pg. 17)
  - f. FLSA for Firefighters, Overtime/Compensatory Rates-added two paragraphs regarding overtime paid at rate of 1.982 and time compensated as straight time until reaching FLSA cycle of 136 hours. (Pg. 17)
  - g. FLSA for Firefighters, Holiday Hours Worked-removed section. (Pg. 17)
  - h. FLSA for Firefighters, 40 Hour Workweeks-added section about 40 hour workweek stipend of \$120 to maintain fair compensation. (Pg. 18)
  - i. FLSA for Firefighters, 40 Hour Workweeks-added Fire Investigator Specialty Pay. (Pg. 18)
  - j. FLSA for Firefighters, Hire Date Before June 30, 2008-added ending date for this provision. (Pg. 18)
  - k. FLSA for Firefighters, Hire Date Before June 30, 2008-added sick leave conversion wording to section. (Pg. 18)
  - l. FLSA for Firefighters, Hire Date On or After July 1, 2008- added sick leave conversion wording to section. (Pg. 17)

12. FLSA for Police Officers, Additional Class Instruction-Changed title of section, changed pay from up to three hours to time + ½ . (Pg. 20)
13. Emergency and On-Call Policies, on-call pay-added sentence regarding exempt employees not being eligible. (Pg. 21)
14. Emergency and On-Call policies, Holidays Worked-made this policy effective for all non-exempt employees. (Pg. 22)
15. Rules of Conduct, Smoking-added section on smoking including e-cigarettes. (Pg. 25)
16. General Standards of Conduct, Confidentiality of Information, Including Disciplinary Action and Grievance Procedure-added entire section. (Pg. 31)
17. General Standards of Conduct, Critical Offenses-added the requirement of written authorization to item number 1. (Pg. 32)
18. General Standards of Conduct, Serious Offenses-added item number 19 regarding interfering with disciplinary action or grievance procedure. (Pg. 32)
19. General Standards of Conduct, Grievance Procedure-removed sentence regarding disciplinary actions which result in termination, or demotion. (Pg. 35)
20. General Standards of Conduct, City Manager Review-added timeline of 10 business days for review and 10 business days to respond. (Pg. 36)
21. Risk Management, Employee Liability-clarification of policy including indemnification. (Pg. 36)
22. Risk Management, Random Testing/Test Cut-Off Levels-added sentence to item number 6 regarding City's right to test for other illegal substances. Added alcohol for CDL holders to test cut-off list. (Pg. 40)
23. Vehicle Operation and Safety, Parking-included no personal vehicles in City designated spots. (Pg. 46)
24. Benefits, Long Term Disability Insurance-added sentence on when city medical coverage ends. This is not a change to policy, just a clarification. (Pg. 55)
25. Paid Holidays, Fire Department-Increased number of holiday hours. (Pg. 63)
26. Paid Holidays, Holidays Worked- Removed non Public Safety in accordance with previous Holidays Worked section on pg. 21. (Pg. 63)
27. Military Leave-added employees will receive full pay during annual training while serving in National Guard. (Pg. 63)
28. Retirement, Retirement Benefits-clarified city contribution amount. (Pg. 65)
29. Retirement-added section for URS Post-retired employees. (Pg. 65)
30. Miscellaneous Benefits, Career Enhancement program-added career ladder to title. (Pg. 68)
31. Corrected page number issues 66-69.

## 1. Changed Purpose to City Manager's Welcome and updated message. (Pg. 1)

### Current:

#### **Purpose**

The *Employee Handbook* is a unilateral expression of current City of West Jordan employee policies and procedures. The intent is to provide guidance to management and workers in the conduct of the City's relationships with its employees and to avoid misunderstandings and/or unequal treatment. The *Employee Handbook* is not a comprehensive encyclopedia of all City policies, rules, or decisions, and is not a contract employment.

The City may revise any policy or procedure as needed and at any time at the City's discretion. However, to the extent feasible, the proposed changes will be disturbed for review and comments by relevant working groups or employee associations.

Each employee and volunteer shall have access to an electronic copy of this *Handbook* and is responsible for familiarizing him/herself with it. A hard copy is also available in each department. The City Manager, on a case-by-case basis and subject to appropriate appeal or grievance procedure, may waive, on a temporary or permanent basis, provisions of this manual if: 1) the City will not be adversely affected by the waiver; 2) the waiver will not adversely affect the employee; and 3) the waiver is recorded in writing with Human Resources. Any such waiver shall not constitute a precedent.

Collectively, the professional staff of the City will embrace and operate under the values of integrity, openness, hard work, and excellence. Individually, each employee of the City will be treated and treat others, with respect, compassion, and civility; and will accept personal and professional responsibility and accountability.

### Updated:

#### City Manager's Welcome



From the City Manager's Office  
**Lt. Col. Mark R. Palesh, USAF (Ret.), City Manager/CEO**

As City Manager I want to welcome you to the great city of West Jordan. I sincerely hope your employment with the City will be both a rewarding and fulfilling experience.

To be employed with West Jordan comes both an opportunity and obligation to aide in the growth and development of the City. All of our employees, regardless of the jobs they perform, are integral in providing service and success our citizens can be proud of.

The *Employee Handbook* provides the unilateral expression of current City of West Jordan employee policies and procedures by which we can all walk in step together. The intent is to provide guidance to management and workers in the conduct of the City's relationships with its employees and to avoid misunderstandings and/or unequal treatment. The *Employee Handbook* is not a comprehensive encyclopedia of all City policies, rules, or decisions, and is not a contract of employment.

Collectively, the professional staff of the City will embrace and operate under the values of integrity, openness, hard work, and excellence. Individually, each employee of the City will be treated and treat others, with respect, compassion, and civility; and will accept personal and professional responsibility and accountability. Through these common goals and directives we are able to achieve success.

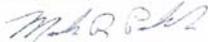
The City may revise any policy or procedure as needed and at any time at the City's discretion by resolution of the full Council. In emergency situations, or in order to meet deadlines, the City Manager may make temporary exceptions to policy as necessary. However, to the extent feasible, the proposed changes will be distributed for review and comments by relevant working groups or employee associations.

Each employee and volunteer shall have access to an electronic copy of this *Handbook* and is responsible for familiarizing him/herself with it. A hard copy is also available in each department. The City Manager, on a case-by-case basis and subject to appropriate appeal or grievance procedure, may waive, on a temporary or permanent basis, provisions of this manual if: 1) the City will not be adversely affected by the waiver; 2) the waiver will not adversely affect the employee; and 3) the waiver is recorded in writing with Human Resources. Any such waiver shall not constitute a precedent.

Understanding our policies, procedures, and practices will ensure your success and prosperity within our organization.

Best wishes for your success.

Sincerely,



Mark Palesh  
City Manager

## **2. General Policies, Cell Phones-added sentence on personal cell phone usage. (Pg. 3)**

### Current:

#### Cell Phones

The City provides a large number of City-owned cell phones to employees with whom the City, citizens or others need regular and ongoing contact in connection with City business. The same "incidental" use for infrequent private calls and messaging is permitted on City cell phones, but employees must understand that all actions and content on City cell phones are City property and City business. Refer to Administrative Directive #13 for more information.

### Updated:

#### Cell Phones

The City provides a large number of City-owned cell phones to employees with whom the City, citizens or others need regular and ongoing contact in connection with City business. The same "incidental" use for infrequent private calls and messaging is permitted on City cell phones, but employees must understand that all actions and content on City cell phones are City property and City business. **Personal cell phone usage should be limited to lunch and break periods.** Refer to Administrative Directive #13 for more information.

## **3. General Policies-added Communication Protocol. (Pg. 3)**

### Current:

No policy.

Updated:

Communication Protocol

Employees must talk to their immediate supervisor when they have questions and/or concerns. Supervisors should then discuss the concerns with their Department Head to resolve the question and/or concern. The Department Head may in turn consult with the City Manager as needed. Should an employee wish to speak to an elected official of the City, s/he is encouraged to first follow the chain of command, but is free to speak to an elected official at any time. Final decisions regarding questions and/or concerns is the responsibility and obligation of the City Manager.

**4. Employment Categories, Executive Positions-added positions to list and clause regarding grandfathered employees. (Pg. 5)**

Current:

Executive Positions

The following positions are considered executive positions:

- City Manager
- Deputy City Manager
- City Attorney
- City Clerk
- Development Director
- Fire Chief
- Judge of the Justice Court
- Police Chief
- Public Works Director

In addition, other positions in accordance with state statute may be designated as at-will positions. The at-will status will be indicated in the job description and offer letter given to these employees.

Updated:

Executive Positions

The following positions are considered executive positions:

- City Manager
- Deputy City Manager
- City Attorney
- City Clerk
- Development Director
- Fire Chief
- Judge of the Justice Court
- Police Chief
- Public Works Director
- Human Resource Director
- Director of Parks and Recreation
- Finance Director

In addition, other positions in accordance with state statute may be designated as at-will positions. The at-will status will be indicated in the job description and offer letter given to these employees. *Some employees currently filling executive positions are not at-will employees due to their grandfathered status.*

**5. Disabilities, EEO-added pregnancy, childbirth, breastfeeding, or related conditions. (Pg. 6)**

Current:

EEO – Equal Employment Opportunity

It is the City's policy that no discrimination will take place based upon an individual's race, color, national origin, religion, age, disability, gender identity, pregnancy, sexual orientation, marital status and military or veteran status or any other condition protected by State or Federal law in connection with employment application, job qualifications, job specifications, recruiting, selection, placement, development, training, upward mobility, evaluation procedures, layoffs and/or terminations.

Updated:

EEO – Equal Employment Opportunity

It is the City's policy that no discrimination will take place based upon an individual's race, color, national origin, religion, age, disability, gender identity, pregnancy, **childbirth, breastfeeding, or related conditions**, sexual orientation, marital status and military or veteran status or any other condition protected by State or Federal law in connection with employment application, job qualifications, job specifications, recruiting, selection, placement, development, training, upward mobility, evaluation procedures, layoffs and/or terminations.

**6. Disabilities, Reasonable Accommodations-added pregnancy, childbirth, breastfeeding, or related conditions (Pg. 7)**

Current:

At any time following hire, an employee may become afflicted with one or more disabilities. Such an employee should discuss any new temporary or permanent disability with their supervisor or Human Resources and should candidly explain and request any desired accommodations.

Updated:

At any time following hire, an employee may become afflicted with one or more disabilities. Such an employee should discuss any new temporary or permanent disability with their supervisor or Human Resources and should candidly explain and request any desired accommodations. **Likewise, an employee requesting an accommodation for pregnancy, childbirth, breastfeeding, or related conditions, should consult with Human Resources.**

**7. Employment Policies and Job Status- added City Hiring Process. (Pg. 8)**

Current:

No policy.

Updated:

**City Hiring Process**

When a position needs to be filled within a department the hiring manager must complete the Employment Requisition Form and obtain the appropriate signature from the Department Head. The City Manager must approve all requisitions prior to Human Resources positing the position.

At the discretion of the City Manager, and based upon the circumstances of the specific position to be filled, openings may be posted internal only, or both internally and externally concurrently. It is the desire of the City Manager's office to encourage current employees in their desire to advance their career or move internally within City Government when they meet the minimum requirements. Internal candidates must complete a Transfer Request Form. All external candidates must submit an official City application and other supporting documents (e.g., licenses) as may be required.

Once the posting period has closed, Human Resources and the applicable hiring manager will review and screen all applications for minimum qualifications. Applicants who do not meet minimum requirements will not move on in the hiring process. Department Heads may also review applications in order to

determine which applicants to interview. Human Resources will work with the hiring manager to determine an appropriate interview panel, generally consisting of three supervisory employees. The panel will present the top candidates from the applicant pool to the Department Head or hiring manager. The Department Head may then interview candidates or may make the final selection based on the panel's recommendation.

Generally new employees will start at the beginning step of the salary range, and any salary offer above the minimum step requires City Manager approval. City Manager may use time-in-service from any other private or public entity, in negotiating vacation leave or other benefits with senior-level employees when hiring from outside the City. Employees who are promoted will advance to the new salary range for that position as indicated in this handbook.

**8. Employment Policies and Job Status, Promotion-added sworn public safety officers will serve 6 month probation. (Pg. 10)**

**Current:**

Promotion

A promotion is defined as advancement to a different classification with a higher Grade. A reclassification is not considered a promotion. The promoted employee will either advance to the minimum of the new Grade or receive a 5% pay increase, whichever is greater. The employee's hire date shall not change when promoted. Promoted employees will serve a 90 day promotional probation. If during this probation period the Department Head decides to reverse the promotion, the employee will be allowed to return to their former position and pay. Exceptions require City Manager approval.

**Updated:**

Promotion

A promotion is defined as advancement to a different classification with a higher Grade. A reclassification is not considered a promotion. The promoted employee will either advance to the minimum of the new Grade or receive a 5% pay increase, whichever is greater. The employee's hire date shall not change when promoted. Promoted employees will serve a 90 day promotional probation, **except sworn public safety officers who will serve 6 months**. If during this probation period the Department Head decides to reverse the promotion, the employee will be allowed to return to their former position and pay. Exceptions require City Manager approval.

**9. Classification and Pay System, Overpayments-renamed section to Overpayments and Duty to Verify Paycheck Statements, updated content. (Pg. 14)**

**Current:**

Overpayments

Employees who are overpaid, due to City error, will be notified of the overpayment as soon as reasonably possible. These employees are required to pay back the overpayment generally with payroll deductions in the next pay period or, over a longer period as approved by the City Manager, but may repay the overpayment with other methods as approved by the City Manager.

**Updated:**

**Overpayments and Duty to Verify Paycheck Statements**

With regards to each paycheck, each employee has an affirmative duty to:

1. Review, confirm, and verify the paycheck statement for accuracy (within 2 calendar days of when the paycheck statement is received); and

2. Report any overpayment(s) to the appropriate payroll officials (within 14 calendar days of when the paycheck statement is received).

If it is determined, by the appropriate payroll officials, that an employee did receive an overpayment(s), then the employee:

1. Shall be required to pay back the overpayment; and
2. Shall generally pay back with payroll deductions in the next pay period (or over a longer period as approved by the City Manager); but
3. May repay the overpayment with other methods, as approved by the City Manager.

If an employee does not timely report an overpayment(s), then the employee:

1. Shall be required to pay back the overpayment, as set forth herein; and
2. Shall be subject to disciplinary action, up to and including termination, depending upon the severity of the facts; and
3. Shall be subject to further screening for possible criminal charges, including but not limited to Utah Code Ann. Section 76-6-407 (Theft of lost, mislaid, or mistakenly delivered property).

Notwithstanding the aforementioned affirmative duties of each employee, if a payroll official independently determines that an employee has been overpaid, due to City error, then the employee shall be notified of the overpayment as soon as reasonably possible, with the employee to pay back the overpayment, as set forth herein.

#### **10. Classification and Pay System-added Underpayments and Other Corrections to Paycheck Statements. (Pg. 14)**

Current:

No Policy.

Updated:

**Underpayments and other Corrections to Paycheck Statements**

With regards to each paycheck, each employee also has an affirmative duty to:

1. Report any underpayment(s) to the appropriate payroll officials (within 14 calendar days of when the paycheck statement is received); and
2. Report any "other necessary payroll corrections" to the appropriate payroll officials (within 14 calendar days of when the paycheck statement is received).

"Other necessary payroll corrections" means any other corrections regarding deductions, benefits, comp hours, sick hours, vacation hours, holiday hours, or other payroll issues.

If it is determined, by the appropriate payroll officials, that an employee did receive an underpayment(s), or that there are "other necessary payroll corrections," then the payroll officials:

1. Shall comply with all laws and ordinances to: (a) correct the underpayment and to provide the compensation to the employee; or (b) make the "other necessary payroll corrections"; as soon as is practicable under the circumstances; and
2. May use any methods approved by the City Manager.

#### **11. Multiple changes made under FLSA for Firefighters.**

- a. **FLSA for Firefighters, Firefighter's Tour of Duty-clarified paid shift information. (Pg. 17)**

Current:

**Firefighter's Tour of Duty:** As prescribed in 29 CFR 553.220, "Tour of Duty" is defined as the period of time during which an employee is considered to be on duty for purposes of determining compensable hours.

The tour of duty or scheduled shift for the City of West Jordan Fire Department is 48 hours and includes interrupted sleep and meal time.

Updated:

**Firefighter's Tour of Duty:** As prescribed in 29 CFR 553.220, "Tour of Duty" is defined as the period of time during which an employee is considered to be on duty for purposes of determining compensable hours. The tour of duty or scheduled shift for the City of West Jordan Fire Department is 48 hours and **may include both interrupted and/or uninterrupted sleep and meal time.**

**b. FLSA for Firefighters, Overtime/Compensatory Hours-corrected FLSA cycle work period. (Pg. 17)**

Current:

**Overtime/Compensatory Hours:** Nonexempt firefighters working 48-hour shifts shall receive overtime pay or compensatory time for hours worked in excess of 136 hours during a designated 18-day work period. The 18-day work period will begin at 0700 on the dates designated by the West Jordan Fire Department's FLSA shift calendar. The FLSA cycle will end at 0659 on the 19th day, with a new cycle beginning at 0700 on the same 19th day. There will be four-and-a-half scheduled 48-hour shifts in each 18-day FLSA cycle work period.

Updated:

**Overtime/Compensatory Hours:** Nonexempt firefighters working 48-hour shifts shall receive overtime pay or compensatory time for hours worked in excess of 136 hours during a designated 18-day work period. The 18-day work period will begin at 0700 on the dates designated by the West Jordan Fire Department's FLSA shift calendar. The FLSA cycle will end at 0659 on the 19th day, with a new cycle beginning at 0700 on the same 19th day. There will be **three** scheduled 48-hour shifts in each 18-day FLSA cycle work period.

**c. FLSA for Firefighters, Overtime/Compensatory Hours-removed individuals hired on or before 2008 section. (Pg. 17)**

Current:

**Overtime/Compensatory Hours:** Nonexempt firefighters working 48-hour shifts shall receive overtime pay or compensatory time for hours worked in excess of 136 hours during a designated 18-day work period. The 18-day work period will begin at 0700 on the dates designated by the West Jordan Fire Department's FLSA shift calendar. The FLSA cycle will end at 0659 on the 19<sup>th</sup> day, with a new cycle beginning at 0700 on the same 19<sup>th</sup> day. There will be four-and-a-half scheduled 48-hour shifts in each 18-day FLSA cycle work period.

For the purpose of calculating the 136-hour limit, individuals hired on or before June 30, 2008, leave taken will be considered hours worked. Leave time includes: floating holidays, holidays, sick, vacation, funeral, personal, and comp time. Conversely, for the purpose of calculating the 136 hour limit, individuals hired on or after July 1, 2008, leave will not be considered hours worked.

Updated:

**Overtime/Compensatory Hours:** Nonexempt firefighters working 48-hour shifts shall receive overtime pay or compensatory time for hours worked in excess of 136 hours during a designated 18-day work period. The 18-day work period will begin at 0700 on the dates designated by the West Jordan Fire Department's FLSA shift calendar. The FLSA cycle will end at 0659 on the 19<sup>th</sup> day, with a new cycle beginning at 0700 on the same 19<sup>th</sup> day. There will be four-and-a-half scheduled 48-hour shifts in each 18-day FLSA cycle work period.

For the purpose of calculating the 136-hour limit, leave taken will not be considered hours worked.

**d. FLSA for Firefighters, Work Period/Pay Period-removed information related to being compensated with comp time for hours in excess of 136 hours. (Pg. 17)**

Current:

**Work Period/Pay Period:** Each 18-day (FLSA) work period will consist of two bi-weekly pay periods. Firefighters will be paid a straight time rate for all hours worked during the FLSA period. At the end of the 18-day work period, hours worked in excess of 136 hours will be compensated with comp time and/or overtime will be paid in the pay period in which the FLSA period ended. Whether firefighters are compensated with overtime or comp time will be at the discretion of the Fire Chief. Typically the first four hours worked in excess of the 136 hour FLSA limit will be compensated with comp time. Remaining hours will be compensated with overtime pay.

Updated:

**Work Period/Pay Period:** Each 18-day (FLSA) work period will consist of two bi-weekly pay periods. Firefighters will be paid a straight time rate for all hours worked during the FLSA period. At the end of the 18-day work period, hours worked in excess of 136 hours will be compensated with overtime and paid in the pay period in which the FLSA period ended. Whether firefighters are compensated with overtime or comp time will be at the discretion of the Fire Chief.

- e. FLSA for Firefighters, Overtime/Compensatory Rates-removed overtime section regarding employment date and hours worked. (Pg. 17)**
- f. FLSA for Firefighters, Overtime/Compensatory Rates-added two paragraphs regarding overtime paid at rate of 1.982 and time compensated as straight time until reaching FLSA cycle of 136 hours. (Pg. 17)**

Current:

**Overtime/Compensatory Rates:** When overtime compensatory time is accrued, it will be at the rate of one + ½ hours for each eligible hour. Overtime pay for firefighters employed prior to June 30, 2008, will be calculated at one + ½ times the hourly rate stated on the City's pay schedule for firefighters in the same class and grade, and scheduled to work 2,080 hours annually. Overtime pay for firefighters employed on or after July 1, 2008, will be calculated at one + ½ times the firefighter's regular hourly rate stated on the City's pay schedule for 2,748 hours worked annually.

Updated:

**Overtime/Compensatory Rates:** When overtime compensatory time is accrued, it will be at the rate of one + ½ hours for each eligible hour.

All overtime worked outside of the 24 hour staffing requirements will be paid at an overtime rate of 1.982, which is the equivalent of one + ½ hours of the Public Safety grade (40 hour pay rate). Examples of this are working the Western Stampede and Demolition Derby.

In the event a 24 hour employee has leave time scheduled during the FLSA cycle and is called back when staffing drops below the minimum, the employee shall be compensated for that leave time as well as the time worked at straight time until the hours physically worked for the FLSA cycle exceed the limit of 136 hours.

**g. FLSA for Firefighters, Holiday Hours Worked-removed section. (Pg. 17)**

Current:

**Holiday Hours Worked:** Firefighters hired on or before June 30, 2008 who work 48-hour shifts and work actual holidays receive pay in the amount of 10.56 hours of regular pay. Firefighters hired after June 30, 2008 receive pay in the amount of eight hours of regular pay. (The firefighter must work the full 48-hour shift.)

Updated:

Section Removed.

- h. FLSA for Firefighters, 40 Hour Workweeks-added section about 40 hour workweek stipend of \$120 to maintain fair compensation. (Pg. 18)**

Current:

40 Hour Workweeks

The annual salary/hourly rate for Fire Department personnel assigned to staff positions (40-hour workweek) shall be commensurate with other City employees in their respective grade. Additionally, with the approval of the Fire Chief, these employees may elect to work eight-hour days for the pay period, the 9/80 work schedule, or the 4/10 work schedule.

The 9/80 and 4/10 work schedules for staff firefighters requires coverage 24-hours per day, seven days per week. Therefore, the scheduled days off for firefighters may fluctuate.

Updated:

40 Hour Workweeks

The annual salary/hourly rate for Fire Department personnel assigned to staff positions (40-hour workweek) shall be commensurate with other City employees in their respective grade. Additionally, with the approval of the Fire Chief, these employees may elect to work eight-hour days for the pay period, the 9/80 work schedule, or the 4/10 work schedule.

The 9/80 and 4/10 work schedules for staff firefighters requires coverage 24-hours per day, seven days per week. Therefore, the scheduled days off for firefighters may fluctuate.

Firefighters who are required to work a 40 hour workweek vs. the standard suppression personnel who work the 48/96 schedule may, as authorized by the Fire Chief, be compensated a pay differential stipend of \$120.00/pay period in order to maintain equal compensation with 48/96 suppression employees.

- i. FLSA for Firefighters, 40 Hour Workweeks- added Fire Investigator Specialty Pay. (Pg. 18)**

Current:

No Policy.

Updated:

Fire Investigator Specialty Pay:

Fire Investigator Specialty Pay (\$46.00 per pay period) is paid to designated fire investigators within the fire department who are part of the fire investigation team. The pay is a fixed amount per pay period and covers those incidental aspects of the fire investigation process that are necessary and do not raise to the level of paid call outs. Fire investigators are expected to routinely share information with each other, handle phone calls, talk with prosecuting attorneys, and communicate with supervisors and administration at times that are not within their normal working shift.

- j. **FLSA for Firefighters, Hire Date Before June 30, 2008-added ending date for this provision. (Pg. 18)**

Current:

**HIRE DATE BEFORE JUNE 30, 2008:** Firefighters employed before June 30, 2008, will cash out any unused vacation, holiday, and compensatory time, upon termination of employment, at the 2,080 hours work rate.

Updated:

**HIRE DATE BEFORE JUNE 30, 2008:** Firefighters employed before June 30, 2008, will cash out any unused vacation, holiday, and compensatory time, upon termination of employment, at the 2,080 hours work rate. **This will change as of April 18, 2021 at which time employees will be cashed out at their regular rate of pay.**

- k. **FLSA for Firefighters, Hire Date Before June 30, 2008-added sick leave conversion wording to section. (Pg. 18)**

Current:

**HIRE DATE BEFORE JUNE 30, 2008:** Firefighters employed before June 30, 2008, will cash out any unused vacation, holiday, and compensatory time, upon termination of employment, at the 2,080 hours work rate. This will change as of April 18, 2021 at which time employees will be cashed out at their regular rate of pay.

Updated:

**HIRE DATE BEFORE JUNE 30, 2008:** Firefighters employed before June 30, 2008, will cash out any unused vacation, holiday, compensatory time, **and sick leave conversion** upon termination of employment, at the 2,080 hours work rate. This will change as of April 18, 2021 at which time employees will be cashed out at their regular rate of pay.

- l. **FLSA for Firefighters, Hire Date On or After July 1, 2008- added sick leave conversion wording to section. (Pg. 18)**

Current:

**HIRE DATE ON OR AFTER JULY 1, 2008:** Firefighters employed on or after July 1, 2008 and assigned to the 48 hour schedule, will cash out any unused vacation, holiday, and compensatory time, upon termination of employment, at the hourly rate stated on the City's pay schedule for 2,748 hours worked annually.

Updated:

**HIRE DATE ON OR AFTER JULY 1, 2008:** Firefighters employed on or after July 1, 2008 and assigned to the 48 hour schedule, will cash out any unused vacation, holiday, compensatory time, **and sick leave conversion** upon termination of employment, at the hourly rate stated on the City's pay schedule for 2,748 hours worked annually.

12. **FLSA for Police Officers, Additional Class Instruction-Changed title of section, changed pay from up to three hours to time + ½ . (Pg. 20)**

Current:

Traffic School and Neighborhood Beautification Class Instruction

These classes are generally taught by an off-duty officer who is authorized to submit for pay, up to a maximum of three hours, when the class has been taught. A copy of the student attendance roll shall be

submitted with the request to the officer's supervisor as documentation of having taught the class. (See the Police Department)

Updated:

Additional Class Instruction

Class instruction taught in excess of regular duties by an off-duty officer who is authorized to submit for pay, shall be paid at time + ½. This benefit applies to instructors only. A copy of the student attendance roll shall be submitted with the request to the officer's supervisor as documentation of having taught the class.

**13. Emergency and On-Call Policies, on-call pay-added sentence regarding exempt employees not being eligible. (Pg. 21)**

Current:

Public Works Employees will receive \$12.00 per day for each day they are on call. Except for absences due to personal illness, employees are eligible to receive this amount if they take the day off if they are available to respond within a time frame acceptable to the Department Head. Except for the weekly compensation paid to the employee for being on call, the other provisions described in the above paragraph also apply to Public Works employees.

Updated:

Public Works Employees will receive \$12.00 per day for each day they are on call. Except for absences due to personal illness, employees are eligible to receive this amount if they take the day off if they are available to respond within a time frame acceptable to the Department Head. Except for the weekly compensation paid to the employee for being on call, the other provisions described in the above paragraph also apply to Public Works employees. **Exempt employees, other than public safety, are not eligible to receive on-call pay.**

**14. Emergency and On-Call policies, Holidays Worked-made this policy effective for all non-exempt employees. (Pg. 22)**

Current:

Holidays Worked

Holidays Worked, (Nonexempt Employees)

When nonexempt (non-public safety) employees are required to work a holiday by their Department Head, they are also eligible to float the holiday hours so the holiday may be taken on another day during the calendar year, or be paid for the holiday hours. For the hours worked on a holiday, the employee will also receive overtime at a rate of time + ½ hours for each hour worked or overtime calculated at one + ½ times the hourly rate stated on the City's pay schedule. The working of a holiday must be due to City necessity and approved by the Department Head. Whether employees are compensated with overtime or comp time will be at the discretion of the Department Head.

Updated:

Holidays Worked

Holidays Worked, (Nonexempt Employees)

When nonexempt employees are required to work a holiday by their Department Head, they are also eligible to float the holiday hours so the holiday may be taken on another day during the calendar year, or be paid for the holiday hours. For the hours worked on a holiday, the employee will also receive overtime at a rate of time + ½ hours for each hour worked or overtime calculated at one + ½ times the hourly rate stated on the City's pay schedule. The working of a holiday must be due to City necessity and approved

by the Department Head. Whether employees are compensated with overtime or comp time will be at the discretion of the Department Head.

**15. Rules of Conduct, Smoking-added section on smoking including e-cigarettes. (Pg. 25)**

Current:  
No Policy.

Updated:

**Smoking**

Employees who smoke (including e-cigarettes or other nicotine vapor devices) shall comply with the provisions of the Utah Indoor Clean Air Act. This act prohibits the possession of lighted tobacco products in enclosed indoor places of public access and publicly owned buildings and offices. E-cigarettes or other nicotine vapor devices are also prohibited in enclosed indoor places of public access and publicly owned buildings and offices. No employee smoking area, authorized or unauthorized, shall be allowed within 25 feet of any public building entrances, exits, air intakes, or windows.

**16. General Standards of Conduct, Confidentiality of Information, Including Disciplinary Action and Grievance Procedure-added entire section. (Pg. 31)**

Current:  
No Policy.

Updated:

**Confidentiality of Information, Including Disciplinary Action and Grievance Procedure**

It is a "critical offense" (see the first item on the list in the next section) to release any confidential City, employee, and/or citizen information to anyone without prior written authorization. It is especially important to maintain the confidentiality of disciplinary actions and grievance procedures.

Unless an employee is responsible for or involved in a specific part of a disciplinary action or a grievance procedure, that employee shall not be entitled to any confidential information regarding that action or procedure, unless there is an absolute need for the information to complete the employee's assigned responsibilities, as determined by the City Attorney, subject to being overruled only by the City Manager, by a written authorization.

**17. General Standards of Conduct, Critical Offenses-added the requirement of written authorization to item number 1. (Pg. 32)**

Current:

1. Releasing confidential City, employee, and/or citizen information to anyone without prior authorization.

Updated:

1. Releasing confidential City, employee, and/or citizen information to anyone without prior **written** authorization.

**18. General Standards of Conduct, Serious Offenses-added item number 19 regarding interfering with disciplinary action or grievance procedure. (Pg. 33)**

Current:

No policy.

Updated:

19. Inappropriately interfering with a disciplinary action or a grievance procedure.

**19. General Standards of Conduct, Grievance Procedure-removed sentence regarding disciplinary actions which result in termination, or demotion. (Pg. 35)**

Current:

Grievance Procedure

A non at-will employee may file a grievance if he/she disagrees with the disciplinary action or other management decision taken against him/her due to violation of the City's policies and procedures or other employment action deemed unfair by the employee, **except for disciplinary actions which result in termination, or demotion.** The Grievance process does not create a contract between the City and its employees.

Updated:

Grievance Procedure

A non at-will employee may file a grievance if he/she disagrees with the disciplinary action or other management decision taken against him/her due to violation of the City's policies and procedures or other employment action deemed unfair by the employee. The Grievance process does not create a contract between the City and its employees.

**20. General Standards of Conduct, City Manager Review-added timeline of 10 business days for review and 10 business days to respond. (Pg. 36)**

Current:

**City Manager Review**

The City Manager or his/her designee shall discuss the grievance with the grievant and with other appropriate individuals. The City Manager or designee shall render the decision and comments in writing and return the decision to the grievant within 10 business days after receiving the formal written grievance. If the grievant does not agree with the decision reached or if no answer has been received within the specified time period, the grievant may appeal the grievance to the Employee Discharge Appeal Board as provided by City Code 1-13.

Updated:

**City Manager Review**

**Within 10 business days of receiving a written grievance,** the City Manager or his/her designee shall discuss the grievance with the grievant and with other appropriate individuals. **Within 10 business days of that meeting,** the City Manager or designee shall render the decision and comments in writing and return the decision to the grievant. If the grievant does not agree with the decision reached or if no answer has been received within the specified time period, the grievant may appeal the grievance to the Employee Discharge Appeal Board as provided by **City Code Chapter 1-12.**

**21. Risk Management, Employee Liability-clarification of policy including indemnification. (Pg. 36)**

Current:

Employee Liability

An employee who becomes aware of any occurrence which may give rise to a lawsuit, who receives a notice of claim, or is sued because of an incident related to his/her employment, shall immediately notify the supervisor, Department Head, Risk Manager, and/or City Attorney. In most cases, under provisions of the Governmental Immunity Act (Section 63-30-36 and 37 of the Utah Code), employees shall receive defense and indemnification unless the case involves fraud, malice, or the use of alcohol or drugs by the employee. If a lawsuit results against an employee, the Governmental Immunity Act stipulates that the employee must request a defense from the City in writing within 10 business days of receipt of the lawsuit from the City.

Updated:

Employee Liability

An employee who becomes aware of any occurrence which may give rise to a lawsuit, who receives a notice of claim, or is sued because of an incident related to his/her employment, shall immediately notify the supervisor, Department Head, Risk Manager, and/or City Attorney. In most cases, under provisions of the Governmental Immunity Act (Section 63-30-36 and 37 of the Utah Code), employees shall receive "defense" (including indemnification) unless the case involves fraud, malice, or the use of alcohol or drugs by the employee. If a lawsuit results against an employee, the Governmental Immunity Act stipulates that the employee must request a defense from the City in writing within 10 business days of receipt of the lawsuit from the City.

If the City defends, continues to defend, or provides or pays for the defense of the employee, the City has the discretion to settle the case and the employee shall cooperate.

Pursuant to Utah Code Ann. Section 63G-7-902(2)(b), if the employee fails to request a defense, chooses not to cooperate in the defense, or fails to reasonably cooperate in the defense, including the making of an offer of judgment under Rule 68, Utah Rules of Civil Procedure, Offers of Judgment, then the City does not need to:

1. Defend (or continue to defend) the employee regarding the lawsuit; or
2. Provide or pay for the defense of the employee regarding the lawsuit; or
3. Pay any judgment, compromise, or settlement against the employee regarding the lawsuit.

**22. Risk Management, Random Testing/Test Cut-Off Levels-added sentence to item number 6 regarding City's right to test for other illegal substances. Added alcohol for CDL holders to test cut-off list. (Pg. 40)**

Current:

6. A test result shall be considered as positive, and an employee shall be considered "under the influence" if the test result equals or exceeds the following measurement criteria or if detectable amounts of any illegal substance are detected during the drug test. Note: The following list is not all inclusive of illegal substances.

**Test Cut-off Levels (Ng/mL)**

Marijuana .....	50
Cocaine.....	300
Opiates .....	2000*
Phencyclidine.....	25
Amphetamines.....	1000
Alcohol .....	0.04%
*6 AM – Test for 6 – AM when morphine concentrations exceed 2000 Ng/mL.	

Updated:

6. A test result shall be considered as positive, and an employee shall be considered "under the influence" if the test result equals or exceeds the following measurement criteria. Note: The following list is not all inclusive of illegal substances and the City reserves the right to test for other illegal substances. The presence of any amount of un-prescribed (by a licensed Utah physician) Schedule One drug will justify disciplinary action up to and including termination.

**Test Cut-off Levels (Ng/mL)**

Marijuana .....	50
Cocaine .....	300
Opiates .....	2000*
Phencyclidine.....	25
Amphetamines .....	1000
Alcohol .....	0.04%
Alcohol for CDL Holders .....	0.02%

\*6 AM – Test for 6 – AM when morphine concentrations exceed 2000 Ng/mL.

**23. Vehicle Operation and Safety, Parking-included no personal vehicles in City designated spots. (Pg. 46)**

Current:

**PARKING**

1. City vehicles are not to park in "NO PARKING" zones except in emergency situations or where specific permission is granted for the performance of official duties.
2. No City vehicle is to be left unattended with the key in the ignition except for emergency vehicles or those vehicles with critical equipment, such as laptops, that must maintain a certain temperature.
3. All City vehicles should be locked when not in use.
4. City employees who receive parking violations are responsible to pay the fine or to otherwise resolve the violation.

Updated:

**PARKING**

1. City vehicles are not to park in "NO PARKING" zones except in emergency situations or where specific permission is granted for the performance of official duties.
2. No City vehicle is to be left unattended with the key in the ignition except for emergency vehicles or those vehicles with critical equipment, such as laptops, that must maintain a certain temperature.
3. All City vehicles should be locked when not in use.
4. City employees who receive parking violations are responsible to pay the fine or to otherwise resolve the violation.
5. Personal vehicles are not to be parked in designated areas marked for City vehicle use only.

**24. Benefits, Long Term Disability Insurance-added sentence on when city medical coverage ends. This is not a change to policy, just a clarification. (Pg. 55)**

Current:

Long Term Disability Insurance – Long Term Disability coverage ends on the date employment ends. Insurance coverage will not continue through the vacation run out period.

Updated:

Long Term Disability Insurance – Long Term Disability coverage ends on the date employment ends. Insurance coverage will not continue through the vacation run out period. **Employees may remain on the City medical plan through the end of the month in which long term disability is approved; at which time they would be eligible for COBRA coverage.**

**25. Paid Holidays, Fire Department-Increased number of holiday hours. (Pg. 63)**

Current:

**HOLIDAY BANK:** All holiday bank hours must be used within the calendar year in which they are granted or they will be zeroed out on December 31<sup>st</sup>. The following employees receive a bank of holiday hours at the beginning of each calendar year:

Police Department – All Police Department personnel are granted 112 holiday hours on January 1<sup>st</sup> of each year.

Fire Department – All 48-hour shift employees are granted 168 holiday hours on January 1<sup>st</sup> of each year.

Updated:

**HOLIDAY BANK:** All holiday bank hours must be used within the calendar year in which they are granted or they will be zeroed out on December 31<sup>st</sup>. The following employees receive a bank of holiday hours at the beginning of each calendar year:

Police Department – All Police Department personnel are granted 112 holiday hours on January 1<sup>st</sup> of each year.

Fire Department – All 48-hour shift employees are granted **240 holiday hours** on January 1<sup>st</sup> of each year.

**26. Paid Holidays, Holidays Worked- Removed non Public Safety in accordance with previous Holidays Worked section on pg. 21. (Pg. 63)**

Current:

**HOLIDAYS WORKED:** Employees on duty for emergency services on designated holidays shall be compensated in accordance with the policy set forth in the Employee Handbook dealing with overtime.

When nonexempt, non-Public Safety employees are required to work a holiday by their Department Director, they are eligible to float the holiday hours so the holiday may be taken on another day during the calendar year, or be paid for the holiday hours. For the hours worked on a holiday, the employee will also receive overtime at a rate of one + ½ hours for each hour worked or overtime calculated at one and one + ½ times the hourly rate stated on the City's pay schedule. The working of a holiday must be due to City necessity and approved by the Department Director. Whether employees are compensated with overtime or comp time will be at the discretion of the Department Director.

Updated:

**HOLIDAYS WORKED:** Employees on duty for emergency services on designated holidays shall be compensated in accordance with the policy set forth in the Employee Handbook dealing with overtime.

When **nonexempt employees are** required to work a holiday by their Department Director, they are eligible to float the holiday hours so the holiday may be taken on another day during the calendar year, or be paid for the holiday hours. For the hours worked on a holiday, the employee will also receive overtime

at a rate of one + ½ hours for each hour worked or overtime calculated at one and one + ½ times the hourly rate stated on the City's pay schedule. The working of a holiday must be due to City necessity and approved by the Department Director. Whether employees are compensated with overtime or comp time will be at the discretion of the Department Director.

**27. Military Leave-added employees will receive full pay during annual training while serving in National Guard. (Pg. 63)**

Current:

Military Leave

Persons serving in the uniformed military services will be granted military leave for the period of service and a reasonable amount of time to travel to and return from duty as prescribed by federal law. The vacated position may be temporarily filled and the employee will return to service with the City in either the same position or a similar position within the same pay grade and scope of responsibility, if the employee meets the requirements of federal law. During the time of absence, the employee will continue to build seniority; the employee will not lose seniority obtained prior to obtaining military leave. During "activated or deployed status," all employees who are members of a reserve component shall receive full pay equal to the difference between military pay and City pay for regularly scheduled shift hours. A copy of orders will be required for salary payment.

Updated:

Military Leave

Persons serving in the uniformed military services will be granted military leave for the period of service and a reasonable amount of time to travel to and return from duty as prescribed by federal law. The vacated position may be temporarily filled and the employee will return to service with the City in either the same position or a similar position within the same pay grade and scope of responsibility, if the employee meets the requirements of federal law. During the time of absence, the employee will continue to build seniority; the employee will not lose seniority obtained prior to obtaining military leave. During "activated or deployed status," all employees who are members of a reserve component shall receive full pay equal to the difference between military pay and City pay for regularly scheduled shift hours. **This benefit also applies to employees who are serving in the National Guard, or reserve forces, and must attend annual training.** A copy of orders will be required for salary payment.

**28. Retirement, Retirement Benefits-clarified city contribution amount. (Pg. 65)**

Current:

Retirement Benefits

The City contracts for pension benefits with the Utah Retirement System (URS) (defined benefit and defined contribution programs) and the International City Managers Association Retirement Corporation (ICMA) (defined contribution 401 and 457 programs). The general City policy at this time is to contribute a total of 17.85% of an employee's salary (except in the case of police officers) to a mix of those programs, but the amount paid into each program may vary because of basic rate changes in the URS. Information on all programs is available from HR, including current year contribution distribution tables.

Updated:

Retirement Benefits

The City contracts for pension benefits with the Utah Retirement System (URS) (defined benefit and defined contribution programs) and the International City Managers Association Retirement Corporation (ICMA) (defined contribution 401 and 457 programs). The general City policy at this time is to contribute a

total of 17.85% of an employee's salary (except when a higher amount is required by URS) to a mix of those programs, but the amount paid into each program may vary because of basic rate changes in the URS. Information on all programs is available from HR, including current year contribution distribution tables.

**29. Retirement-added section for URS Post-retired employees. (Pg. 65)**

Current:

No Policy.

Updated:

**URS Post-Retired Employees**

Employees who have retired through URS and are seeking employment at the City of West Jordan are responsible to ensure that their pay and benefits through the City do not affect their retirement. The City follows URS post-retired benefit contribution requirements.

**30. Miscellaneous Benefits, Career Enhancement program-added career ladder to title.  
(Pg. 68)**

Current:

Career Enhancement Program

Updated:

Career Enhancement Program (Career Ladder)



The City of West Jordan

# Employee Handbook

*Mission Statement*

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*"Provide necessary support services to promote a positive, safe atmosphere for families, business, and industry to grow and flourish."*

*"To provide our citizens with the opportunity to live and enjoy an exceptional quality of life."  
~ Prime Directive, Strategic Plan*

Updated 12/21/2016

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## City Manager's Welcome



From the City Manager's Office  
**Lt. Col. Mark R. Palesh, USAF (Ret.), City Manager/CEO**

As City Manager I want to welcome you to the great city of West Jordan. I sincerely hope your employment with the City will be both a rewarding and fulfilling experience.

To be employed with West Jordan comes both an opportunity and obligation to aide in the growth and development of the City. All of our employees, regardless of the jobs they perform, are integral in providing service and success our citizens can be proud of.

The *Employee Handbook* provides the unilateral expression of current City of West Jordan employee policies and procedures by which we can all walk in step together. The intent is to provide guidance to management and workers in the conduct of the City's relationships with its employees and to avoid misunderstandings and/or unequal treatment. The *Employee Handbook* is not a comprehensive encyclopedia of all City policies, rules, or decisions, and is not a contract of employment.

Collectively, the professional staff of the City will embrace and operate under the values of integrity, openness, hard work, and excellence. Individually, each employee of the City will be treated and treat others, with respect, compassion, and civility; and will accept personal and professional responsibility and accountability. Through these common goals and directives we are able to achieve success.

The City may revise any policy or procedure as needed and at any time at the City's discretion by resolution of the full Council. In emergency situations, or in order to meet deadlines, the City Manager may make temporary exceptions to policy as necessary. However, to the extent feasible, the proposed changes will be distributed for review and comments by relevant working groups or employee associations.

Each employee and volunteer shall have access to an electronic copy of this *Handbook* and is responsible for familiarizing him/herself with it. A hard copy is also available in each department. The City Manager, on a case-by-case basis and subject to appropriate appeal or grievance procedure, may waive, on a temporary or permanent basis, provisions of this manual if: 1) the City will not be adversely affected by the waiver; 2) the waiver will not adversely affect the employee; and 3) the waiver is recorded in writing with Human Resources. Any such waiver shall not constitute a precedent.

Understanding our policies, procedures, and practices will ensure your success and prosperity within our organization.

Best wishes for your success.

Sincerely,

A handwritten signature in blue ink that reads "Mark Palesh".

Mark Palesh  
City Manager

## Employee's Acknowledgement

I HEREBY ACKNOWLEDGE that I have received notice of and access to an electronic copy of the *City of West Jordan Employee Handbook*. A hard copy is available for me to review in my department. I understand that by accepting employment with the City of West Jordan, I agree to adhere to the policies and procedures outlined in this manual.

I understand it is my responsibility to read the *Employee Handbook*. If I have questions about any provisions, it is my responsibility to discuss my questions with my supervisor or with the City of West Jordan Human Resources Division.

I understand the *City of West Jordan Employee Handbook* is not an employment contract and can be changed at any time by the City of West Jordan. I understand that during the probationary period I am an at-will employee and can be terminated at any time at my will or the will of the City of West Jordan. I further understand that the at-will status of my employment cannot be changed unless that change is in writing and signed by the City Manager.

*Note: Intern, half-time, part-time, seasonal, temporary, and executive-level employees remain at-will employees for the duration of their employment with the City of West Jordan.*

I also understand that by signing this agreement, I acknowledge that I have access to an updated electronic copy of the *Employee Handbook*. I further understand that any City policy, procedure, or benefit, whether found in the *Employee Handbook* or not, is subject to change at any time without notice. The City will use best efforts to give advance notice to employees of any benefit changes. However, the City shall not be liable for the failure of any employee to receive such notice. Furthermore, the failure of any employee to receive such notice shall not delay or prevent the application of any needed changes.

Employee Signature: \_\_\_\_\_ Date: \_\_\_\_\_

Print Name: \_\_\_\_\_

*Note: This signed acknowledgement page is to be placed in the employee's personnel file located in Human Resources.*

## General Policies

### REFERENCE CHECKS

All requests for reference check information for past or present employees must be directed to Human Resources. Human Resources will only release dates of employment and position held. Any further information, such as a quality of performance, shall not be given until a written release authorizing such information is received from the employee. The original release form should be forwarded and kept in the Human Resources office along with a description of the information provided.

### ELECTRONIC MEDIA

The City provides its employees with electronic media needed for conducting City business. This electronic media, both hardware and software, is City property and is to be used primarily, if not entirely, for conducting City business. Incidental and occasional use of these systems for personal communication is permitted only if such use does not result in any costs, charges, or tolls; code or ethics violations; or interference with high work productivity expectations. Refer to Administrative Directive #13 for more information.

### CELL PHONES

The City provides a large number of City-owned cell phones to employees with whom the City, citizens or others need regular and ongoing contact in connection with City business. The same "incidental" use for infrequent private calls and messaging is permitted on City cell phones, but employees must understand that all actions and content on City cell phones are City property and City business. Personal cell phone usage should be limited to lunch and break periods. Refer to Administrative Directive #13 for more information.

### EMAIL

Employees are provided with an email address and system through which to conduct City business. City business should never be conducted through a private email account or address. An email is a City record subject to GRAMA.

Distribution of mass email, voice mail or fax messages beyond an employee's area of responsibility is not allowed. Please coordinate with your Department Head if you need to distribute information beyond your area of responsibility. Refer to Administrative Directive #13 for more information.

### SOCIAL MEDIA

Employees should not use City time or electronic media to access social media sites unless the employee's job requires such actions. Employees are free to access social media sites on their private computer systems and on their own time. Refer to Administrative Directive #13 for more information.

### INTERNET SECURITY

The security of City records being created and stored on the City's computer systems is of prime importance. Employees must realize the large amount of sensitive personal information about each employee that is available to hackers into the City's computer systems. Employees are prohibited from using unauthorized codes, passwords, or other means to gain access to the voice mailboxes, email, network or personal files, and Internet communication of others.

### COMMUNICATION PROTOCOL

Employees must talk to their immediate supervisor when they have questions and/or concerns. Supervisors should then discuss the concerns with their Department Head to resolve the question and/or concern. The Department Head may in turn consult with the City Manager as needed. Should an employee wish to speak to an elected official of the City, s/he is encouraged to first follow the chain of command, but is free to speak to an elected official at any time. Final decisions regarding questions and/or concerns is the responsibility and obligation of the City Manager.

#### NO EXPECTATION OF PRIVACY

The City reserves the right to access, review, and when appropriate, disclose any and all content or images created, sent, or stored on all City electronic equipment or operating systems including, but not limited to, computers, cell phones, pagers, iPhones, iPads, etc. Employees should refrain from using these systems for any purpose they consider to be of a personal, private, or confidential nature. Employees have no expectation of privacy rights when using the City's computers or other equipment. Employment constitutes consent to monitoring employee usage of these items.

To the fullest extent permitted by state and federal law, the City reserves the right to intercept, disclose, and use the wire and electronic communications transmitted by City electronic media. To this end, the City reserves the right to:

1. Intercept and monitor the wire and electronic communications of an employee's activities after the Department Head provides the employee initial notice that monitoring may occur.
2. Block access to specific Internet sites that are determined to be in conflict with this policy. Specifically, this refers to sites such as those promoting and/or providing pornography and gambling as well as those that encourage the downloading of large files.
3. Monitor computer account activities when:
  - a. The City reasonably believes it necessary to do so to protect the integrity, security, or functionality of the City or other computing resources or to protect the City from liability.
  - b. There is reasonable cause to believe the City's policies have been, or are being violated.
  - b) A user appears to be engaged in unusually excessive activity, as indicated by the monitoring of general activity and usage patterns.
  - c) The law otherwise permits it.
4. Delete files, data or information stored on City computer systems after notice to staff members.

The appropriate Department Head, manager, or designee must authorize any such activities under this policy.

#### EMPLOYEE REPRESENTATIVE GROUPS

Employees of the City are allowed to form and participate in an Employee Association. Additional approved groups include the local chapters of the Fraternal Order of Police and the IAFF Fire Union Local. These groups are not considered bargaining units.

#### Employee Representative Group Activities During Working Hours

The City Manager and/or his/her designee shall:

- Meet with representatives of the approved groups as needed.
- Maintain the right of management to manage City employees regardless of membership in a Representative Group.
- Ensure that Group representatives follow City policies and procedures.
- Provide Group representatives up to five hours of paid time on the job each month for Group business, meetings, and other related duties. Employees must receive prior approval from the immediate supervisor at least 24 hours in advance before using time for Group matters.

## Employment Categories

**Full-time** employees are those regularly scheduled to work 40 or more hours per week.

**Three-quarter** employees are those regularly scheduled to work 30 or more (but less than 40), hours per week.

**Part-time** employees must be scheduled to work fewer than 30 hours per week.

**Intern** employees may be scheduled to work up to 40 hours per week.

**Seasonal/Temporary** employees may be scheduled to work up to 40 hours per week. They may also be asked to work overtime. These employees may work up to a maximum of six months and then must not work for the City in a seasonal/temporary capacity for at least six months. A seasonal employee may not return to employment through a staffing agency during that six month time frame.

**Temporary Agency** employees are those hired through outside temporary employment agencies to work temporarily at the City.

### FLSA CATEGORIES

**Nonexempt** employees are those who are entitled to receive overtime or compensatory time for hours worked over 40 in a workweek as defined by the Fair Labor Standards Act. The City follows the provisions set forth in Section 553.25 of the Department of Labor "Conditions for Use of Compensatory Time."

**Exempt** employees are those who are exempt from the overtime pay provisions of the Fair Labor Standards Act and therefore do not receive overtime pay. Exempt employees perform work that is executive, administrative, or professional in nature and which work requires regular exercise of discretion and independent judgment.

### EXECUTIVE POSITIONS

The following positions are considered executive positions:

- City Manager
- Deputy City Manager
- City Attorney
- City Clerk
- Development Director
- Fire Chief
- Judge of the Justice Court
- Police Chief
- Public Works Director
- Human Resource Director
- Director of Parks and Recreation
- Finance Director

In addition, other positions in accordance with state statute may be designated as at-will positions. The at-will status will be indicated in the job description and offer letter given to these employees. Some employees currently filling executive positions are not at-will employees due to their grandfathered status.

Employees in executive positions will be part of the pay and benefit system applicable to all employees and shall be subject to policies contained in this manual, with the following exceptions:

1. The salary of the Judge of the Justice Court is established by state statute and followed accordingly.
2. State statute defines the process for appointing and/or removing the Judge of the Justice Court and will be followed accordingly.
3. All other executive positions are at-will employees. They are appointed and may be suspended or terminated by the City Manager without cause or prior notice with the advice and consent of the City Council. They do not have the right to appeal their suspension or termination, but may, upon request, have a name-clearing hearing before the City Council. Upon termination of their employment, the City

Manager may grant severance pay of up to six months' salary with the approval of the City Council. The City has no obligation to offer severance pay unless the termination is done in conjunction with a Reduction in Force.

#### VOLUNTEERS

An individual who performs service for the City of West Jordan without promise, expectation, or receipt of compensation is a volunteer. Employee volunteers may not perform volunteer work similar to the paid job they perform for the City. All volunteers must complete an application and follow standard approval procedures as outlined in the Administrative Directive "Volunteer Policy."

## Disabilities

#### EEO – EQUAL EMPLOYMENT OPPORTUNITY

It is the City's policy that no discrimination will take place based upon an individual's race, color, national origin, religion, age, disability, gender identity, pregnancy, childbirth, breastfeeding, or related conditions, sexual orientation, marital status and military or veteran status or any other condition protected by State or Federal law in connection with employment application, job qualifications, job specifications, recruiting, selection, placement, development, training, upward mobility, evaluation procedures, layoffs and/or terminations.

The City will continuously review its policies and procedures to ensure barriers that unnecessarily exclude protected classes and practices with discriminatory impact are identified and eliminated.

Responsibility for ensuring compliance and continued implementation of the City's policy of equal employment opportunity shall be assigned to the City Manager or another designated official. The City Manager or designee will check compliance on an annual basis.

All levels of management within the City organization are responsible for proper EEO implementation.

#### EMPLOYMENT AND DISABILITIES

The City of West Jordan shall not discriminate against a qualified individual with a known disability because of his/her disability in regard to job application procedures, hiring, advancement, discharge, employee compensation, job training, and other terms, conditions, and privileges of employment.

In selecting applicants for employment, the City of West Jordan may utilize qualification standards, tests, or selection criteria that screen out, tend to screen out, or otherwise deny a job or benefit to an individual with a disability if such standards, tests, or criteria have been shown to be job related and consistent with business necessity and if such performance cannot be accomplished by reasonable accommodation as required by law.

The City of West Jordan shall not conduct a medical examination or make inquiries of a job applicant whether he/she has a disability or about the nature or severity of such disability. The City may require a medical examination after an offer of employment has been made and prior to the commencement of the employment duties and may condition an offer of employment on the results of such examination if:

1. All entering employees within that job description are subjected to such examination regardless of disability.
2. Information obtained regarding the medical condition or history of the applicant is collected and maintained on separate forms and in separate medical files and is treated as a confidential medical record.
3. The results of the examination are used only in accordance with law.

The City may make inquiries into the ability of an employee to perform job-related functions. The City of West Jordan may conduct voluntary medical examinations, including voluntary medical histories, which are part of an employee health program. A test to determine the illegal use of drugs is not considered a medical examination.

#### REASONABLE ACCOMMODATIONS

Governing federal law prohibits discrimination against persons with known disabilities who, with reasonable accommodation, can perform the essential functions of the job in question. In order to implement this "reasonable accommodations" concept as defined by law, the City of West Jordan reserves the right to make exceptions to any of the provisions contained in this *Handbook*.

If a job applicant with a disability discloses the need for an accommodation to allow him/her to perform the job, the City will carefully evaluate the request and make reasonable accommodations as required by law. The City has no obligation to evaluate or make any accommodation without prior request from the applicant. Applicants seeking accommodation for a disability should contact Human Resources.

At any time following hire, an employee may become afflicted with one or more disabilities. Such an employee should discuss any new temporary or permanent disability with their supervisor or Human Resources and should candidly explain and request any desired accommodations. Likewise, an employee requesting an accommodation for pregnancy, childbirth, breastfeeding, or related conditions, should consult with Human Resources.

Recent amendments to applicable federal law have created an expanded and extensive list of "disabilities." Supervisors who receive notice of an employee's disability or inquiries or requests from employees regarding accommodations must direct questions to Human Resources.

An employee or applicant requesting an accommodation must complete the City's ADA (Americans with Disabilities Act) Access and Accommodation Request Form and have his/her certified medical provider complete the City's ADA Request for Information from Medical Provider Form. Both of these forms are available from Human Resources.

Under no circumstances may a supervisor or anyone other than the City Manager grant or deny an accommodation. All reasonable accommodations must be reevaluated annually and reviewed by Human Resources and the City Manager.

At the City Manager's request, employees with accommodations due to disabilities may be requested to update Human Resources annually about whether the accommodation is meeting the employee's needs or if modifications need to be made to the accommodation agreement.

#### ADDITIONAL DISABILITY INFORMATION

If the employee is temporarily disabled, the City shall hold the employee's position open for up to six months. The City may fill the position with temporary personnel for the six-month period the employee is temporarily disabled. The City may elect to extend the length of time the position is held open for up to one year from the onset of the disability. If the employee does not return to work prior to the six-month mark after disability, the City may fill the open position. If the employee's position has been filled and they return to work between six months and one year from the date of disability, the City will make reasonable efforts to find a position for the employee for which he/she is qualified. The employee's employment status with the City of West Jordan will be terminated if he/she is unable to return to work prior to the completion of one year of disability.

Employees on either an approved disability or workers' compensation leave of absence may remain on the City's employee insurance programs for the first 90 days of being disabled and will continue to be responsible for paying only the employee portion of the health, dental, and life insurance premium until their employment is terminated with the City of West Jordan.

Starting with day 91 of disability, the employee must elect COBRA coverage if they wish to continue health insurance. Catastrophic Leave will also end after 90 days if the employee has been receiving it. Upon termination of employment, they will be eligible for COBRA and if eligible, any applicable sick-leave conversion.

When the employee is ready to return to work, he/she will be required to provide a medical provider's statement that the employee is able to perform the essential functions of the position. (See Modified Duty section below.)

#### MODIFIED DUTY

Subject to approval by the Department Head, an employee who is released by a medical provider to less than full duty may be brought on staff in a modified duty capacity for a period of up to 30 days. A longer period (not to exceed 6 months) may be approved by the Department Head and the City Manager if (1) The employee has been on disability leave of absence and the previous position has not been filled by a regular employee; and (2) The employee is able to perform a valuable service function and sustainably contribute to the City. An employee may be required, if able, to perform modified duty for less than the entire work shift. An employee shall promptly notify the appropriate Department Head of ability to perform modified duty.

The corresponding Department Head shall assign modified-duty activities but "make work" projects shall not be created for the employee. Activities will be commensurate with the employee's current skills and abilities. Activities may not be confined to one department but may be based on citywide needs.

Employee pay while on modified duty may be at the same rate as that received prior to entering disability leave or leave of absence status dependent upon the discretion of the Department Head. Once the employee fills a regular position, the pay will be adjusted in accordance with the position.

## Employment Policies and Job Status

#### ELIGIBILITY TO WORK

The City of West Jordan's duties regarding compliance with the Immigration Reform and Control Act (IRCA) are:

- The City of West Jordan will not knowingly recruit or hire anyone who is not eligible to work in the United States, or continue the employment of such person after discovering that the worker is unauthorized to work in the United States.
- The City of West Jordan requires all employees to satisfy the requirements of and complete the INS I-9 form within their first three days of employment. An employee who does not do so will be dismissed.
- Former employees who are rehired must also complete the I-9 requirements if they have not done so within the past three years or if their previous I-9 form is no longer on file or valid.

#### ANTI-NEPOTISM

The City of West Jordan's policy is to comply with Title 52, Chapter 3, Utah Code Annotated or its successors, concerning the prohibitions regarding the employment of relatives. Relatives may work in the same department as long as they do not directly supervise the other relative. It is management's responsibility to immediately notify Human Resources of any nepotism problems.

#### CITY HIRING PROCESS

When a position needs to be filled within a department the hiring manager must complete the Employment Requisition Form and obtain the appropriate signature from the Department Head. The City Manager must approve all requisitions prior to Human Resources posting the position.

At the discretion of the City Manager, and based upon the circumstances of the specific position to be filled, openings may be posted internal only, or both internally and externally concurrently. It is the desire of the City Manager's office to encourage current employees in their desire to advance their career or move

internally within City Government when they meet the minimum requirements. Internal candidates must complete a Transfer Request Form. All external candidates must submit an official City application and other supporting documents (e.g., licenses) as may be required.

Once the posting period has closed, Human Resources and the applicable hiring manager will review and screen all applications for minimum qualifications. Applicants who do not meet minimum requirements will not move on in the hiring process. Department Heads may also review applications in order to determine which applicants to interview. Human Resources will work with the hiring manager to determine an appropriate interview panel, generally consisting of three supervisory employees. The panel will present the top candidates from the applicant pool to the Department Head or hiring manager. The Department Head may then interview candidates or may make the final selection based on the panel's recommendation.

Generally new employees will start at the beginning step of the salary range, and any salary offer above the minimum step requires City Manager approval. City Manager may use time-in-service from any other private or public entity, in negotiating vacation leave or other benefits with senior-level employees when hiring from outside the City. Employees who are promoted will advance to the new salary range for that position as indicated in this handbook.

#### **JOB OFFER**

Employees promoted to internal City jobs will not be subject to a drug screen. Job offers to external candidates will be contingent upon successfully passing a pre-employment drug screen and background check and a driving history check for those who will be driving as part of their job with the City. It is the responsibility of the Department Director or hiring manager to personally notify internal candidates of the hiring decision. Human Resources will prepare a Job Offer Letter for all candidates being offered a job or promotion, which requires the City Manager's signature.

#### **NEW HIRE PROBATION**

Unless expressly noted in the Job Offer letter, all new full-time and three-quarter time employees, except for firefighters and police officers, who are hired with the intention of becoming regular employees, are required to serve a minimum of six months in a probationary status. All other employees remain at-will employees for the duration of their employment. During the probationary period, employment may be terminated for any reason, at any time, with or without cause and for any reason, at the discretion of the Department Head. If the probationary employee's performance is unsatisfactory, the Department Head may choose to notify the employee verbally of the performance deficiencies and give the employee an opportunity to correct his/her performance. If before the conclusion of the probation period the employee's job performance continues to be unsatisfactory, the employee shall be notified in writing of failure to complete the probationary period and employment will be terminated. At the discretion of the Department Head and with the City Manager's approval, the probationary period may be extended for a period of up to but not exceeding 60 days. In such a case, a written performance improvement plan must be agreed upon with the Department Head and the probationary employee prior to the end of the initial probationary period and with the assumption the Department Head and City Manager believe the additional time will provide a reasonable chance of producing an adequately skilled and productive employee. Any time spent serving on a military leave of absence will count toward fulfilling the probationary period.

**Police Officers** will be considered temporary employees until they become Utah Certifiable Police Officers. At that point, a probationary period of 12 months will commence, during which the officer will be subject to close supervision and may be terminated at will, without cause or prior notice. Employees who are promoted to a police officer position with the City must fulfill a new one-year probationary period regardless of whether or not they have already completed a probationary period in another City position.

**Firefighters** will be required to serve a probationary period of 12 months, during which time the firefighter will be subject to close supervision and may be terminated at will, without cause or prior notice. Employees who are promoted to a firefighter and/or firefighter/paramedic position with the City must fulfill a new one-year probationary period regardless of whether or not they have already completed a probationary period in another City position.

#### PROMOTION

A promotion is defined as advancement to a different classification with a higher Grade. A reclassification is not considered a promotion. The promoted employee will either advance to the minimum of the new Grade or receive a 5% pay increase, whichever is greater. The employee's hire date shall not change when promoted. Promoted employees will serve a 90 day promotional probation, except sworn public safety officers who will serve 6 months. If during this probation period the Department Head decides to reverse the promotion, the employee will be allowed to return to their former position and pay. Exceptions require City Manager approval.

#### DEMOTION

A demotion is either a voluntary or involuntary Grade/Step change that places an employee in a lower Grade/Step. In all cases of demotion, the employee must meet the minimum requirements of the new position. Demotions will be handled as described below:

Performance Deficiency – An employee who is demoted for performance deficiencies will return to their previous salary in the lower grade. Exceptions require City Manager approval.

Voluntary Position Change – An employee who chooses to voluntarily leave their current position and move to a position in a lower grade will have their salary decreased to the minimum of the new grade for the new position. Exceptions require City Manager approval.

Operational Reasons – If an employee is removed from their current position for operational reasons and placed in a position resulting in a lower grade, their salary will not be decreased unless the salary is above the maximum of the new grade. If the salary is above the new grade maximum, it will be lowered to the maximum of the new grade. Exceptions require City Manager approval.

#### ABANDONMENT

Any unauthorized absence may constitute cause for separation. An employee who fails to contact his/her supervisor and/or Department Head for one business day to report his/her absence and to request that the absence be recorded as authorized may be deemed to have voluntarily abandoned his/her position and may have his/her City employment terminated. Exceptions may be reviewed by the Department Head on a case by case basis where a medical condition or unforeseen circumstance makes it impossible for the employee to make contact. In these cases, contact from a friend or family member may be acceptable. The Department Head, with the consent of the City Manager, shall inform the employee of the termination in writing, unless the employee is an at-will employee or on probationary status. The employee has the right to appeal within 10 business days of receipt or delivery of the termination notice. A three-day unauthorized absence is considered abandonment of his/her position and no appeal is available.

#### RESIGNATION

Employees who resign and desire to leave the City in good standing should normally give a minimum of two business weeks' notice. Employees will be paid for accrued unused vacation, compensatory time, and holidays, plus 25% of unpaid sick leave that has accrued during the current fiscal year. At the time of termination, the employee will return all City uniforms, keys, identification tags, badges, and other issued City equipment. Employees should also leave a forwarding address with Human Resources so that the year-end W-2 form and other possible future communications can be mailed.

#### RETIREMENT

Retirement is a voluntary separation from employment for reasons of service or medical condition for which the employee may qualify for an annuity from Utah Retirement Systems and/or disbursement of deferred compensation funds. No employee will be required to retire or be removed from City service for reasons unrelated to work performance or elimination of position.

## REINSTATEMENT

An employee may return to work if rehired, at the City's discretion, and have his/her vacation accrual and unused sick leave balance reinstated subject to the following:

- The return date must be within one year of the termination date.
- At the time of termination, the employee must have been in good standing with the City, including but not limited to: must have given the City a minimum of two weeks' notice, have returned all City equipment, keys, uniforms, etc., and must not have been subject to disciplinary action at the time of resignation.
- The time between termination and the rehire date is not counted toward service time. The rehired employee will have an adjusted date of hire for seniority purposes upon successful completion of either the six- or 12-month probationary period.

Upon reinstatement, retirement benefits will be subject to current Utah Retirement Systems rules.

## **Reduction in Force Process**

When the City determines that a reduction in force is needed and will require employee layoffs, the City will make every effort to administer layoffs in a fair and equitable manner as describe below. This process exists to provide consistent and effective guidelines for workforce reductions.

### Reduction in Force Analysis

A reduction in force may be necessary in two instances: (1) a structural or reorganizational change not specifically and exclusively related to economic or budgetary constraints; and (2) a budgetary response to economic pressures.

### Structural Changes Analysis

The City Manager, after consulting with staff, will be responsible to determine where and when structural changes are available, feasible, and reasonable to improve service delivery and/or implement business model changes; and to identify positions to be eliminated. The analysis will include a review of adverse impacts to protected classes (such as race, religion, color, national origin, gender, or age).

### Economic Changes: Needs and Consequences Analysis

The City Manager, after consulting with staff, will determine service priorities and service impacts and identify positions to be eliminated. The analysis will include a review of adverse impacts to protected classes (such as race, religion, color, national origin, gender, or age).

### Qualifications Analysis

Once positions to be reduced or eliminated have been identified, a Qualifications Analysis will be completed by the respective Department Manager (with the assistance of Human Resources) for all employees in the impacted job position(s). Each affected employee holding the same position will be comparatively and quantitatively rated based on the operational value of their (1) formal education/training (2) required certifications and/or licensure; and (3) relevant job experience.

### Productivity Analysis

Concurrently, a Productivity Analysis will be completed by the respective Department Manager (with the assistance of Human Resources) for all employees in the impacted job position(s). Each affected employee will be comparatively and quantitatively rated based on their performance history, which may include a review of any annual performance evaluation and disciplinary actions and corresponding results, any employee development plans and corresponding result, and other documentation that reasonably demonstrates historical performance and productivity.

### Length of City Service

Length of Service in the affected position will be used as the first "tie breaker," and length of service with the City will be used as the second "tie breaker" for determining which employee(s) shall be laid off in cases

where employees holding the same position have identical ratings in both the Qualifications and Productivity Analyses.

#### MISCELLANEOUS POLICIES

##### Bumping

Employees do not possess a right to "bump" other employees out of their current position in the case of a reduction in force. However, with the approval of the City Manager and as part of a layoff response plan, Departments Heads may extend offers to employees in targeted layoff positions to transfer into any equal or lower position within his/her own department with a commensurate reduction in pay if applicable to the position's corresponding pay grade, and thereby displace an existing employee in that grade.

The employee to whom such an offer is made may accept or decline the offer. If an employee declines the offer to transfer to another position, he/she shall be placed into layoff status. Any employee to whom an offer is made to transfer into another position must be in good standing and must meet the minimum qualifications for the position. Employees moved to a lower grade and pay pursuant to a layoff response plan shall not be considered demoted due to operational reasons. Any displaced employee shall be placed into layoff status. Proposed transfers under this provision shall be included in any review of adverse impacts to protected classes (such as race, religion, color, national origin, gender, or age).

##### Recall

Employees separated under the provisions of this section, who leave the City in good standing, with satisfactory performance and with no pending disciplinary actions at the time of termination shall be reinstated if their position becomes available within six months of the employee's termination.

##### Status of City Service Time

An employee rehired within one year after a layoff will be re-credited with their prior City service time as if there were no break. (See *Reinstatement* in this *Employee Handbook* for additional information regarding reinstatement of prior benefits.)

##### Severance Pay

Full-time employees will be granted a minimum of four weeks' notice or severance (at the City's sole discretion). The City Manager is authorized to offer additional severance benefits, up to a maximum of an additional four weeks, in exchange for a comprehensive severance agreement and waiver of claims, in a form approved by the City Attorney. Any proposal to provide severance in excess of a combined total of eight weeks must be specifically approved by the City Council.

## Classification and Pay System

#### CLASSIFICATION

The Department Head or hiring manager must write a job description for newly created positions. Once the job description has been written, Human Resources will conduct a market analysis and establish a salary grade and appropriate job title for the position.

#### RECLASSIFICATION

When the duties and responsibilities of a position change significantly, the classification and job description may be revised. Incumbent employees in a reclassified position must meet the minimum qualifications within six months of reclassification or be transferred or separated. Qualified employees will be moved to the higher grade. If the position is reclassified to a lower grade, the affected employee's salary will remain the same or be reduced to the maximum of the new grade, whichever is less.

All reclassifications require the approval of the City Manager. Salary increases due to reclassification are contingent upon funding availability.

#### PAY SYSTEM

The classification system will be based on the principle of equal pay for equal work. After each position is evaluated, graded, and classified, the position will be assigned to a grade on the salary schedule. The City uses a grade and step pay system, which operates similar to an apprentice system in that there is a presumption that an employee's value increases over the first few years of employment with the City. That progress requires consistent performance and skill growth, and will be monitored closely to be sure productivity and judgment criteria are met. If met, the employee will have the ability to progress through their pay grade based upon the availability of pay increases as approved by City Council. If not met, the employee will be counseled, trained, and measured for correction or separation.

#### GENERAL PAY AND MARKET ADJUSTMENT

The City will consider yearly general pay adjustments based on market conditions, the ability of the City to pay, and such other conditions as seem reasonable. General adjustments for cost of living changes, specific classification adjustment to retain market position, or for one-time bonuses may be given.

#### PAY GRADE ADVANCEMENT

Each grade on the salary schedule has a minimum and maximum salary. Movement within a grade typically occurs at the beginning of a new fiscal year as approved by the Mayor and City Council. An increase in pay is usually based upon the results of each employee's annual performance review and the completion of their probationary period (as long as the employee was hired prior to the beginning of the current fiscal year).

#### PAYDAY

Employees shall be paid bi-weekly, every other Friday. All employee paychecks will be directly deposited in each employee's specified bank account(s). When a payday falls on a federal or state holiday, the payroll will be distributed the business day prior to the federal or state holiday. Note: This statement should not be construed as guarantee of payment. Emergency situations or unforeseen circumstances beyond the City's control could interrupt, delay, or otherwise adversely affect this process.

#### SEPARATION PAY

When any employee separates, he/she shall be required to return all tools, safety gear, uniforms, identification cards, credit cards, and other City property, and to clear all financial obligations related to employment prior to receiving his/her final paycheck. A final paycheck will be cut and be available within 24 hours of an involuntary separation and upon the next scheduled payday in the case of a voluntary separation. Final paychecks will include compensation for all unused vacation, compensatory time, holidays, and 25% of unpaid sick leave that has accrued during the current fiscal year.

#### PAY ADVANCES

The City will not make any pay advances.

#### OUT-OF-CLASS PAY

An employee is eligible upon City Manager approval for extra duty pay whenever he/she is asked by the Department Head to temporarily perform all duties of a position that is vacant or in which the regular worker is on a leave of absence of more than 15 business days. The additional position must also be in a higher pay grade than that in which the extra duty employee is currently working. The employee shall receive the salary rate of the higher classification after they have performed the duties of the higher classification position for a minimum of 15 business days, and beginning on the 16<sup>th</sup> business day continuing through the duration of the additional duties. The effective date of the pay rate change would occur on the 16<sup>th</sup> day. In such cases, the employee will be put at the beginning of the higher pay grade or receive a 5% increase, whichever is greater, not to exceed the maximum rate of the higher grade. Assignment of special projects does not constitute performance of all job duties or qualify for out-of-class pay.

Employees will not be eligible for the out-of-class assignment of the higher pay grade unless the employee meets all of the minimum requirements outlined in the job description for that position. Human Resources

will review the request to evaluate whether or not the employee meets the minimum requirements outlined in the job description and submit it to the City Manager for final approval or denial.

Generally, the employee assigned to perform the duties of a higher job classification shall not serve for more than 120 business days in a higher classification unless approved by the City Manager.

A person appointed in an acting capacity shall be eligible to receive merit increases in his/her regular position during the acting appointment but shall not be entitled to merit increases in the position which is held in an acting capacity.

#### OVERPAYMENTS AND DUTY TO VERIFY PAYCHECK STATEMENTS

With regards to each paycheck, each employee has an affirmative duty to:

1. Review, confirm, and verify the paycheck statement for accuracy (within 2 calendar days of when the paycheck statement is received); and
2. Report any overpayment(s) to the appropriate payroll officials (within 14 calendar days of when the paycheck statement is received).

If it is determined, by the appropriate payroll officials, that an employee did receive an overpayment(s), then the employee:

1. Shall be required to pay back the overpayment; and
2. Shall generally pay back with payroll deductions in the next pay period (or over a longer period as approved by the City Manager); but
3. May repay the overpayment with other methods, as approved by the City Manager.

If an employee does not timely report an overpayment(s), then the employee:

1. Shall be required to pay back the overpayment, as set forth herein; and
2. Shall be subject to disciplinary action, up to and including termination, depending upon the severity of the facts; and
3. Shall be subject to further screening for possible criminal charges, including but not limited to Utah Code Ann. Section 76-6-407 (Theft of lost, mislaid, or mistakenly delivered property).

Notwithstanding the aforementioned affirmative duties of each employee, if a payroll official independently determines that an employee has been overpaid, due to City error, then the employee shall be notified of the overpayment as soon as reasonably possible, with the employee to pay back the overpayment, as set forth herein.

#### UNDERPAYMENTS AND OTHER CORRECTIONS TO PAYCHECK STATEMENTS

With regards to each paycheck, each employee also has an affirmative duty to:

1. Report any underpayment(s) to the appropriate payroll officials (within 14 calendar days of when the paycheck statement is received); and
2. Report any "other necessary payroll corrections" to the appropriate payroll officials (within 14 calendar days of when the paycheck statement is received).

"Other necessary payroll corrections" means any other corrections regarding deductions, benefits, comp hours, sick hours, vacation hours, holiday hours, or other payroll issues.

If it is determined, by the appropriate payroll officials, that an employee did receive an underpayment(s), or that there are "other necessary payroll corrections," then the payroll officials:

1. Shall comply with all laws and ordinances to: (a) correct the underpayment and to provide the compensation to the employee; or (b) make the "other necessary payroll corrections"; as soon as is practicable under the circumstances; and
2. May use any methods approved by the City Manager.

## Fair Labor Standards Act (FLSA) Work Periods

### WORK HOURS

It is essential for the success of the City for employees to meet their assigned work schedules. Regular and prompt attendance at work is required. When an employee is absent, it is his/her responsibility to notify his/her supervisor or the office before starting time or as soon as possible.

A full-time employee's workday shall include the following periods:

- A one hour or ½ hour lunch period at the discretion of the Department Manager. This break is not compensated. Lunch periods are normally scheduled between 11:00 a.m. and 1:30 p.m. for a regular eight, nine or 10-hour shift. An employee may work through lunch and be compensated only if approved in advance by his/her supervisor.
- Two compensated 15 minute breaks are allowed in an eight, nine or 10 hour workday. If an employee chooses not to take a break, no additional compensation will be given.

Work periods: The following workweeks and work periods shall be used for determining employee overtime for the class of employees listed:

- General employees: The standard work period for general employees shall consist of 40 hours over a period of seven days, beginning at 12:00 a.m. Sunday and ending at 11:59 p.m. Saturday.
- General employees 9/80 Work Schedule: Employees working the 9/80 work schedule work 80 hours in nine days and are off on the alternating Friday. The work period begins on Friday at 12:01 p.m. and ends on Friday at noon. Due to scheduling conflicts, employees on a 9/80 schedule may have a workweek beginning and ending on a different day of the week. Department Heads must approve the alternate schedules and Human Resources must be notified before the schedule is changed. Changes should be for an extended time. Temporary or short-term changes are not permitted. The Department Head is responsible to ensure that approximately one half of employees are scheduled to work every Friday.

General employees 4/10 Work Schedule: The workweek for employees shall be a seven day period beginning at 12:00 a.m. Sunday and ending at 11:59 p.m. Saturday. Employees will work four ten-hour days each week. The Department Head is responsible to approve this schedule and to ensure that approximately one half of Department employees are scheduled to work each City business day.

- Firefighters: Nonexempt firefighters scheduled to work 48-hour shifts will receive overtime pay or compensatory time for hours worked in excess of 136 hours in a designated 18-day work period.
- Police Officers: Nonexempt Police Officers will receive overtime pay or compensatory time for hours worked in excess of 80 hours in a designated 14-day work period.

Office-based and non-sworn police and fire employees will work a standard 40-hour work schedule, a 9/80 work schedule or a 4/10 work schedule with work schedules other than a 40-hour week approved by the Department Head. The workweek schedule for employees may be changed periodically through a City Manager initiated Administrative Directive.

### ELECTRONIC TIME KEEPING

Employees must report all hours worked in the electronic time keeping system. All electronic time sheets must be approved by the employee and the supervisor before they are submitted to Human Resources.

### OVERTIME AND COMPENSATORY TIME

Department Heads and Supervisors shall organize employee work schedules to minimize the need for overtime work. However, when manpower shortages, scheduling problems, or emergencies require overtime work, employees will be compensated for that work as provided in this section.

All compensatory and/or overtime hours shall be accounted for in the pay period during which the hours were worked. Approval for an employee to work more hours than designated in an FLSA work cycle or workweek is at the discretion of the Department Head and must be agreed to ahead of time.

Overtime/Compensatory Hours: Unless otherwise specified in this *Employee Handbook*, overtime shall be paid in accordance with the FLSA, regulations of the Department of Labor.

- **Comp time** is accrued when hours worked exceed FLSA regulations, which for most general employees is more than 40 hours per week. Comp time is not earned per day but in an FLSA period, which for non-public safety employees is typically a week. Employees are encouraged to use comp time as soon as it is available and appears in the time keeping system. The department will attempt to reasonably accommodate an employee's request to use accrued comp time if it does not "unduly disrupt" the department operations (FLSA 207 (o) (5); 29 CFR, 553.25 (1999)). Federal regulations also provide that supervisors may schedule nonexempt employees to use their accrued comp time at a time convenient to the department if the employee does not voluntarily arrange to reduce the accrued time.
- **Exempt** employees are eligible to accrue comp time up to 80 hours in a calendar year on an hour-for-hour basis (straight time), with the ability to carry over a maximum of 20 hours from one calendar year to the next. All compensatory leave accrued for exempt employees in excess of 20 hours at the end of the calendar year will be forfeited.
- **Nonexempt** Each employee defined by the FLSA as "nonexempt" shall receive overtime pay at the rate of one + ½ times the employee's regular hourly rate or compensatory leave time of the rate of one + ½ hours for each hour worked for any time worked in excess of the applicable FLSA scheduled work cycle.

Nonexempt employees may only accrue compensatory time up to a total of 240 hours. (Public Safety, Emergency Response or Seasonal Activity employees as defined by the FLSA may accrue up to 480 hours.) If a nonexempt employee has accrued the maximum number of compensatory hours and/or has the approval of the employee's supervisor and Department Head, the employee will be paid overtime in lieu of receiving additional compensatory time.

- **Executive Officials** (Department Heads) who are eligible for the Executive Leave benefit are not eligible to accrue compensatory time. Department Heads are eligible to receive 160 hours of Executive Leave in lieu of accruing compensatory time as described above. The maximum amount of Executive Leave which may be carried over from one calendar year to the next calendar year is 120 hours.

#### LEAVE ACCRUAL CASH OUT

Compensatory Leave and Executive Leave accrued balances for all employees will be cashed out in full when an employee leaves City employment.

#### MANAGING COMPENSABLE HOURS

It is management's responsibility to accurately track the hours worked by their employees. Specifically, this requires managers and supervisors to monitor the work performed by nonexempt employees to ensure they list all hours worked accurately on their timecards. It is against City policy to allow nonexempt employees to work "off-the-clock," and not track the hours they work. It is also against City policy for any City employee to instruct another City employee to work off-the-clock. Employees should report such instances immediately to Human Resources.

**Waivers prohibited:** A verbal or written agreement to waive overtime pay shall not be entered into by any nonexempt employee and the City. A policy statement by the City Manager, Department Head, or any other City official that overtime work will not be permitted without prior approval will not impair an employee's right to compensation for overtime work. Department Heads are responsible for ensuring that any overtime work is approved.

#### JOINT EMPLOYMENT

City employees shall not serve as volunteers for the same job in which the City employs him/her full-time. This section shall not preclude police officers and firefighters from accepting special assignments with second employers, providing proper approval is granted as per policy.

#### LEAVE TAKEN; "HOURS WORKED"

Unless otherwise specified in this *Employee Handbook*, time off for vacation leave, sick leave, personal leave, compensatory, or any other leave shall not be counted as hours worked for the purpose of FLSA overtime calculations. Paid holidays will be considered time worked, except for floating holidays, which are not considered hours worked.

#### IMPROPER DEDUCTIONS – "FLSA SAFE HARBOR"

The City is committed to following the Department of Labor's FLSA (Fair Labor Standards Act) laws governing payment of overtime/granting of comp time hours, executing proper payroll deductions from employee paychecks, and appropriately classifying employees as either "exempt" or "nonexempt" to determine qualification for overtime payment. Employees are encouraged to contact Human Resources immediately if they feel they have experienced improper payroll deductions. Employees are also encouraged to immediately contact Human Resources if they feel they have been incorrectly classified as either "exempt" or "nonexempt" from overtime/comp time payment under the FLSA.

## FLSA for Firefighters

#### 48-HOUR SHIFTS

**Firefighter's Tour of Duty:** As prescribed in 29 CFR 553.220, "Tour of Duty" is defined as the period of time during which an employee is considered to be on duty for purposes of determining compensable hours. The tour of duty or scheduled shift for the City of West Jordan Fire Department is 48 hours and may include both interrupted and/or uninterrupted sleep and meal time.

**Overtime/Compensatory Hours:** Nonexempt firefighters working 48-hour shifts shall receive overtime pay or compensatory time for hours worked in excess of 136 hours during a designated 18-day work period. The 18-day work period will begin at 0700 on the dates designated by the West Jordan Fire Department's FLSA shift calendar. The FLSA cycle will end at 0659 on the 19<sup>th</sup> day, with a new cycle beginning at 0700 on the same 19<sup>th</sup> day. There will be three scheduled 48-hour shifts in each 18-day FLSA cycle work period.

For the purpose of calculating the 136-hour limit, leave taken will not be considered hours worked.

**Work Period/Pay Period:** Each 18-day (FLSA) work period will consist of two bi-weekly pay periods. Firefighters will be paid a straight time rate for all hours worked during the FLSA period. At the end of the 18-day work period, hours worked in excess of 136 hours will be compensated with overtime and paid in the pay period in which the FLSA period ended. Whether firefighters are compensated with overtime or comp time will be at the discretion of the Fire Chief.

The number of shifts scheduled during a bi-weekly pay period will range between four and six shifts. This will result in gross pay amounts varying between pay periods, for firefighters working 48 hour shifts.

**Overtime/Compensatory Rates:** When overtime compensatory time is accrued, it will be at the rate of one + ½ hours for each eligible hour.

All overtime worked outside of the 24 hour staffing requirements will be paid at an overtime rate of 1.982, which is the equivalent of one + ½ hours of the Public Safety grade (40 hour pay rate). Examples of this are working the Western Stampede and Demolition Derby.

In the event a 24 hour employee has leave time scheduled during the FLSA cycle and is called back when staffing drops below the minimum, the employee shall be compensated for that leave time as well as the

time worked at straight time until the hours physically worked for the FLSA cycle exceed the limit of 136 hours.

#### 40 HOUR WORKWEEKS

The annual salary/hourly rate for Fire Department personnel assigned to staff positions (40-hour workweek) shall be commensurate with other City employees in their respective grade. Additionally, with the approval of the Fire Chief, these employees may elect to work eight-hour days for the pay period, the 9/80 work schedule, or the 4/10 work schedule.

The 9/80 and 4/10 work schedules for staff firefighters requires coverage 24-hours per day, seven days per week. Therefore, the scheduled days off for firefighters may fluctuate.

Firefighters who are required to work a 40 hour workweek vs. the standard suppression personnel who work the 48/96 schedule may, as authorized by the Fire Chief, be compensated a pay differential stipend of \$120.00/pay period in order to maintain equal compensation with 48/96 suppression employees.

#### Fire Investigator Specialty Pay:

Fire Investigator Specialty Pay (\$46.00 per pay period) is paid to designated fire investigators within the fire department who are part of the fire investigation team. The pay is a fixed amount per pay period and covers those incidental aspects of the fire investigation process that are necessary and do not raise to the level of paid call outs. Fire investigators are expected to routinely share information with each other, handle phone calls, talk with prosecuting attorneys, and communicate with supervisors and administration at times that are not within their normal working shift.

#### COMP TIME

Sworn firefighters may accrue up to 480 hours of comp time before the City is obligated to pay cash compensation for accrued overtime worked. However, comp time bank limits may be set to a lower number as determined by the Fire Chief.

HIRE DATE BEFORE JUNE 30, 2008: Firefighters employed before June 30, 2008, will cash out any unused vacation, holiday, compensatory time, and sick leave conversion upon termination of employment, at the 2,080 hours work rate. This will change as of April 18, 2021 at which time employees will be cashed out at their regular rate of pay.

HIRE DATE ON OR AFTER JULY 1, 2008: Firefighters employed on or after July 1, 2008 and assigned to the 48 hour schedule, will cash out any unused vacation, holiday, compensatory time, and sick leave conversion upon termination of employment, at the hourly rate stated on the City's pay schedule for 2,748 hours worked annually.

#### OUT-OF-CLASS DUTIES

When a Captain, Engineer or Battalion Chief is on leave, another Fire Department member is asked by the Battalion Chief to temporarily perform the duties of the vacant position. As a result, this employee takes on a substantial increase in job duties and responsibilities. The temporary responsibility benefits the department by being able to still provide the same level of service for the citizens of West Jordan.

#### Out-of-Class Guidelines

For out-of-class pay, the department member shall be on the current promotional list and/or meet the minimum requirements outlined in the job description of the job they will be filling in for and be approved by a command staff officer. The Battalion Chief or their designee is responsible for assigning individuals who work on their respective shifts to these out-of-class positions. Assignments will be made based upon the department's needs. When possible, this opportunity should be rotated to all who qualify. While movement between stations may be necessary, movement of individuals between shifts should be avoided. The Battalion Chief or their designee will assign personnel based on the following criteria:

**Battalion Chief**

- Approved by Command Staff
- Meet the minimum requirements of the current job description
- Off probation

**Captain**

- Approved by the Command Staff
- Meet the minimum requirements of the current job description
- Off probation

**Engineer**

- Approved by the Command Staff and supervisor
- Recommended by their Captain
- Meet the minimum requirements of the current job description
- Off probation

Because the individual is assuming additional responsibility, it is appropriate to compensate him/her at the level commensurate with the position. However, in order to receive out-of-class pay, the individual is required to assume the additional responsibility for a minimum of 24 hours. The filling of this position is referred to as "acting-in."

The following guideline will be referenced to identify the amount of daily overtime required to compensate for the difference between an individual's current position and the acting position. These numbers will be adjusted with the salary changes of the City.

The individual acting-in shall record "Battalion Chief, Captain or Engineer" on their timecard for the day actually worked. Payroll will then add the appropriate amount to the employee's paycheck.

**Appendix for "Acting-in" Pay**

Captain acting as Battalion Chief	2.8 hours
Paramedic acting as Captain	1.2 hours
Engineer acting as Captain	2.5 hours
Firefighter acting as Captain	4.0 hours
Firefighter acting as Engineer	1.2 hours

**FLSA for Police Officers****WORK PERIODS**

Department employees working special events, contracted assignments, or duties that require additional personnel may, as authorized by the Chief of Police, be compensated at a rate of time + ½ their regular hourly pay for those assignments when they do or do not exceed their regularly scheduled 80 hours in a 14-day FLSA cycle. Some of these include (but are not limited to):

**SPECIAL PAY****Special Duty Pay for Police**

Certain duties have been identified as justifying additional pay or stipends. Hours worked for a special duty should be documented accurately in the officer's timesheet. The following are included in the Police Department's budget:

**Field Training Officer (FTO)**

An officer designated as an FTO who is involved in training a new recruit shall receive a training stipend of \$3.00 per hour pay for each shift he/she has the recruit under their direct tutelage and evaluation.

Police Service Dog (K-9) Handlers

Police Service Dog Handlers (K-9) will be paid .5 hours per day at a rate of \$14.00 per hour as compensation for the care and keeping of their dogs at home.

On call or Other Special Duty Assignments

Commanders, Detectives, Animal Control Officers, and Records Personnel are required to take turns for on call rotations. As approved, the employee will be compensated two hours of overtime pay (time + ½) for each one-week rotation. If the employee is required to respond back to work while on call, he/she will receive overtime pay or comp time at time and one-half, at the discretion of the supervisor, if they exceed their regularly scheduled weekly shift.

City Events, e.g., Independence Day Events, Health and Preparedness Expo

If the employee is assigned to work during a City event above and beyond their normal 40-hour work assignment, the employee is eligible to receive time + ½ for all hours worked, regardless of leave time used during the same FLSA work period

DUI Enforcement and Selective Traffic Enforcement Shifts

DUI enforcement and selective traffic enforcement are special assignment shifts and will be compensated at a rate of time + ½ their regular hourly rate.

Special Assignments Reimbursed by State or Federal Grants

Police Officers who work designated "special assignments" in the Police Department to include: metro gang unit, metro narcotics unit, JCAT, JTTF, state alcohol sponsored assignments, and for which the department is reimbursed for the activity by the federal or state government, the employee working the additional assignment, and also in cases of major incidents with Chief or Commander approval, is eligible to receive overtime regardless if they exceed the FLSA standard.

Court Attendance

Officers subpoenaed to court at times when they are not on their regular shift are authorized overtime pay for time spent in excess of their regularly scheduled shifts.

In order to be eligible for court pay, the officer must have been officially subpoenaed and the scheduled court time must begin more than one hour prior to the start of the officer's regular shift or more than 30 minutes after the officer's regular tour of duty ends. If the court time begins less than one hour prior to the officer's regular shift or less than 30 minutes after the end of his/her shift, comp time will be accrued for the time spent in excess of his/her scheduled duty time.

Officers will receive a minimum of two hours overtime pay for attending trials/hearings. Time spent in court in excess of the minimum two hours will be compensated on an actual time basis, i.e., three hours in court will be compensated at the overtime rate of pay (time + ½). The officer's subpoena or other documentation of court attendance must be verified and approved by the supervisor.

Officers may not take time off from their regular shift to attend court in order to receive overtime pay.

Officers receiving payment from the court for witness fees shall endorse the check received from the court over to the City of West Jordan and submit the check within seven days of receipt to the Police Department Executive Assistant. This will prevent "double-dipping."

Additional Class Instruction

Class instruction taught in excess of regular duties by an off-duty officer who is authorized to submit for pay, shall be paid at time + ½. This benefit applies to instructors only. A copy of the student attendance roll shall be submitted with the request to the officer's supervisor as documentation of having taught the class.

## Emergency and On-Call Policies

### MEALS

Occasionally personnel on emergency overtime are required to work such hours that a meal break is essential. The following guidelines govern the payment for such meals by the City.

- The overtime must be the result of an emergency call-out. Scheduled overtime such as the Independence Day Festival will not qualify.
- If the employee works four hours before the normal work shift begins and works the entire "normal" work shift, the employee will also be eligible for a paid meal.
- If emergency conditions allow, personnel will be allowed 30 minutes to eat the meal. Personnel will be paid for the 30-minute meal break.
- Meal reimbursement is limited to \$10.00. Verification of the authorized payment for meals will be made by the Department Head on the first business day following the overtime work.
- A maximum of one meal allowance per person will be allowed in any period of continuous emergency work up to 12 hours. Non public safety employees are not likely to be required to work more than 12 continuous hours on an emergency. But police and fire personnel may be required to work longer than 12 hours.

### ON-CALL POLICY

When necessary to place employees on call to guarantee their availability to work, the City of West Jordan will compensate these employees according to the guidelines below:

**ELIGIBLE EMPLOYEES:** Exempt and nonexempt employees in a non-management position, except mid-management positions in Public Works or Public Safety recommended by the Department Head and approved by the City Manager.

### ON-CALL TIME

Employees are eligible to receive on-call pay if approved by their supervisor or manager, Department Head, and are working according to the on-call policy. On-call status may be defined as limiting and/or restricting the personal activities of the employee to the degree that they are unable to travel as desired and must be able to respond in the required time frame to after-hour City-related questions or emergencies. An employee placed on call must ensure that he/she can be reached during the entire on call shift and that he/she will return to work if needed within 30 minutes of a call or within the time limit specified by the department supervisor.

The supervisor will notify the employee of the on-call schedule. If an employee is on call and cannot be reached or has called in sick, he/she is not eligible for on-call pay. Employees who are off work for vacation or other reason other than personal illness are eligible to receive on-call pay if they are available to respond as required by the policy.

On-call time paid but not worked will be excluded from the computation of overtime pay as required by state and federal wage and hour laws.

While on call, no employee shall consume alcoholic beverages or do anything to impair his/her ability to respond for duty.

### ON-CALL PAY

Non Public Works employees receive two hours of pay at time + ½ for each week they are on call. If the employee is called back to work while on call, they will receive a minimum of two hours pay. If an employee

is already out on a call and gets another call out in the same two-hour period, it is not considered a new call. Regular or overtime pay is determined in accordance with FLSA requirements.

Public Works Employees will receive \$12.00 per day for each day they are on call. Except for absences due to personal illness, employees are eligible to receive this amount if they take the day off if they are available to respond within a time frame acceptable to the Department Head. Except for the weekly compensation paid to the employee for being on call, the other provisions described in the above paragraph also apply to Public Works employees. Exempt employees, other than public safety, are not eligible to receive on-call pay.

#### HOLIDAYS WORKED

##### Holidays Worked (Nonexempt Employees)

When nonexempt employees are required to work a holiday by their Department Head, they are also eligible to float the holiday hours so the holiday may be taken on another day during the calendar year, or be paid for the holiday hours. For the hours worked on a holiday, the employee will also receive overtime at a rate of time + ½ hours for each hour worked or overtime calculated at one + ½ times the hourly rate stated on the City's pay schedule. The working of a holiday must be due to City necessity and approved by the Department Head. Whether employees are compensated with overtime or comp time will be at the discretion of the Department Head.

##### Holidays Worked While On Call

Police and Fire command staff (excluding Chief positions) and mid-management positions in Public Works are eligible to float the holiday hours so the holiday may be taken on another day during that calendar year. The working of a holiday while on call must be due to City necessity and approved by the Department Head. Police command staff and Battalion Chiefs (excludes Police and Fire Chief positions) are eligible to receive time + ½ pay if they are required to work additional hours during the Independence Day Festival.

#### CALL-BACK PAY

Only nonexempt employees are eligible for callback pay. Eligible employees will be paid for at least two hours of work where work actually performed is two hours or less. Where the work exceeds two hours, employees will be paid for actual time worked. Regular or overtime pay is determined in accordance with FLSA requirements. Eligible employees need to document to their supervisor the necessity of call-back work.

#### DECLARED EMERGENCY PAY

When the City Manager declares a state of emergency for the City of West Jordan due to an emergency or disaster situation, employees must comply with their Emergency Operations Plan and applicable Annexes regarding reporting to work. (Callback policy is trumped by a declared disaster when the Emergency Operations Plan is in force.)

In addition to the above provisions, the following will apply:

1. When regular City operations have been suspended because of a declared emergency, nonexempt employees who are not on duty and not considered first responders by the nature of their job assignment, but who are directed to report to work in any capacity during the emergency period, may be paid at the overtime rate at the discretion of the City Manager or their designee, regardless of the number of hours worked.
2. If regular City operations are fully or partially open to the public, and if preparing for or dealing with the emergency or recovery efforts are normal duties of exempt employees by virtue of the positions held or duties assigned, these employees will be paid at their regular pay rates for hours worked up to and including eight hours per day if on the normal schedule, nine hours per day if on the 9/80, or 10 hours per day if on the 4/10 option and 48 hours for firefighters. All time worked beyond the normal workday will be

compensated at time + ½ either in cash or compensatory time at the discretion of the City Manager or their designee.

a. Exempt employees reassigned to perform preparation, emergency action, or recovery duties outside the normal scope of their duties will be paid at their regular rates for hours worked up to and including eight hours per day if on the normal schedule, nine hours per day if on the 9/80 option, 10 hours if on the 4/10 option and 48 hours for firefighters. All time worked beyond the normal workday will be compensated at the overtime rates of pay either in cash or compensatory time. If the reassigned duties are at a higher pay grade and continue longer than 30 days, the Department Head will follow the procedures outlined in the "Out-of-Class Pay" policy to determine if a higher pay grade is warranted.

b. At times employees may be directed by management to leave work during their regularly scheduled hours in order to prepare their homes and upon completion immediately return to work; however, return must not be any later than a time specified by management. This time away from work will be administrative leave with pay.

c. Nonexempt employees will be eligible for any shift differential that applies to their assigned hours in accordance with other procedures outlined within the *Employee Handbook*.

3. If any employees are required to work on a recognized City holiday during such an emergency, all time worked will be paid in accordance with the holiday pay section as described in the *Employee Handbook*.

4. City employees who are directed not to report to work due to such an emergency will be granted leave with pay equal to their normal work hours for a period up to four weeks duration.

a. City employees who have previously scheduled an annual leave day or floating holiday for any date on which their City facility is closed due to a declared emergency during the initial four weeks outlined in item 4 above, will have their annual leave or floating holiday changed to leave with pay.

b. If City employees are not scheduled to work on a day in which their City facilities are closed due to such a declared emergency, and are not called in to work, the employee will not be granted leave with pay for that day or for any other day in substitution for that day.

5. City employees who are directed not to report to work due to such a declared emergency for a period in excess of four weeks duration will be granted leave without pay for this time beyond the initial four weeks. Employees so affected may substitute available compensatory time, and then available annual leave for the leave without pay until their position is terminated by the City Manager or their designee, by means of a reduction in force or other procedure as describe within the *Employee Handbook*.

## Rules of Conduct

### PERFORMANCE SUPPORT AND ACCOUNTABILITY

Personnel evaluation is closely related to employee development, promotion, and compensation. All supervisors shall hold regular goal-setting interviews with subordinates as well as regular follow-up meetings to motivate, train, and develop employees. To determine if the employee shall be recommended for continued employment with the City of West Jordan, a probation report will be completed by the immediate supervisor and approved by the Department Head upon completion of the employee's probation period. After completion of the initial probationary review period, a performance review is completed by the supervisor on at least an annual basis with the employee. The supervisor must use an Employee Development Plan during the annual performance review if the employee receives a score of 1 or less in

any area in their performance review or if employee requires additional training due to performance and/or skill deficiencies. An Employee Development Plan may also be used at any time to address issues of performance or productivity. The Employee Development Plan is intended to encourage and track performance improvement, and the time period for the plan may not exceed 90 days. If adequate progress is not evident within the 90 day period, the employee may be subject to disciplinary action, up to and including termination.

#### CONFLICT OF INTEREST

The City's Conflict of Interest ordinance, Title 1, Chapter 11 of the West Jordan 2009 City Code (or its successor), outlines the City's requirements for maintaining an employment relationship absent of any conflict of interest. All employees, officers (elected officials), and volunteers have responsibilities outlined in the Conflict of Interest ordinance. The City is committed to obtaining documentation of compliance with these conflict of interest provisions. As a result, a Conflict of Interest form must be completed prior to acceptance of an offer of employment. A similar form must be submitted every time an employee, official, or volunteer considers undertaking a new activity covered by the conflict of interest provisions. Employees, officers, and volunteers are urged to refer to the Conflict of Interest ordinance for further clarification.

#### ATTENDANCE AND PUNCTUALITY

It is expected that employees will be regular in attendance, ready to begin work at the expected start time, and continue until the expected quitting time. Excessive absenteeism and tardiness will result in disciplinary action up to and including termination. Employees must notify their supervisor if they will be absent as far in advance of their scheduled start time as possible.

#### POLITICAL ACTIVITY

Employees are prohibited from participating in or using their influence to affect West Jordan municipal elections (other than their personal, private vote at the polls) during working hours and at/on municipal facilities. Employees can be voting district officers, and be county, state or national delegates in the parties of their choice, subject to the requirements of their City jobs and the Conflict of Interest Ordinance. An employee may run for a City council position, including Mayor, if the employee is a resident of the City and otherwise is legally qualified, but such an employee, if elected, must immediately resign from City employment. Whether on or off duty, no City employee or appointed official shall use his/her position, title, uniform, City vehicle, City identification, or City equipment and supplies to solicit, either orally or by written communication, any assessments, contributions, or services for any political party or municipal candidate; or in any way influence fellow employees to support or oppose any political party, candidate, or federal, state, county, or municipal elections. Nothing in this section shall prevent or prohibit recognized employee Groups (see discussion earlier in this Employee Handbook) from meeting with or endorsing municipal candidates in accordance with the laws and procedures of these organizations.

#### PUBLIC RELATIONS

Employees are expected to be friendly, helpful, courteous, and respectful to the individuals that they work with and serve. Employees are expected to represent the City in a positive way. They are expected to use creativity and enthusiasm to resolve challenges and find solutions to improve service. Employees shall be neat and clean within the limitations of their working conditions, and use appropriate, respectful mannerisms and language. Employees are expected to avoid conduct at work or elsewhere that might cause embarrassment to, or criticism of the City.

#### CONFIDENTIALITY

Unless authorized, City employees shall not interfere, offer advice, or otherwise make comment regarding any incident surrounding a City legal issue, pending court case regarding City business, or employee disciplinary action to the public or other City employees. Inappropriate release or discussion of confidential City information to unauthorized individuals may result in disciplinary action and possible termination.

#### DRESS AND HYGIENE STANDARDS

City employees are expected to have socially acceptable hygiene and to dress in professional, modest attire, which is appropriate to the job they are performing as determined by their Department Head. Employees required to wear City uniforms must maintain them in a clean and neat manner.

#### SMOKING

Employees who smoke (including e-cigarettes or other nicotine vapor devices) shall comply with the provisions of the Utah Indoor Clean Air Act. This act prohibits the possession of lighted tobacco products in enclosed indoor places of public access and publicly owned buildings and offices. E-cigarettes or other nicotine vapor devices are also prohibited in enclosed indoor places of public access and publicly owned buildings and offices. No employee smoking area, authorized or unauthorized, shall be allowed within 25 feet of any public building entrances, exits, air intakes, or windows.

#### OUTSIDE EMPLOYMENT

No City employee may engage in any outside employment, which will impair him/her in the performance of his/her duties. It is absolutely necessary that an employee give priority to his/her position with the City of West Jordan. If outside work is accepted, it must be undertaken with the advance knowledge and written approval of the appropriate Supervisor, Department Head and City Manager. Failure to report for duty because of outside work may result in disciplinary action including termination. Outside employment is covered by the City's Conflict of Interest ordinance, Title 1, Chapter 11 of the 2009 City Code (or its successor).

#### WORKPLACE VIOLENCE

The City of West Jordan is committed to providing a safe environment for working and conducting business. The objective of this policy is to reduce the potential for violence in and around the workplace.

- a) Workplace violence in this policy shall mean an act or behavior that:
  - Is a physical assault
  - Consists of a communicated or reasonably perceived threat to harm another individual
  - Involves brandishing, but not simply carrying a firearm as permitted by Utah law, any dangerous weapon, destroying property, or throwing objects in a manner reasonably perceived to be threatening
  - Consists of a communicated or reasonably perceived threat to destroy property
- b) All employees are responsible for:
  - Refraining from acts of workplace violence and for seeking assistance to resolve personal issues that may lead to acts of workplace violence.
  - Reporting to managers and supervisors any dangerous or threatening situations that occur in the workplace.
  - Managers and supervisors are responsible for assessing situations, making judgments on the appropriate response and then responding to reports of or knowledge of violence and for initiating the investigation process.

#### WORKPLACE HARASSMENT POLICY AND COMPLAINT PROCEDURE

The purpose of this policy is to:

- Declare the City's commitment to provide a work environment free from all forms of discrimination and harassment (the terms discrimination and harassment are used interchangeably herein);
- Prevent City employees from being subjected to any form of harassment;
- Ensure full compliance with Title VII of the Civil Rights Act of 1964, the Utah Antidiscrimination Act of 1965 (Utah Code Annotated, Title 34A, Chapter 5) and other federal and state laws prohibiting discrimination;
- Advise employees of their rights and responsibilities in achieving the goal of a workplace free from harassment;
- Define clearly harassment;

- Provide an efficient, effective, and timely mechanism for reporting, investigating and resolving internal complaints of harassment without fear of retaliation.

#### Harassment Policy

All City employees have the legal right to work in an environment free from harassment and discrimination. It is critical that all employees treat all other employees with dignity and respect. Harassment of a job applicant or employee by a supervisor, management employee, or co-worker on the basis of race, religion, color, national origin, disability, pregnancy, gender or age is explicitly in violation of state and/or federal law and will not be tolerated by the City. Any inappropriate behavior which impacts the workplace, or has the potential to impact the workplace will not be tolerated. An essential component of this policy is that all employees are allowed to work without fear of retaliation under this policy. Any prohibited retaliation may be deemed to be a separate violation of this policy and may subject the perpetrator to additional discipline. This policy applies to all terms and conditions of employment, including but not limited to hiring, firing, placement, promotion, disciplinary action, layoff, reinstatement, transfer, leave of absence, compensation, fringe benefits, and training. The City's management is committed to vigorously enforcing this policy at all levels of the City organization. This policy is in effect at all times and in all places. Employees found to be participating in any form of job-based harassment or discrimination, including retaliation against another employee, shall be subject to disciplinary action up to and including termination from employment.

#### Definitions

**Harassment, generally:** Harassment is unwelcome conduct that is based on race, color, gender, religion, national origin, disability, and/or age. Harassment becomes unlawful where 1) enduring the offensive conduct becomes a condition of continued employment, or 2) the conduct is severe or pervasive enough to create a work environment that a reasonable person would consider intimidating, hostile, or abusive.

For purposes of clarification, harassment includes but is not limited to the following behaviors:

- **Verbal Harassment:** Epithets, derogatory comments, insults, slurs, propositioning, jokes or otherwise offensive words or comments on the basis of race, religion, color, national origin, disability, pregnancy, gender or age, whether made in general, directed to an individual, or to a group of people regardless of whether the behavior was intended to harass. This includes but is not limited to inappropriate sexually oriented comments on appearance, including dress or physical features, sexual rumors, code words, race oriented stories, subtle or direct pressure for sexual activity, and stating or implying that an individual's job performance is attributable to the person's gender.
- **Physical Harassment:** Assault, impeding or blocking movement, leering, or the physical interference with normal work, privacy or movement when directed at an individual on the basis of race, religion, color, national origin, disability, pregnancy, gender or age. This includes pinching, patting, grabbing, intentional brushing against another's body, inappropriate behavior in or near bathrooms, sleeping facilities and eating areas, giving of unsolicited or inappropriate gifts of a personal or private nature, or making explicit or implied threats or promises in return for submission to physical acts.
- **Visual Forms of Harassment:** Derogatory, prejudicial, stereotypical or otherwise offensive posters, photographs, cartoons, e-mails, use of computer or Internet, notes, bulletins, drawings or pictures on the basis of race, religion, color, national origin, disability, pregnancy, gender or age. This applies to either posted material or material maintained in or on City equipment or personal property in the workplace. Employees must understand that harassment often involves perception. What may be intended as innocent or harmless conduct may be perceived as inappropriate harassment-based conduct. Since one person cannot control another's perception, it is always a better choice to avoid conduct that could be perceived as being inappropriately harassing in nature.
- **Retaliation:** No employee, supervisor, or Department Head may take any action in any form against a person for filing a charge of discrimination, participating in an employment discrimination proceeding or opposing discriminatory practices, even if such complaint is found unjustified so long as their action

is based on a reasonable, good-faith belief that the complained of practice violates anti-discrimination law.

- **Sexual Harassment:** According to the federal Equal Employment Opportunity Commission, sexual harassment consists of unwelcome sexual advances, requests for sexual favors, and other verbal or physical conduct of a sexual nature when:
  - Submission to such conduct is made either explicitly or implicitly a term or condition of an individual's employment, or
  - An employment decision is based on an individual's acceptance or rejection of such conduct, or
  - Such conduct unreasonably interferes with an individual's work performance, or creates an intimidating, hostile, or offensive work environment.

For purposes of clarification:

- **Participation:** Participating in a proceeding means taking part in an employment discrimination proceeding, including but not limited to filing a charge of employment discrimination, cooperating with an internal investigation of alleged discriminatory practices, or serving as a witness in a harassment investigation or litigation.
- **Opposition:** Opposing discriminatory practices means informing an employer that you believe the employer is engaging in prohibited discrimination, including but not limited to complaining about alleged discrimination against oneself or others, threatening to file a charge of discrimination, picketing in opposition to discrimination, or refusing to obey an order reasonably believed to be discriminatory. The manner of opposition must be reasonable.

#### Responsibilities

**Management and Supervision:** It is the responsibility of management to:

- Develop this policy and keep it current;
- Ensure each employee knows the policy;
- Check regularly the workplace and environs to ensure the policy is being followed;
- Enforce the policy;
- Ensure that any violation of this policy brought to their attention is dealt with fairly, quickly, and impartially;
- Make necessary corrections in the behavior of their employees when a deviation from this policy is noted or reported; and
- Set the proper example at all times.

**Employees:** Every employee has the responsibility to:

- Know the policy
- Comply with the policy and avoid any conduct that constitutes harassment;
- Promptly report instances of harassment;
- Cooperate fully in any investigation, including the obligation to provide truthful and complete evidence and testimony in any investigation or proceeding;
- Refrain from making any bad faith or knowingly false complaints of harassment; and
- Refrain from retaliation of any kind.

#### Complaint Procedure

##### **Confrontation**

If any person feels they are the victim of harassment, they should inform the person(s) participating in this behavior that he/she finds it offensive. This one-on-one confrontation has been demonstrated to be an effective way to end harassing behaviors. If the inappropriate behaviors do not stop, the offended employee can initiate a complaint as described below. Because confrontation is difficult for some people and because

of the complex nature of harassment, employees are not required to confront an offending party prior to initiating this complaint procedure.

#### **Filing Procedure**

Reports: The City cannot respond to and remedy harassment unless it is made aware of the conduct. The failure to promptly file a report may adversely affect an individual's right of recourse, may result in harassment of others and will hinder the City's ability to respond effectively to a complaint. The filing of a report will facilitate the handling of the complaint, but the paramount concern is to provide a means whereby a report may be filed without fear of retaliation or adverse consequences, while assuring the rights of all parties are protected. Reports of discriminatory workplace harassment may be made orally or in writing and shall be made to any one of the following:

- Immediate supervisor
  - Any other supervisor or manager
  - Any Department Head
  - Human Resources
  - City Attorney
  - City Manager
  - Mayor
  - City Council Members
1. By the Subject of Harassment: Any employee who believes he/she has been the subject of harassment must report the incident within 30 calendar days of the alleged incident.
  2. By an Observer: A report may also be filed in the same manner by a person who observes harassment, but who is not the subject of the harassment.
  3. By Management: Any supervisor or manager who observes inappropriate behavior or receives a harassment complaint shall notify immediately the victim/complainant's Department Head. Any Department Head who observes inappropriate behavior or receives a harassment complaint shall immediately notify the City Manager.
  4. By the Perpetrator: An individual who believes that he/she has engaged in harassing behavior may self-report in the same manner. Self-reporting will not negate the consequences or policies set forth herein, but will be considered as one factor in resolution of the matter.

#### **Investigation and Handling**

##### **1. General Guidelines**

- a) Investigation: Every complaint will be investigated thoroughly, fairly, impartially, and promptly.
- b) Confidentiality: Information will be disseminated on a strict need-to-know basis and confidentiality will be maintained to the fullest extent possible; however, there can be no assurance of complete confidentiality. All employees shall be reminded that the complaint shall not be discussed with others and that retaliation is prohibited.
- c) Protection: Reasonable steps will be taken to protect the reporting individual and others participating in the proceeding, and a person who files a complaint with a good faith, reasonable belief that there has been harassment will face no adverse consequences.
- d) False Complaints: Any complaint made by an employee regarding harassment which is conclusively proven to be false, shall result in discipline, up to and including termination. This section is not intended to discourage employees from making complaints regarding harassment. However, false complaints adversely impact the workplace and the career of the accused, even when disproved, and will not be tolerated.
- e) Obstruction: Any employee who is accused of harassment shall not question, coerce, intimidate, or retaliate in any way against an employee who has filed a complaint of harassment or against

employees who have participated in the proceeding. Disciplinary action will be taken against any employee who obstructs any investigation of harassment or retaliation.

- f) Recusal of Management: Any supervisor, manager, or Department Head accused of harassment shall not conduct or participate in any part of the Complaint Procedure outlined herein except as an accused subject of the complainant's complaint.

## **2. Initial Investigation and Informal Resolution**

- a) Purpose. The purpose of the initial investigation is to determine if there appears to be merit to the complaint and if informal resolution may be appropriate and possible.
- b) Initial Investigation. The complainant's Department Head or his/her designee shall conduct the initial investigation. Initially, the complainant shall be interviewed and any evidence of harassment offered by the complainant shall be reviewed. If it is determined that there may be merit to the complaint, but that informal resolution may be appropriate and possible, the Department Head or his/her designee shall continue the investigation, interviewing the alleged perpetrator and any other persons who possess relevant information. If no merit is found, the Department Head may still meet with the parties involved to attempt to resolve the complaint or conflict.
- c) Informal Resolution. After completing the initial investigation, if the complaint is resolved informally to the satisfaction of the complainant, an entry shall be made in each party's personnel file, except as indicated otherwise, noting that: (1) a harassment complaint was filed; (2) (i) harassment was found to have occurred (no such entry will be made in the complainant's personnel file); (ii) harassment was not found to have occurred; or (iii) the investigation was inconclusive as to whether harassment occurred; (3) the parties mutually agreed to a resolution of the complaint; and (4) the parties' resolution.
- d) Role of Human Resources. The Department Head shall notify Human Resources of the complaint, the initial investigation and informal resolution and may consult with Human Resources, as needed. Separate records of the investigation and informal resolution shall be retained as protected files maintained by Human Resources and in accordance with the Utah State Archives retention schedule.
- e) Referral for Further Investigation. After initially interviewing the complainant, (i) if the Department Head attempts informal resolution but is unsuccessful, or (ii) if the Department Head determines that there may be merit to the complaint but informal resolution would not be appropriate or possible, he/she shall direct immediately the complaint to the City Manager for further action.

## **3. Subsequent Investigation and Formal Resolution**

- a) Initial Determination of Action: After an initial investigation has been conducted and if there is no informal resolution and/or conciliation of the complaint, the Department Head, City Attorney, and City Manager shall determine:
  - i. If there appears to be merit to the complaint;
  - ii. If additional investigation should be conducted;
  - iii. If additional investigation is required, whether action is required to secure the personal safety of the complainant or other individuals. Any appropriate precautionary action may be taken, including but not limited to separation of the parties, additional supervision, or administrative leave of either party, with or without pay;
  - iv. If additional investigation is required, whether the investigation should be conducted internally or by an outside investigator; and
  - v. If additional investigation is required, and who should conduct the additional investigation.
- b) Outside Investigator: The City shall:
  - i. Solicit a neutral and unbiased investigator;
  - ii. Solicit an investigator with appropriate investigative experience; and
  - iii. Direct the scope of the investigation, but the City shall not direct the method of investigation.
- c) Notice to Parties: Prior to conducting the investigation, the City shall notify:
  - i. The alleged perpetrator of the nature of the complaint, but the City shall not be required to provide him/her with details underlying the complaint or the initial investigation;
  - ii. The complainant and the alleged perpetrator of the City's intent to investigate further;

- iii. The complainant, the alleged perpetrator and all intended interviewees of the outside investigator's qualifications; and
- iv. All interviewees that the interviews are being audibly or video recorded.
- d) Investigation, Investigation Report and Written Decision:
  - i. The investigation may include interviews with the complainant, the alleged perpetrator, and any other persons determined by the investigator to possibly have relevant knowledge concerning the complaint. This may include victims of similar conduct. The investigator may accept written comments, but no such comments may be anonymous.
  - ii. All interviews shall be audibly or video recorded.
  - iii. Factual information gathered through the investigation will be reviewed to determine whether the alleged conduct constitutes harassment, giving consideration to all factual information, the totality of the circumstances including the nature of the verbal, physical, visual or sexual conduct and the context in which the alleged incident(s) occurred.
  - iv. Upon completing the investigation, the investigator shall prepare a written report. The report shall identify all witnesses interviewed, all written information and physical evidence received, all documents and other evidence reviewed, all findings of fact made and the basis for such findings. Copies of the report shall be provided to the complainant and the alleged perpetrator.
  - v. The complainant and the alleged perpetrator may respond to the investigation report in writing within three business days.
  - vi. Upon receipt of the written responses from complainant and the alleged perpetrator, the City shall determine and conduct any further investigation made necessary by the parties' written responses.
  - vii. If no further investigation is necessary or upon completion of any further investigation, the City shall issue a written decision as soon as practical after receiving the investigation report and any written responses from complainant and the alleged perpetrator. The decision shall include a summary of relevant findings of fact and conclusions, including a determination that the conduct either constituted or did not constitute harassment or that the investigation was inconclusive.
  - viii. The results of the investigation and the determination as to whether harassment occurred shall be reported to appropriate persons including the complainant, the alleged perpetrator, the supervisor, the Department Head and Human Resources.

**4. Implementation. Once a decision is final:**

- a) Harassment: If harassment is found to have occurred:
  - i. Discipline appropriate to the nature of the harassment shall be imposed; and
  - ii. Copies of any disciplinary records shall be placed in the perpetrator's personnel file.
- b) No Harassment: If harassment is found not to have occurred, written notice to the parties shall be provided. An entry (without identification of the other party) shall be made in the complainant's personnel file noting that a harassment complaint was filed along with a notation that harassment was found not to have occurred.
- c) Inconclusive Determination: If the investigation and determination are not conclusive as to whether harassment occurred, written notice to the parties shall be provided. An entry shall be made in each party's personnel file noting that a harassment complaint was filed along with a notation that the investigation was unable to determine if harassment occurred. Other parties and individuals involved in the investigation shall not be identified by name in such notations.
- d) Protected Records: Separate records of the investigation, the City's written decision and any disciplinary action shall be retained as protected files maintained by Human Resources which may be reviewed and considered by management in the event of similar matters pertaining to either party in the future. Such records shall be maintained in accordance with the Utah State Archives retention schedule.

**5. Time Extension**

- a) The time requirements set forth in this procedure may be extended when it is determined to be in the best interest of fairness and justice to the parties involved.

1. Any employee who violates this policy or who fails to abide by obligations set forth in this policy is subject to disciplinary action. Such disciplinary action may be imposed for perpetrating or assisting in harassment, for knowingly failing to report harassment, for failing to cooperate in an investigation, for providing false or misleading statements or evidence in any investigation or proceeding, or for otherwise failing to comply with the expectations set forth in this policy. The discipline will be commensurate with the severity of the offense, up to and including termination from employment.
2. Any discipline shall be determined and imposed by or under the direction of the perpetrator's Department Head in accordance with the other provisions of this *Employee Handbook*.
3. Since harassment is absolutely prohibited, any employee determined to have engaged in harassment by the City under this policy will be deemed to be acting outside the scope of employment and, therefore, the City shall not indemnify or reimburse the employee for any costs, damages or other liability resulting from such conduct.
4. If discipline is imposed, the nature and extent of the discipline will not be divulged to the complainant.

#### Limitations

The use of this procedure is limited to complaints related to discriminatory workplace harassment on the basis of race, religion, color, national origin, disability, pregnancy, gender or age. All other complaints shall be handled through the employee grievance procedure as established by the *Employee Handbook*.

#### Distribution

This policy shall be disseminated to all employees, supervisors and managers of the City of West Jordan. As part of the City's employment orientation, new employees will be given a copy of the City's harassment policy and sign a statement that they have received it. Any questions, concerns or comments related to this policy should be directed to the Human Resources Manager or his/her designee.

#### Education and Training

As part of the City's employment orientation, new employees will be given a copy of the City's sexual harassment policy and sign a statement that they have received it. The City will strive to provide employees with training at least annually about the City's sexual harassment policy and reporting procedures. The City shall post notices and inform employees about the law and reporting procedures.

## General Standards of Conduct

### CORRECTIVE DISCIPLINARY ACTION, GRIEVANCE PROCEDURE, AND INVOLUNTARY TERMINATION

As a matter of policy, the City of West Jordan believes in and practices individual responsibility and accountability. We believe in allowing employees to govern their own conduct within acceptable standards of behavior. We rely on individual good judgment and a sense of responsibility. The City of West Jordan expects from its employees integrity, mutual respect and courtesy, effective and efficient performance, considerate customer and citizen relations, responsiveness, and loyalty. Employees are expected to conduct themselves in an appropriate manner. However, to maintain our desired level of performance, and to protect our citizens, other employees, City property, and City interests, we have established certain standards of conduct. All employees are expected to adhere to our performance standards.

The standards were established for the guidance of all employees. They are intended to provide examples of types of conduct that are not permissible. They should not be considered an all-inclusive list.

### CONFIDENTIALITY OF INFORMATION, INCLUDING DISCIPLINARY ACTION AND GRIEVANCE PROCEDURE

It is a "critical offense" (see the first item on the list in the next section) to release any confidential City, employee, and/or citizen information to anyone without prior written authorization. It is especially important to maintain the confidentiality of disciplinary actions and grievance procedures.

Unless an employee is responsible for or involved in a specific part of a disciplinary action or a grievance procedure, that employee shall not be entitled to any confidential information regarding that action or

procedure, unless there is an absolute need for the information to complete the employee's assigned responsibilities, as determined by the City Attorney, subject to being overruled only by the City Manager, by a written authorization.

#### CRITICAL OFFENSES

Critical offenses are violations of the City of *West Jordan's Standards of Conduct* that are extremely serious and may justify involuntary termination without regard to the employee's length of service or prior record of conduct. The list should not be considered all-inclusive. They include but are not limited to:

1. Releasing confidential City, employee, and/or citizen information to anyone without prior written authorization.
2. The unauthorized removal, falsification, intentional release of, or alteration of City records and/or documents such as, but not limited to, the employment application, drug or alcohol testing, or any other official and confidential document.
3. Being convicted of a felony.
4. Theft of any kind.
5. The destruction, abuse, damage to or destruction of City property or the property of its employees.
6. Immoral or indecent conduct.
7. The distribution, possession, consumption, purchase, sale, or manufacture of intoxicants or illegal substances and/or reporting to work under the influence of such intoxicants.
8. Prohibited from being under the influence of prescription drugs that can interfere with their ability to safely perform their job, operate machinery, or City vehicles in a safe manner.
9. Disorderly conduct on City property, including, but not limited to, threatening, intimidating, fighting, coercing, sexually harassing, or physically assaulting City personnel, visitors, or citizens.
10. Unauthorized possession of firearms or other dangerous weapons on City property except as permitted by applicable State law.
11. Unprofessional conduct.
12. Soliciting contributions, or accepting donations, gratuities or support of any amount of any kind from citizens, employees, visitors, vendors, or supplier representatives.
13. Insubordination or the refusal to obey a legitimate directive from the supervisor or designated supervisor (not to be confused with the employee's inability to perform the job).
14. Being absent one or more business days without notifying the immediate supervisor.
15. Sexual harassment or inappropriate sexual conduct.
16. Dishonesty, deceit, or fraud.
17. Failure to adhere to the City's Conflict of Interest ordinance (Title 1, Chapter 11 of the 2009 City Code).
18. Downloading or copying City owned software, processes or other similar material; sensitive or confidential documents; protected information, photos, reports, emails, etc. to personally owned computers or similar devices.
19. Failing to obtain or maintain all required occupational licenses, professional licenses, or certifications.

#### SERIOUS OFFENSES

Serious offenses are violations of the City of West Jordan Standards of Conduct that justify disciplinary action. The list should not be considered all-inclusive. They include but are not limited to:

1. Excessive absenteeism and/or tardiness. Failure to use proper call-in procedure for reporting absences.
2. Any violation of City departmental policies or procedures.
3. Disregard for safety rules.
4. Failure to follow specified job instructions.
5. Failure to work harmoniously with other employees.
6. Unauthorized solicitation on City premises.
7. Distributing unauthorized printed material on City premises.
8. Creating or contributing to unsanitary conditions.
9. Unauthorized operation of tools, machinery, or equipment.
10. Gambling on City premises.
11. Failure to report an injury or accident.

12. Unauthorized sleeping on the job during work hours or leaving the site early without permission.
13. Intentionally restricting output.
14. Failure to maintain production and performance standards.
15. Repeated violation of rules and procedures.
16. Use of profanity or offensive language directed at an individual.
17. Any conduct which reflects negatively on the character of the employee or the City.
18. Non-exempt employees working off-the-clock and not accurately tracking the hours they work and/or supervisors allowing employees to work off-the-clock and, not accurately monitoring the hours worked by non-exempt employees.
19. Inappropriately interfering with a disciplinary action or a grievance procedure.

#### CORRECTIVE DISCIPLINARY ACTION

The following is an explanation of the disciplinary action process, although the City has the option of deviating from these steps when circumstances dictate. All disciplinary actions, except terminations, are intended to be corrective and to result in compliance with policies, procedures, standards of conduct, and expected job performance standards. For discipline to be effective, the discipline must be presented to the employee as soon as possible after the improper action occurred. An employee must be advised in writing of the proposed discipline to be taken against him/her within 15 business days of the supervisor's becoming aware of the improper action (see "Predetermination Meeting" below). Discussions regarding the discipline should be on a need-to-know basis. Interviews should be conducted in a quiet area separate from coworkers. Documentation of written discipline must be provided to the employee and Human Resources.

#### DISCIPLINARY ACTION

Except in cases of critical offenses, which result in termination, and terminations during the probationary period, the City of West Jordan generally uses a Progressive Disciplinary Action procedure to resolve employee performance problems. The process requires that the Department Supervisor, Department Manager, Department Head, and Human Resources be involved in all aspects of the disciplinary process. The Department Head will conduct all disciplinary meetings and is the only individual authorized to take First Written, Final Written and Termination Disciplinary Action. Disciplinary action will be documented using the Corrective Disciplinary Action Form.

#### POSSIBLE DISCIPLINARY ACTION STEPS

**Documented Verbal Warning:** This is a warning, presented in a private meeting with the supervisor, and documented in writing using the Corrective Disciplinary Action Form but not placed in the employee's permanent file in Human Resources. A copy of the disciplinary document is given to the employee. The document will also list the consequences if further performance problems continue. The documented Verbal Warning and pertinent documentation are kept in the supervisor's or department's file, and are not placed in the employee's Human Resources file unless further disciplinary action related to the verbal warning is taken. All documented Verbal Warnings that involve any type of potential or actual discrimination (e.g., race, religion, gender, sexual harassment, or inappropriate sexual conduct, etc.) must be forwarded to Human Resources for review prior to documented Verbal Warning being presented to the employee. Disciplinary action involving these types of discriminatory infractions will be evaluated to ensure appropriate disciplinary action is taken, and a copy of which will be maintained in the Human Resource office.

**Predetermination Meeting:** Prior to imposing the First Written, Final Written, or Termination disciplinary actions, the Department Head will conduct a predetermination meeting with the employee, Department Manager, Supervisor, and a representative from Human Resources. This meeting shall serve to discuss the allegations with the employee. The objective is to encourage an open dialogue between the employee and management. This is the "fact-finding" step. The intent is to obtain pertinent information, as well as listen to the employee's perspective. Depending on the severity of the allegation, the Department Head, with City Manager approval, may place the employee on suspension with pay pending further investigation. No employee investigation coupled with administrative leave will be conducted without City Manager approval. The City Manager may also designate who will conduct the investigation.

City employees who are in their probationary period, and who are considered "At-Will" are not entitled to a predetermination meeting. The predetermination meeting is for the purpose of allowing the employee to present any information or evidence that he/she believes is relevant to the allegations of misconduct.

Written notice of the predetermination meeting shall be given to the employee at least three business days before the meeting. The notice shall describe the facts relating to the employee's misconduct, and refer to the appropriate sections of the Employee Handbook, which the employee has violated. The employee should also be told he/she may bring evidence or witness the employee believes relevant to the meeting. A record will be kept of the meeting. Following the predetermination meeting, a final decision shall be presented to the employee within 10 business days from the date of the predetermination meeting. The Department Director (with City Manager final approval) may request an extension of up to a maximum of 20 business days from the date of the predetermination meeting.

**First Written Warning:** Should further discipline be required after a documented Verbal Warning, or if the conduct is severe enough in the absence of a documented verbal warning, the Department Head may issue a First Written Warning, specifying the problem and the improvement required, a copy of which is placed, along with supporting documentation and, if applicable, the documented Verbal Warning in the employee's personnel file. The disciplinary action is presented by the Department Head, with the department manager, supervisor, and a representative from Human Resources present at the meeting. The employee will be asked to read and sign the warning. The employee receives a copy of the First Written warning. Another copy is placed in the employee's file in Human Resources. The First Written Warning will stipulate the consequences that may result if further performance problems continue including but not limited to a Final Written Warning or termination.

**Final Written Warning:** If the employee does not show improvement in his/her performance, or if conduct is sufficiently egregious, he/she may be issued a Final Written Warning or be terminated. Prior to presenting the Final Written Warning, it is the responsibility of the Department Head to conduct the predetermination meeting with the employee, with the Department Supervisor, Manager, and a representative from Human Resources present. The employee is asked to read and sign the warning. A copy of the Disciplinary Action Form will be given to the employee, and the original with applicable documentation is placed in the employee's file in Human Resources. The Final Written Warning will stipulate the consequences that may result if further performance problems continue including termination of employment. Suspension, without pay, of up to one or more full days (for exempt employees only) and a partial day or more for non-exempt employees, may be applied only with prior approval of the Department Head and the City Manager. The Final Written Warning will be part of the employee's file in Human Resources. As specified in Utah Code Ann. §10-3-1106, any employee with a property interest in their job, (excludes "At-Will" employees) are entitled to take advantage of the appeal process if there is a suspension of more than two days without pay. All suspensions shall be handled in accordance with the Department of Labor regulations and law.

#### **REBUTTAL**

No written disciplinary action will be placed in the employee's Human Resource file until the employee is first informed of the action and afforded his/her right to file a written rebuttal, and have that rebuttal included in his/her personnel file.

#### **SUSPENSION WITH AND WITHOUT PAY**

An employee who is accused of misconduct may be suspended pending the results of an investigation with the approval of the Department Head and City Manager. Generally, employees will be suspended "with pay," although some types of misconduct of a serious nature may warrant suspension without pay with approval from both the City Attorney and the City Manager. Employees will not accrue leave time while suspended without pay. An employee who is placed on Administrative Leave will be notified of the results of the investigation and any action to be taken. If no serious misconduct or violation is found through the investigation, the warnings will be removed from the employee's personnel file.

### INVOLUNTARY TERMINATION

If the predetermination meeting decision is to terminate the employee's employment, a representative from Human Resources and the Department Head will confer with the City Attorney's office and City Manager prior to formulating the termination document and presenting it to the employee. The representative from Human Resources will coordinate the preparation of final wage and benefit payments with the Finance Department and prepare an exit letter explaining termination and COBRA information. The termination document will include the reasons for termination. It will also inform the employee of the Termination Appeals Process. The Department Head conducts the termination meeting, with the Department Manager and/or Supervisor and Human Resource representative and/or City Attorney. The Department Head, in conjunction with Human Resources, will be responsible for maintaining a record of the meeting. The employee will be asked to sign the termination document and will be given a copy for their personal records.

### APPEALS

Appeals for Termination, Suspension without Pay for More than Two Days, and Involuntary Transfer to a Position with a Decrease in Remuneration. As specified in Utah Code Ann. §10-3-1106, non at-will employees who have been terminated, suspended for more than two business days without pay, or involuntarily transferred to another position with a decrease in remuneration, are required to first exhaust the City's internal administrative grievance procedure before they can appeal to the Employee Discharge Appeals Board. Refer to *Title 1, Chapter 12 of the West Jordan 2009 City Code*, or its successor provision(s) prior to seeking judicial review.

### GRIEVANCE PROCEDURE

A non at-will employee may file a grievance if he/she disagrees with the disciplinary action or other management decision taken against him/her due to violation of the City's policies and procedures or other employment action deemed unfair by the employee. The Grievance process does not create a contract between the City and its employees.

#### Informal Grievance Procedure

The grievant and the City's representative shall make every effort to resolve the grievance at the lowest level of supervision. Thus, the grievant shall attempt to discuss the grievance with the immediate supervisor before resorting to the Formal Grievance Procedure with the time limits therein or he/she will have waived the right to proceed in the Formal Grievance Procedure.

#### Formal Grievance Procedure – First Level of Review

The grievant shall present the formal grievance in writing to his/her Department Head or designee within 10 business days from the date the employee was presented the disciplinary action. If the Department Head was involved in the disciplinary action, formal written grievance is made directly to the City Manager.

The written grievance shall contain the following information:

- The name and job title of the grievant
- His/her department
- A clear and concise statement of the nature of the grievance, including the circumstances and dates involved
- The specific provision(s) of the employment action taken against the employee and the reason it is deemed inappropriate, referring to any laws, policies, or procedures alleged to have been violated
- The requested remedy
- The date
- The signature of the grievant
- The Department Head or designee shall render a decision and comments in writing and return it to the grievant within 10 business days after receiving the written grievance. If the grievant does not agree with the Department Head or designee's decision or if no answer has been received within the specified time period, the grievant shall present the grievance in writing to the City Manager by submitting his/her written request to Human Resources within 10 business days after the Department Head's decision was rendered, or should have been rendered.

### **City Manager Review**

Within 10 business days of receiving a written grievance, the City Manager or his/her designee shall discuss the grievance with the grievant and with other appropriate individuals. Within 10 business days of that meeting, the City Manager or designee shall render the decision and comments in writing and return the decision to the grievant. If the grievant does not agree with the decision reached or if no answer has been received within the specified time period, the grievant may appeal the grievance to the Employee Discharge Appeal Board as provided by *City Code Chapter 1-12*.

### **General Provisions**

Failure of the grievant to meet any of the specified deadlines shall constitute a withdrawal and waiver of the grievance. Failure by the City to meet any of the specified deadlines shall entitle the grievant to appeal to the next level of review. Since it is important that grievances be processed as rapidly as possible, the number of days indicated at each level shall be considered a maximum, and every effort should be made to expedite the process. If the last day of the specified time period falls on the weekend or a City-observed holiday, it shall be moved to the next business day that City Hall is open. Otherwise, the time specified may be extended only by mutual written consent. Probationary employees may not initiate a grievance procedure after termination of employment during the probationary period. Employees shall be assured of freedom from reprisal for using the grievance procedures. Human Resources shall act as a central repository for all grievance records. Any decision or finding involving an unbudgeted expenditure must be submitted to the City Council for ratification before that decision can become final and binding. An employee's failure to appear for any scheduled meeting without notification will constitute a withdrawal and waiver of the grievance.

### **EXPUNGING OF DISCIPLINARY ACTIONS**

"Expunging" means the destruction of a disciplinary record held by any department of the City.

"Disciplinary record" includes but is not limited to records of any complaint, investigation, predetermination meeting, grievance and appeal proceedings and disciplinary action. An employee who has been subjected to a disciplinary action may petition the City Manager to have his/her disciplinary record expunged, subject to the following conditions:

- The disciplinary record must remain in the employee file for a minimum of one year from the date of discipline.
- The employee must have completed all required conditions of the disciplinary action; and
- There may not have been any intervening disciplinary actions.
- This policy applies to all disciplinary actions except Final Written Warnings and discipline pertaining to harassment by the employee. Final Written Warnings and related disciplinary actions, along with documentation pertaining to it, as well as all disciplinary actions and related documentation dealing with harassment by the employee will remain in the file and may not be expunged.

The City Manager may expunge an employee's disciplinary record if the preponderance of evidence demonstrates good cause. The City Manager may consider any relevant evidence, including but not limited to:

- Any recommendation by the employee's immediate supervisor and Department Head; and
- Any statement by a victim, if any, of the employee's conduct.

If the City Manager expunges a disciplinary record, the City may not use the expunged disciplinary action or record for any purpose, including but not limited to subsequent disciplinary action and promotions.

## **Risk Management**

### **EMPLOYEE LIABILITY**

An employee who becomes aware of any occurrence which may give rise to a lawsuit, who receives a notice of claim, or is sued because of an incident related to his/her employment, shall immediately notify the supervisor, Department Head, Risk Manager, and/or City Attorney. In most cases, under provisions of

the Governmental Immunity Act (Section 63-30-36 and 37 of the Utah Code), employees shall receive "defense" (including indemnification) unless the case involves fraud, malice, or the use of alcohol or drugs by the employee. If a lawsuit results against an employee, the Governmental Immunity Act stipulates that the employee must request a defense from the City in writing within 10 business days of receipt of the lawsuit from the City.

If the City defends, continues to defend, or provides or pays for the defense of the employee, the City has the discretion to settle the case and the employee shall cooperate.

Pursuant to Utah Code Ann. Section 63G-7-902(2)(b), if the employee fails to request a defense, chooses not to cooperate in the defense, or fails to reasonably cooperate in the defense, including the making of an offer of judgment under Rule 68, Utah Rules of Civil Procedure, Offers of Judgment, then the City does not need to:

1. Defend (or continue to defend) the employee regarding the lawsuit; or
2. Provide or pay for the defense of the employee regarding the lawsuit; or
3. Pay any judgment, compromise, or settlement against the employee regarding the lawsuit.

#### SUBSTANCE ABUSE AND DRUG FREE WORKPLACE

##### Policy Statement and Authorization

The City of West Jordan believes alcohol and illegal drugs in the workplace are unhealthy and dangerous, not only to the employee involved, but to other employees, as well. The unlawful manufacture, distribution, use, dispensing, possession, or being under the influence of alcohol and illegal drugs is prohibited on the City premises, in City vehicles, in employees' vehicles, or at any time the employee is representing the City.

The City believes that a healthy and productive workforce, safe working conditions free from the effects of drugs and alcohol, and maintenance of the quality of the City's products and services are important, not only to the City, but also to the employees and the general public. The abuse of drugs and alcohol creates a variety of workplace problems, including increased injuries on the job, increased absenteeism, increased financial burdens on health and benefit programs, increased workplace theft, decreased employee morale, decreased productivity, and a decline in the quality of products and services.

Therefore, the City hereby adopts this policy for testing employees and prospective employees as related to drugs and alcohol in the workplace.

This policy is designed to provide guidance to City officials on employee management. Violation of this policy should not give rise to a cause of action against the City or its supervisory personnel, nor should it create any presumption that a legal duty has been breached. Employees who voluntarily come to management (Department Manager, Department Head, Human Resources, or City Manager) prior to any reasonable suspicion of a policy violation, for cause, random, or conviction of a violation of the law due to drug or alcohol abuse and admit that they have a drug or alcohol addiction problem will be allowed to enter a treatment program (at their own expense) and will not lose their job. Subsequent substance abuse problems will be handled in accordance with the disciplinary actions outlined in this policy.

##### Drug and Alcohol Testing Policy Definitions

For the purposes of this policy:

- Alcohol means alcoholic beverages and any other intoxicating substances.
- Illicit drugs and drugs used in this policy refer to and include all drugs, paraphernalia, controlled substances, or mood- or mind-altering substances, any of which that were not prescribed by a licensed physician/dentist for the person taking or in possession of the drug or substance, or which have not been used as prescribed or directed.
- Drug paraphernalia means objects used to manufacture, compound, convert, produce, process, prepare, test, analyze, pack, store, contain, conceal, and/or inject, ingest, inhale, or otherwise introduce a drug into the human body.
- Employee means any person in the service of the City for compensation in the form of salary or wages.

- Prospective employee means any person who has applied for employment with the City and to whom the City has offered employment, conditioned upon the results of a drug and alcohol test.
- Sample may mean urine, blood, breath, saliva, or hair. Note: The definition of which sample may be requested for drug and alcohol testing is defined by the City unless otherwise specified by state or federal law.
- Conviction means a finding of guilt (including a plea of nolo contendere) or imposition of sentence, or both, by any judicial body charged with the responsibility to determine violations of the federal or state criminal statutes.
- Criminal drug statute means a federal or state criminal statute involving the manufacture, distribution, dispensing, possession, or use of any controlled substance.
- The Medical Review Officer (MRO) means the individual charged with reviewing and interpreting positive test results and determining any alternate medical explanations.
- The Drug Policy Coordinator is the City of West Jordan employee specifically designated to administer the drug and alcohol testing policy and through whom any procedures, disciplinary, or rehabilitative action regarding this policy must be reviewed and approved. The Drug Policy Coordinator is a designated representative from Human Resources or other person designated by the City Manager.
- Commercial driver's license (CDL) means the license required to operate a commercial vehicle. Note: The Department of Transportation's (DOT) rule 49 CFR 40, describes required procedures for conducting workplace drug and alcohol testing for the federally regulated transportation industry. The Federal Motor Carrier Safety Administration's (FMCSA) rule, 49 CFR 382, provides drug and alcohol testing requirements for carriers and commercial driver's license holders (CDL). More information can be found regarding Federal DOT drug testing requirements online at <http://www.dot.gov/ost/dapc/regulations.html>.

#### Testing Policy

It is the policy of the City to test employees and prospective employees for the presence of drugs or alcohol, according to the provisions set forth below, as a condition of hire or continued employment. Any employee or prospective employee failing or refusing to take the test will not be eligible for employment or, if employed, may be subject to termination. Any adulteration of the drug test through tampering with the sample shall be categorized as a refusal to take a test and will result in immediate termination of employment. The City shall consider as negative all confirmed positive drug and alcohol test results with a medically sufficient explanation.

The City shall periodically require the testing of employees and prospective employees, including management, under the following circumstances and purposes:

**Pre-employment Testing:** All prospective employees shall be sent to a qualified facility to be tested for drug or alcohol usage prior to being placed for employment. All job applicants shall be informed of the policy at the pre-employment interviews. A copy of this policy shall be available for review by all job applicants. All prospective employees shall be required, prior to being hired by the City, to sign the acknowledgment form, agreeing to abide by the terms of this policy. The City will exclude from employment any job applicant or prospective employee who refuses to abide by the terms of this policy. Any prospective employee whose pre-employment drug and alcohol test show confirmed positive results and who does not have a medically sufficient explanation (as determined at the sole, but reasonable, discretion of the MRO) may reapply for employment with the City after six months from the date of the failed test. If the City hires a prospective employee, he/she must have first successfully passed the pre-employment drug and alcohol test. Thereafter he/she will be subject to all the procedures and requirements for drug and alcohol testing as set forth in this policy.

In addition, employees required to have a valid CDL for City employment and employees in safety sensitive positions such as police officers and firefighters who have taken an extended leave of absence of six months or longer must be retested before returning to work.

**Return to Work Testing:** Employees required to have a valid Commercial Driver's License (CDL) for City employment and employees in safety sensitive positions such as police officers and firefighters who are

gone due to a medical leave of absence of more than 30 days or administrative leave of absence must be retested before returning to work.

**Return After Drug/Alcohol Rehabilitation Testing:** If the City returns an employee to duty after he/she has voluntarily sought rehabilitation for drug or alcohol abuse and has successfully completed rehabilitation, he/she shall be entered into a program of unannounced drug and alcohol testing for a predetermined period of time at the sole discretion of the management. Upon returning to work after completion of the drug rehabilitation program, the employee will be required to submit to a random drug screen for a period of one year from the return to work date. Human Resources will be responsible for making the arrangements for the drug testing.

**Return to Modified Duty Testing:** Employees (in safety sensitive positions) and employees required to hold a commercial driver's license (CDL) and drive commercial vehicles as a condition of employment will be required to submit to random drug testing while on modified duty. Return to work drug testing requirements apply once the employee returns to full duty.

**Reasonable Suspicion (for Cause) Testing:** Supervisors and managers shall be trained to look for behaviors which may indicate drug or alcohol usage. These behaviors include, but are not limited to: direct observation of drug or alcohol use, drug paraphernalia, abnormal or erratic behavior such as accidents, stealing, or repeated errors on the job, or unsatisfactory time and attendance patterns, any of which are coupled with a specific event that indicates probable drug or alcohol use. An employee will be required to provide a urine sample, as defined below, when such reasonable suspicion arises and when at least one supervisor or manager, and the Human Resource Director and/or Risk Manager concur that a reasonable suspicion of drug or alcohol use exists. The decision to test for drug or alcohol use by an employee is based on specific physical, contemporaneous, behavioral, and/or performance indicators. Once the authorized supervisors have determined that a reasonable suspicion exists, testing is done immediately.

**Post-Accident Testing:** Post-accident testing will be required of all employees involved in any type of accident when:

1. The damage to City property, vehicle, equipment, and/or private property exceeds \$1,500 (or other amount as adopted in **Administrative Directive #15**).
2. Any individual involved receives care at a hospital or clinic.
3. The employee contributes to the accident and if the City position requires they have a valid CDL or if the employee holds a safety sensitive position (e.g. Police, Firefighter).

Employees present in a City vehicle during the accident, but not driving the vehicle involved in the accident, will not be required to submit to a post-accident drug screen unless they contributed to the cause of the accident or they receive care at a hospital or clinic. All post-accident drug testing will occur as soon as possible after the accident occurred. The immediate supervisor and the department manager of such employee, in association with Human Resource and/or the Risk Manager shall determine if the performance of that employee either contributed to the accident or cannot be completely discounted as a contributing factor.

**Random Testing:** Random testing will be performed periodically on employees required to hold a commercial driver's license (CDL) and who drive commercial vehicles as a condition of employment and employees in safety sensitive positions which include police officers and firefighters. They will be randomly selected and given minimal advance notice. Such employees are under no suspicion but are tested specifically to satisfy the random criteria. The purpose of random testing is to be a deterrent to all safety sensitive employees for drug or alcohol abuse. The means of random selection shall be confidential. Employees required to hold a commercial driver's license (CDL) and drive commercial vehicles as a condition of employment may be tested more frequently to meet federal and or state requirements.

- Any drug or alcohol testing shall occur during or immediately after the regular work period of current employees and shall be deemed work time for purposes of compensation and benefits for current employees.

- Individuals will be tested on company premises or sent to an outside clinic or testing facility licensed to perform such tests. If employees are sent to an outside clinic for a "reasonable suspicion" test, the employee must be driven to the facility by the supervisor or his/her designee.
- The employee must then be put on administrative leave until the results of the test are available. The supervisor must arrange or help the employee make arrangements to get home without driving him/herself.
- The City shall pay all costs of testing and transportation associated with a test required by the City.
- All sample collection and testing shall be performed according to the following conditions:
  1. The collection of samples shall be performed under reasonable and sanitary conditions.
  2. Samples shall be collected and tested with due regard to the privacy of the individual being tested and in a manner reasonably calculated to prevent substitutions of or interference with the collection or testing of reliable samples.
  3. The collection of samples shall be documented, and the documentation procedures shall include labeling samples to reasonably preclude the probability of erroneous identification of test results. An opportunity shall be provided for the employee or prospective employee to provide any information that he/she considers relevant to the test, including identification of currently or recently used prescription or nonprescription drugs or other relevant medical information.
  4. Sample collection, storage, and transportation to the place of testing shall be performed so as to reasonably preclude the probability of sample contamination or adulteration.
  5. Sample testing shall conform to scientifically accepted analytical methods and procedures. Testing shall include verification or confirmation of any positive test result by gas chromatography/mass spectrometry before the results of any test will be used as a basis for any action by the City.
  6. A test result shall be considered as positive, and an employee shall be considered "under the influence" if the test result equals or exceeds the following measurement criteria. Note: The following list is not all inclusive of illegal substances and the City reserves the right to test for other illegal substances. The presence of any amount of un-prescribed (by a licensed Utah physician) Schedule One drug will justify disciplinary action up to and including termination.

**Test Cut-off Levels (Ng/mL)**

Marijuana .....	50
Cocaine.....	300
Opiates .....	2000*
Phencyclidine.....	25
Amphetamines.....	1000
Alcohol .....	0.04%
Alcohol for CDL Holders .....	0.02%
*6 AM – Test for 6 – AM when morphine concentrations exceed	2000 Ng/mL.

Note: Employees must notify supervisors if they are taking prescription medications that interfere with their ability to perform the essential functions of the job so that accommodations may be evaluated. Drug testing will include testing for health care opiates only for employees in safety sensitive positions (police officers, firefighters, and firefighter/paramedics) and employees required to hold a commercial driver's license (CDL) and drive commercial vehicles as a condition of employment. Any employee in a safety sensitive position (police officer, firefighter, firefighter/paramedic, and employees required to hold a (CDL) who is off due to a medical leave of absence for more than 30 days will be tested randomly for one year after returning to work. The City reserves the right to handle this testing on a case-by-case basis.

The percentages for employees tested shall be determined by the City Manager and changed from time to time. Safety sensitive positions will be pulled separately and shall include the following positions: police officer, firefighter and commercial driver's license holders (CDL) who drive commercial vehicles as a condition of employment.

To obtain accurate and reliable test results, the employee or prospective employee must not dilute the urine sample by ingesting excess fluids (hereinafter referred to as an "excess fluids sample") before providing the sample. A urine sample shall be considered an excess fluids sample if (1) the test results indicate that the urine sample contains creatinine levels less than .2g/L and a specific gravity of less than 1.003 and (2) there is no medically sufficient explanation for such excess fluids, which explanation must be judged as satisfactory to the MRO in his/her sole but reasonable discretion. If a urine sample provided by a prospective employee or an employee is determined after appropriate testing to be an excess fluids sample, the prospective employee or employee shall, at the City's discretion, be required to provide another urine sample (the "second sample") at a time and under conditions and requirements that are within the sole discretion of the City. In the event the second sample is determined, after appropriate testing, to be an excess fluids sample, the prospective employee shall not be offered employment with the City and the employee shall be subject to City action as set forth in the next section of this chapter.

In addition, when any sample is deemed by the collector at the time of collection to have a temperature out-of-range, or to have been adulterated, the prospective employee shall not be hired and the current employee shall immediately produce a second specimen for testing. If he/she refuses to provide a second specimen or if the second specimen is also deemed by the collector to have been adulterated or temperature out-of-range, he/she shall be subject to City action.

#### City Action

Upon receipt of a confirmed positive drug or alcohol test result, which indicates a violation of this policy or upon the refusal of any employee or prospective employee to provide a sample, the City may use that test result or refusal as the basis for disciplinary or rehabilitative actions, which may include, but is not limited to, the following:

- Require the employee to enroll in a City-approved rehabilitation, treatment, or counseling program, which may include additional drug or alcohol testing, as a condition of future employment – this is to be done at the employee's expense.
- Suspend the employee with or without pay for a period of time.
- Termination of employment.
- Refuse to hire a prospective employee.
- Take other disciplinary measures in conformance with the City's practices, policies, or procedures.

#### **Confidentiality**

- All information, interviews, reports, statements, memoranda, or test results received by the City through this drug and alcohol testing program are confidential communications and are not to be used or received as evidence, obtained in discovery, or disclosed in any public or private proceeding except to those having a demonstrated need to know or in a proceeding related to an action taken by the City, in defense of any action brought against the City, or as required by law.
- The information received from the drug-testing results shall be the property of the City.
- The City is entitled to use a drug or alcohol test result as basis for employment action.
- Test results may be released to the person who was tested upon written request.

#### **Miscellaneous Conditions**

- Employees who possess, dispense, manufacture, or distribute alcohol, drugs, or drug paraphernalia on City premises or on City time may be subject to disciplinary action including termination.
- Employees undergoing prescribed medical treatment with a drug that may alter physical or mental abilities must provide their supervisor a physician's certification that they can safely and effectively perform essential job functions.
- A copy of the City's drug and alcohol testing policy shall be distributed to and posted for all employees, and all employees shall be required to acknowledge receiving, and reading the policy. Copies shall be made available to prospective employees.
- Any employee convicted of violating a criminal drug statute must notify Human Resources within five days of conviction. The City may take appropriate disciplinary or rehabilitative actions as described in this manual.

- Employees wishing assistance with overcoming drug or alcohol abuse may contact their supervisor or the Drug Policy Coordinator for information about counseling and rehabilitation programs.

#### DOT DRUG AND ALCOHOL TESTING REQUIREMENTS

Employees required to have a valid CDL will be subject to a drug and alcohol test if they are involved in an accident during work hours, during on call hours, or while driving a City vehicle during non-work hours if:

- The accident results in a fatality.
- The accident results in either vehicle being towed from the scene.
- The accident results in a medical injury which requires any person involved to be transported to a hospital.
- The accident results in a citation being issued to any person involved.

#### WORKPLACE RULES

- No employee may possess, use, distribute, or be under the influence of alcohol on City premises, in the City's vehicles, or in an employee's vehicle while used on City business unless in the discharge of their duty, i.e., police officers.
- No employee may manufacture, distribute, dispense, possess, use, or be under the influence of drugs or a controlled substance on the City's premises, in the City's vehicles, or in a customer's vehicle. However, employees may possess, use, or be under the influence of a prescription or over-the-counter drug. Note: It is the employee's responsibility to notify the supervisor if he/she is taking prescription medication which may inhibit his/her ability to perform essential job duties. At the City's discretion, employees may be asked to take time off or perform light-duty tasks if the prescription medications they are taking prevent them from performing essential job functions.

#### SEARCH AND SEIZURE

It is the intent of the City of West Jordan to enforce its policy banning any illicit drug or alcohol in any detectable amount on City premises, parking lots, equipment, toolboxes, vehicles used for City business, or job sites where City work is being performed. The City has the right to search such vehicles or items at the City's discretion, to expose any concealed drugs or alcohol, and to seize any such substances.

#### DRUG AND ALCOHOL POLICY NOT A CONTRACT

This drug and alcohol testing policy is the unilateral action of the City and does not constitute an express or implied contract with any person affected by or subject to the policy. Neither this policy nor any action taken pursuant to this policy assures or guarantees employment or any terms of employment to any person for any period of time. The City may alter, terminate, or make exceptions to this policy at any time at the City's sole discretion. This policy does not limit or alter the City's right to terminate a probationary employee at any time for any cause.

#### SAFETY POLICY; DANGEROUS WEAPONS; FIREARMS

The City's policy is to provide a work environment free of hazards that may cause physical harm or illness to employees and citizens. Each City employee is responsible for working in a safe and efficient manner and complying with all regulations, standards, and special safety concerns. Failure to adhere to the policy may result in disciplinary action up to and including termination of employment. Due to each department's unique operations, each department will establish and maintain its own Safe Operating Policies and Procedures as needed and will continually review and update them as needed. West Jordan City Firearms policy includes the following:

1. Employee possession of a dangerous weapon on City property, other than a firearm carried in compliance with State law, is strictly forbidden. A dangerous weapon is defined in *Utah Code Section 76-1-601*
2. An employee possessing a firearm on City property in compliance with Utah law, must protect such firearm from accidental discharge, have the firearm under their control at all times, and take all

- reasonable steps to keep such firearm safe and out of the hands of others. These employees are responsible to know and follow all laws and regulations regarding the possession and use of firearms.
3. An employee bringing a firearm onto City property as permitted by Utah law is 100% responsible for any and all harm or damage caused by that firearm. If the City is claimed against or sued in connection with an employee bringing a firearm onto City property, the City will pursue such employee for full indemnification and contribution in connection with any and all injuries or damage caused to the City by the presence of that firearm on City property. This does not apply to P.O.S.T certified officers whose jobs require the use of firearms.
  4. Employees carrying a firearm in compliance with Utah law are not permitted to carry such a firearm onto private property while performing city duties. This prohibition does not apply to P.O.S.T certified officers whose jobs require the use of firearms.
  5. Employees shall not brandish or otherwise use or touch a firearm to harass or unlawfully threaten another person. A violation of this provision can be prosecuted criminally. Those actions may also be subject to administrative actions as well as bring civil liability upon the employee.
  6. An employee bringing a firearm as permitted by Utah law onto City property shall immediately and discreetly inform the employee's manager of the presence of that firearm.
  7. Any discharge of a firearm in or on City property, regardless of cause, must be immediately reported to the City Police Department.

#### Employee Responsibilities

- Maintain a clean, orderly, and safe work area that is free from hazards at all times.
- Perform work in a safe manner so as not to jeopardize oneself or others in the work area.
- Use protective equipment and safe materials.
- Identify and become familiar with the Emergency Standard Operating Plan and Annexes, Evacuation Procedures and other general safety issues in the event of an emergency.
- Drivers and passengers of motor vehicles must wear seat belts; drivers must act in a safe manner at all times and adhere to speed limits and traffic laws. (See Administrative Directive #15 for expanded requirements.)
- Report immediately to the supervisor and the Risk Manager all accidents, injuries, or near-miss incidents that the employee is involved in or has witnessed.
- Complete designated safety training.
- Follow department-specific Safe Operating Policies and Procedures that are relevant to workplace operations.
- Employee possession of a dangerous weapon on City property, other than a firearm carried in compliance with State law, is absolutely forbidden. A "dangerous weapon" is defined in Utah Code Section 76-1-601.
- An employee possessing a firearm on City property in compliance with Utah law, must protect such firearm from accidental discharge, take all reasonable steps to keep such firearm safe and out of the hands of others.
- An employee bringing a firearm onto City property as permitted by Utah law, is 100% responsible for any and all harm or damage caused by that firearm. If the City is claimed against or sued in connection with an employee bringing a firearm onto City property, the City will pursue such employee for full indemnification and contribution in connection with any and all injuries or damage caused to the City by the presence of that firearm on City property.
- Employees carrying a firearm in compliance with Utah law are not permitted to carry such a firearm onto private property while performing city duties. This prohibition does not apply to P.O.S.T certified officers.
- Employees shall not brandish or otherwise use or touch a firearm to harass or threaten another person. A violation of this provision can be prosecuted criminally.
- An employee bringing a firearm as permitted by Utah law onto City property shall immediately and quietly inform the employee's manager of the presence of that firearm.

- Any discharge of a firearm on City property, regardless of cause, must be immediately reported to and solely investigated by the City Police Department.

#### Supervisor/Manager Responsibilities

- Inform employees of the safest manner in which to perform work and of safety policies.
- Ensure that all employees are provided with current material that addresses the Emergency Standard Operating plan and Annexes, Evacuation Procedures and other general safety issues.
- Ensure that all employees receive periodic training in Evacuation Procedures and other general safety issues.
- Ensure that all protective equipment and safe materials are used.
- Enforce all safety and accident prevention policies and procedures.
- Regularly inspect worksites, materials, and equipment to ensure work areas are free of hazards; take immediate corrective action to eliminate hazardous conditions.
- Investigate and report immediately to the Risk Manager any accidents, injuries, or near-miss incidents.
- Establish, provide, and enforce department-specific Safe Operating Policies and Procedures that are relevant to workplace operations. Provide training annually and at the time of hire to each employee.

#### SAFETY COMMITTEES

The primary purpose of the Safety Committees is to ensure that to the extent possible, the City is practicing safe work procedures in all areas of work that are performed. Departmental Safety Committees will be comprised of the Risk Manager and a combination of supervisors and employees. Safety Committees will participate in the accident review process and also participate in programs such as near miss reporting, accident investigations, and applicable incentive programs. They will also review the safety policies and procedures of the department to ensure that all practices are both current and effective.

#### VEHICLE OPERATION AND SAFETY

As a City employee, you are constantly in the public eye. Every time you drive a City vehicle or a personal vehicle on City business, you are representing the City of West Jordan. All drivers of City vehicles, rented vehicles, and those using their personal vehicles in pursuit of City business, are to comply with all applicable state laws as well as any additional local regulations. Drivers of emergency vehicles in emergency situations are required to follow those laws specific to the use of emergency vehicles (see *Utah Code Title 41*), department directives and protocol, in addition to exercising due caution and care in travel.

#### **DEFINITIONS**

**City Vehicle:** Any vehicle used for City business by a City employee, including rented and personal vehicles while used for City business.

**Non-Preventable Accident:** An accident in which the vehicle was properly parked or where the employee followed proper procedures and did everything a driver could be reasonably expected to do to avoid the accident.

**Preventable Accident:** An accident in which the employee did not follow proper procedures and/or did not do everything a driver could be reasonably expected to do to avoid the accident.

**Preventable Accident/Reckless:** An accident in which City policy was grossly disregarded, and/or the vehicle was operated with willful disregard for the safety of others, and/or the driver's actions were intentional.

**Very Minor Accident:** Accidents with no personal injury where the total actual cost paid for both the City vehicle and 3<sup>rd</sup> party property damage is minimal, less than \$1,500 (such as a scratch, scrape, broken mirror or headlamp).

**Minor Accident:** Accidents involving no personal injury and the total actual cost paid for both City vehicle and 3<sup>rd</sup> party property damage is between \$1,500 and \$3,500.

**Major Accident:** Any accident involving personal injury or death, or accidents that result in total actual cost paid for both City vehicle and 3<sup>rd</sup> party property damage exceeding \$3,500

#### **A. OPERATION OF CITY VEHICLES**

Only City employees, elected officials and authorized volunteers may operate City vehicles, unless prior authorization is received from a department director.

#### **B. DRIVER REQUIREMENTS**

1. All employees who operate motor vehicles on City business shall have in their possession a valid driver's license. Any employee whose duties require that he/she drive City vehicles must hold a valid driver's license. As per state law, all drivers must obtain a valid Utah State Driver License within six months of residency in the state.
2. The City will conduct periodic checks on the status of and moving violation convictions against employee's driver licenses. These license checks will include a review of the records maintained by the Utah Department of Motor Vehicles, Driver License Division.
3. All new employees whose duties require the operation of a City vehicle will be required to submit to a Department of Motor Vehicles driver license check as a condition of employment. A report indicating a suspended or revoked license status, or a record status including any of the four conditions in paragraph four below, may be cause to deny or terminate employment.
4. An employee whose driver's license record shows any one of the following conditions will not be permitted to drive a City vehicle. This includes violations in the employee's personal vehicle while not engaged in business activities as well as violations in business vehicles while engaged in business activities
  - a) Negligent homicide arising out of the use of a motor vehicle (gross negligence)
  - b) Operating a vehicle without the owner's authority (automobile theft)
  - c) Reckless driving
  - d) Hit and run driving
5. City employees with suspended or revoked licenses will not be allowed to drive on City business unless permitted by the Utah Driver License Division. If a restricted license/permit is issued by the Driver License Division, the stated restrictions outlined for this privilege must be met and adhered to completely.
6. Each employee who operates a vehicle regularly or occasionally in the course of his or her City job is required to immediately report any suspension or revocation of his/her license to a supervisor who will in turn advise the department director. Any employee, for whom driving of City vehicles is an essential function of their job, who fails to report a change in license status may be subject to disciplinary action, including but not limited to termination.

#### **C. COMMERCIAL MOTOR VEHICLES**

1. A commercial motor vehicle is defined as follows:
  - a) A vehicle having a gross vehicle weight rating or gross combination weight rating, or gross vehicle weight or gross combination weight of 10,001 pounds or more whichever is greater;
  - b) A vehicle designed to transport more than 16 passengers, including the driver; or
  - c) A vehicle in which you are transporting hazardous materials in quantities requiring the vehicle to be placarded.
2. Employees without a valid Commercial Driver License shall not be allowed to operate any City Commercial Vehicle.
3. Federal Department of Transportation Regulations governing the procedure of safe operations of Commercial Vehicles will be followed by all departments of the City.

#### **DEFENSIVE DRIVING CLASSES**

All employees required to drive a vehicle while on City business are required to complete a Defensive Driving Course at least once every three years. City employees receiving citations or who are found to be

the primary contributor of an accident while operating a City vehicle must attend a defensive driving or Emergency Vehicle Operations course within the quarter following the accident.

The Police Department will present a Defensive Driving Course each quarter and it shall be the responsibility of each department director to ensure that all employees in their department attend a course as required in the preceding paragraph.

#### **VEHICLE INSPECTIONS**

At all times, the driver of the vehicle is responsible to see that all necessary conditions are met on their vehicle before operation. On a regular basis, the driver will walk around and inspect the vehicle for damage, inoperable lights, loose hardware, under-inflated tires, or any other condition that may create an unsafe situation. Drivers are also responsible to check the vehicle's oil, windshield washer fluid, power steering fluid and coolant on a regular basis, at least weekly. Any defect or problem with the vehicle encountered during the inspection must be reported to the Fleet Coordinator or the employee's supervisor immediately. It is the supervisor's responsibility to ensure that appropriate action is taken to correct the problem.

All vehicles traveling outside Utah will have a maintenance inspection before the vehicle leaves the state. It is the supervisor's responsibility to schedule the maintenance inspection with the Fleet Division at least two business days prior to the time the vehicle leaves the state.

As determined by each department, supervisors shall regularly inspect each vehicle and report any damage or concerns to the Fleet Coordinator. .

#### **PARKING**

1. City vehicles are not to park in "NO PARKING" zones except in emergency situations or where specific permission is granted for the performance of official duties.
2. No City vehicle is to be left unattended with the key in the ignition except for emergency vehicles or those vehicles with critical equipment, such as laptops, that must maintain a certain temperature.
3. All City vehicles should be locked when not in use.
4. City employees who receive parking violations are responsible to pay the fine or to otherwise resolve the violation.
5. Personal vehicles are not to be parked in designated areas marked for City vehicle use only.

#### **VEHICLE BACKING**

Backing into streets or roadways is prohibited except when it is impracticable to proceed by other means. Extreme caution shall be used under these circumstances and another employee should "spot" the driver whenever possible.

No vehicle or equipment shall be operated having an obstructed view to the rear unless the vehicle has a reverse signal alarm or the vehicle is backed only when a "spotter" signals that it is safe to do so. Tampering with or in any way hindering reverse signal alarms on vehicles shall be considered an abuse of City property. Drivers shall park vehicles so that they will be driven forward from the parking space whenever possible and practical. In order to do this, drivers should back vehicles into the parking space or pull forward into a double space.

#### **EQUIPMENT**

1. Seat belts will be worn at all times by all City employees and passengers while in an operating vehicle.
2. Turn signals will be utilized by all drivers at all times in ample time to warn oncoming traffic or following vehicles of the driver's intent.
3. Drivers will ensure that the windows, headlights, taillights and windshield wipers are clean and operational at all times.
4. Tailgates will be up and locked when vehicles so equipped are in motion whenever possible.

5. If the vehicle does not have a tailgate, but is loaded, the driver of the vehicle will ensure that the load is secure and that overhangs are properly marked in accordance with applicable state and local laws. All loads in trucks must be within guidelines set for the particular vehicle.

#### **CELLULAR PHONE USE IN VEHICLES**

City employees who operate a vehicle while on City business are required to adhere to the State Law that governs cell phone use while operating a vehicle. (See *Utah Code 41-6a-1716* for the entire law.)

State law, in part, requires the following restrictions:

A person may not use a handheld wireless communication device while operating a moving motor vehicle on a highway in this state to manually:

1. Write, send, or read a written communication, including:
  - a. a text message;
  - b. an instant message; or
  - c. email;
2. Dial a phone number;
3. Access the Internet;
4. View or record video; or
5. Enter data into a handheld wireless communication device.

Departments may enact rules that are more restrictive than the State Code in regards to cell phone use while operating motor vehicle equipment.

#### **GENERAL VEHICLE SAFETY**

1. Except for emergency vehicles in emergency situations as defined in *Utah Code title 41*, posted speed limits will be strictly adhered to. Remember speeding wastes gas, wears vehicles, and increases the chance and severity of a vehicle accident.
2. Allow at least a two-second following distance between other vehicles. Always leave yourself a way out.
3. During periods of limited visibility or adverse weather conditions such as rain, sleet, snow, ice or fog, vehicle headlights will be turned on. Adjust your speed to those conditions and increase your following distance.
4. Under no circumstances will City personnel who have previously consumed alcohol or any drug that could affect or impair their ability to operate the vehicle drive City vehicles. Drivers using narcotics prescribed by a physician must possess a current prescription for the substance and must follow the prescribed directions for the medication. This includes, but is not limited to; taking the proper dosage at the proper time intervals and following all label warnings. Such warnings may include notice to not operate heavy equipment or warnings that the person should not drive. It is expected that City employees will notify their supervisors if their medical condition and/or medications might impair their abilities to operate City vehicles or equipment.
5. Smoking, including e-cigarettes or other narcotic vapor devices, is prohibited in all City vehicles and equipment.

#### **VEHICLE ACCIDENT PROCEDURES**

When vehicle accidents happen, the first priority is the treatment and safety of everyone involved. **If there are injuries, call 911 and ask for emergency medical services and police assistance.** The West Jordan City Police Department should also be called at **801-840-4000** for all accidents involving City vehicles.

As it is often difficult to determine at the scene which vehicle is at fault, employees may not discuss the cause of the accident or who is at fault with anyone other than privately with the employee's supervisor and / or the responding police officer. **Do not say that the City is at fault or that the City will pay for the damages.**

The following procedures apply for all traffic accidents involving City vehicles:

1. Scene Safety
  - a. Turn on the hazard lights immediately after the accident to alert other drivers of your presence in the road. Use overhead caution lights if the vehicle is equipped.
  - b. When exiting a vehicle or walking in the road after an accident, look in all directions and proceed with caution.
2. Accident Documentation
  - a. Employees will cooperate fully with the requests of the responding police officer from another agency and the responding West Jordan officer.
  - b. For every accident involving a City vehicle, a City Accident Report Form must be completed and turned into the employee's supervisor by the end of the next business day.
  - c. Accidents involving injuries to City employees must be reported through proper workers' compensation paperwork and sent to Human Resources within 24 hours.
  - d. The post-accident drug screening policy must be followed.

#### **DEPARTMENT AND EMPLOYEE ACCOUNTABILITY**

Each department with City vehicles shall have at least one Fleet Coordinator responsible for the care and upkeep of the vehicles assigned to the department. The Fleet Coordinator shall be responsible for the following:

1. Ensure that each department vehicle is delivered to Fleet Management for routine and regular scheduled maintenance.
2. Coordinate unscheduled repairs from accidents, mechanical failures, and other damage.
3. In cases where an employee has abused a City vehicle, the Fleet Coordinator shall present
4. Documentation of the abuse to the employee's department director for appropriate discipline.
5. The Fleet Coordinator shall conduct periodic maintenance and cleanliness inspections (at least monthly) of all pool cars making sure the vehicles are in proper working order, properly equipped and ready for use.
6. Each department Fleet Coordinator shall meet with Fleet Management on at least a quarterly basis to discuss concerns or issues that may have arisen during the period.

#### Individual Accountability

When employees drive City vehicles, the appearance of the vehicle and manner in which it is operated generates either good or bad will toward the City. **Employees should therefore always drive courteously and appropriately for the road, traffic and weather conditions.** Employees accepting the responsibility for driving City vehicles are responsible for the maintenance and cleanliness of their assigned vehicles. If a problem with the vehicle is noted such as body damage, low fluids, an unusual noise, or other condition causing concern, the employee must report the problem to their Fleet Coordinator. All equipment that has not been previously approved must be approved with the department Fleet Coordinator before installation.

#### **ACCIDENT DOCUMENTATION AND REVIEW POLICY**

City policy requires a review of all vehicular accidents involving an employee during the course of their duties to determine responsibility for accidents. The director of each employee is responsible to review any accidents and implement corrective disciplinary action in compliance with City discipline policies and procedures found in the *Employee Handbook*. The director will also recommend means of preventing future accidents.

The objective of corrective disciplinary action is to change behavior and prevent future accidents. The magnitude of discipline should be related to the severity of the current accident but may be viewed in conjunction with the employee's City driving record.

Guidelines for disciplinary action and remediation training subsequent to accidents involving City vehicles may be found on the guideline matrix on Table 1 and Table 2 at the end of this section.

Investigation

1. Any accident outside the jurisdiction of the West Jordan Police Department will be investigated by the agency normally providing service to the location in which the accident occurs.
2. A State DI-9 form shall be completed for any vehicle accident wherein a non-city vehicle(s) is involved.
3. Accidents involving City vehicles will be investigated and any charges will be screened without preferential treatment or favoritism.
4. Accident investigation reports sent to the department director and the Accident Review Board will contain all accident reports, diagrams, findings, witness statements, and other pertinent information.

**ACCIDENT REVIEW**

As noted above, the director of each employee is responsible to review any accidents and implement corrective disciplinary action. Department directors may appoint a department accident review board to oversee the accident investigation.

Purpose

1. To review vehicular accidents and corrective action taken by the department director to ensure uniform compliance throughout the City.
2. In conjunction with the safety incentive program, address a good driving recognition system for employees with excellent driving records.

**Table 1  
Vehicle Accident Discipline Guidelines**

A. Discipline will be assessed for vehicle accidents based on the following table.

<b>Accident Value</b> →			
<b>Accident Type</b> ↓	Very Minor	Minor	Major
<b>Non-Preventable</b>	No Action	No Action	No Action
<b>Preventable</b>	Progressive Discipline step/ or Written Warning	Progressive Discipline Step/ or Written Warning	Step in Progressive Discipline
<b>Preventable—Negligent</b>	Step in Progressive Discipline	Step in Progressive Discipline	Step in Progressive Discipline

Accident points are cumulative and shall be retained for 24 months from the date of the last occurrence; points shall be removed after the employee has worked 24 months with no preventable vehicle accidents. At that time, the Written Warning will also be removed from the employee's personnel file (this applies to written warnings given in conjunction with the Vehicle Operation and Safety Policy ONLY).

**Table 2  
SUGGESTED DISCIPLINARY GUIDELINES FOR REMEDIATION AND TRAINING**

<b>POINTS</b>	<b>ACTION</b>
0	Noted in accident file – No further action required
1-4	1 <sup>st</sup> Written Warning and defensive/remedial driving course
5-8	Final Written Warning and defensive/remedial driving course, performance probation, loss of salary increase while points remain at 5 or above and possible loss of driving privileges while points remain at 5 or above.
9+	Final Written Warning, defensive/remedial driving course, performance probation, loss of salary increase while points remain at 5 or above, possible loss of driving privileges while points remain at 5 or above and possible termination.

#### USE OF CITY OWNED VEHICLES AND PERSONAL VEHICLES

The following management positions are eligible to either (a) be assigned a City vehicle (CV), or (b) be paid a personal vehicle allowance (VA):

- City Manager (VA)
- Deputy City Manager (VA)
- Mayor (VA)
- Fire Chief (CV)
- Police Chief (CV)
- Public Works Director (VA)
- Parks Director (CV)
- Development Director (VA)
- Police Crime Scene Technician (CV)
- Ordinance Enforcement Supervisor (CV)
- Law Department Victim Advocate (CV)

(Note: Any positions currently receiving this benefit, which are no longer listed, shall continue to receive the benefit until that individual leaves that position.) Department Heads may assign other employees within their department's city vehicles, for 24-hour or lesser periods of use, based on need and benefit to the City. Such vehicles shall be covered by annual budget appropriations. The amount received for the vehicle allowance is based on an amount set annually in the approved City budget. Car allowance money received is taxable income. City Vehicle Restrictions (for assigned City vehicles):

1. All City vehicles will be clearly marked and licensed as government vehicles. Proper discretion is expected in the use, operation, and visibility of the vehicle.
2. City vehicles may not be used for personal use, including but not limited to pulling or towing personally owned boats, trailers, or recreational vehicles.
3. City vehicles may only be driven by authorized employees.
4. City vehicles may not be used to transport family members, relatives, or friends, but may be used to transport other City employees or elected officials.
5. Vehicle Allowance Restrictions (for personal vehicles):
6. The personal vehicle will be owned or leased by the employee and must be a recent (within the most recent three model years) model year in good visual and mechanical condition.
7. Personal vehicles must be appropriately licensed and adequately insured. Proof of insurance coverage must be provided to the Finance manager prior to initiation of vehicle allowance.
8. Personal vehicles must be maintained in a presentable manner, representational of the City, and
  - a. reasonably free from visible damage or defects. The vehicle must be kept clean and
  - b. mechanically sound, and repairs to damage accomplished in a timely manner. All operation and
  - c. maintenance costs shall be paid by the employee.

#### ACCIDENT REPORTING

All accidents or incidents causing employee injury, illness, property damage, or possible liability for the City should be reported to your supervisor, no matter how minor. Always follow the drug testing guidelines that may apply to the specific situation.

The *Accident or Property Damage Report Form* must be filled-out and turned in to the supervisor as soon as practical but within 24 hours of the incident involving a City vehicle and/or private property damage. Vehicle Accident procedures and specific policy information can be found in the Administrative Directive on Vehicle Operation and Safety.

Injured employees must complete an *Employee Accident form*; see the Workers' Compensation section of this *Handbook*.

## WORKERS' COMPENSATION

### Employee Responsibilities

- Report any injury or accident to a supervisor.  
*NOTE: Failure to report an injury within three business days is a violation of City policy and may be subject to discipline.*
- Complete the *Employee Accident Form* and give it to their supervisor.
- Ensure that you follow all procedures regarding post-accident testing.
- Obtain documentation/note from doctor after initial visit and submit to Risk Management.
- Forward any disability, limitation or restriction notice/or updates to their supervisor immediately.
- Maintain contact with supervisor and Risk Management regarding missed days from work and/or modified duty requirements.
- Provide supervisor with a physician's statement that you are able to perform the essential functions of your position.

### Supervisor/Manager Responsibilities

- Complete the *Supervisor Accident* form and submit all forms to Risk Management within 24 hours.
- Ensure that post-accident testing procedure is followed.
- Maintain contact with employee and Risk Management regarding missed days from work and/or modified duty.
- Assist with transitional or modified duty placement.

### SUPPLEMENTAL INDEMNITY BENEFIT

When the worker's compensation insurance carrier determines an employee is eligible for lost wage/indemnity payment (which is equal to 66 2/3% of their salary after an 3 day waiting period), the employee will receive 80% of their salary for the first 3 days and an additional 13 1/3% supplemental payment from the City for a maximum of 80% of their pay. This additional City benefit is limited to a maximum of 90 days and the employee is required to sign the insurance carrier check over to the City. Any supplemental payment made by the City is fully taxable.

Note: If the employee's eligibility exceeds 14 days, the initial 3 day waiting period is waived by the insurance carrier and the City will only pay the 13 1/3% supplement for those days.

Employees may utilize accrued sick leave, vacation, or compensatory balances to receive full pay, provided the employee is not compensated more than one hundred percent (100%) of their regular pay.

### POST-ACCIDENT DRUG SCREENING

Refer to the Substance Abuse and Drug Free workplace Chapter; Post-Accident section.

### BLOOD BORNE PATHOGEN EXPOSURE PROTOCOL

This policy must be followed if an employee has experienced a work-related blood borne pathogen exposure resulting from a needle stick or exposure to blood or body fluids, this procedure is available online on the employee portal. Any significant exposure is considered an injury and should be reported per the guidelines under the Worker's Compensation section. In addition, the Utah state code (Title 78 Chapter 29 or its successor) must be followed and all required documentation and counseling must be completed as required by the code.

### APPROVED PHYSICIAN AND FACILITIES FOR MEDICAL TREATMENT

#### **First Med**

Monday – Friday 8 a.m. -10 p.m.

Saturday 9 a.m.-10 p.m. and Sunday noon–10 p.m.

801-256-0009

8822 S. Redwood Rd., Ste. E122, West Jordan

(Post-accident drug testing and medical treatment.)

#### **OHCI**

Available 24 hours a day  
801-561-2777  
1234 W. Jordan Parkway (10400 South) Ste. A  
(OHCI can conduct testing on site or you may visit their offices.  
Post-accident drug testing only. **Not** a medical treatment facility.)

#### **Jordan Valley Medical Center**

Available 24 hours a day  
801-561-8888  
3580 W. 9000 South  
(Around-the-clock emergency medical care.)

#### **RETURN TO WORK PROGRAM**

An employee who is considered disabled due to a work place injury or illness is expected to work in a modified duty capacity if able to do so as per an approved medical provider. The employee shall be considered disabled until the employee is able to perform all essential functions of the position as per an approved medical provider.

#### **MODIFIED WORK REQUIREMENT**

- The employee must meet the required qualifications for the modified job assignment
- The work must be a meaningful and productive part of the department's operations
- The work must conform to the medical restrictions set by the medical care provider
- The job assignment/and or modification is temporary and will be reviewed every 30 days and will not exceed six months.

Jobs for transitional employment will be identified and the employee placed in the following order:

- Modify current job to accommodate the restrictions given by physician
- Identify another job within the department
- Identify job within another division of the employee's department
- Identify job within any other department with the City

#### **WORK STANDARDS**

An employee on transitional employment is subject to all rules, regulations, work standards, policies and procedures of the City of West Jordan.

Employees on restricted/modified duty are required to follow the policies and procedures of the department to which they are assigned.

If the employee is placed on restricted/modified duty outside their normal work area, the reporting supervisor is responsible for assuring that actual hours worked, leave taken, etc. are reported to the employee's supervisor.

Work assigned on traditional employment must be done in an acceptable manner and meet the requirements of the job.

Unsatisfactory performance during transitional employment will be addressed as any other type of performance problem.

Employees on restricted duty must hold themselves available for any and all work fitting their medical restrictions. This includes jobs in another department or division, and hours that may vary from their regular work schedule.

In the event an employee refuses to return to transitional employment which is approved by the authorized physician, the rights to workers' compensation income benefits will be suspended.

At no time should modified duty work be considered a permanent change of position. Employee pay while on modified duty may be at the same rate as that received prior to the injury dependent upon the discretion of the Department Head. Once the employee fills a regular position, the pay will be adjusted in accordance with the position.

## Benefits

### ELIGIBILITY FOR BENEFITS

#### General

Full-time staff, three-quarter time staff, their spouses, and children to age 26 are eligible for medical and dental benefits. Coverage is effective on the first day of the month following the date of hire. If the date of hire is the first day of the month, coverage is effective immediately. A change in coverage must be made within 30 days of the date of the qualifying event.

NOTE: Preexisting condition waiting periods, where applicable, may be waived with proof of continuous, prior health insurance coverage in accordance with the Health Insurance Portability and Accountability Act of 1996 (HIPPA).

An employee's hire date for a benefitted position will be the date used to determine benefit eligibility.

#### Part-Time

Part-time, seasonal and intern employees shall not receive severance pay without the specific approval of the City Manager. All part-time and seasonal employees shall receive 7.5% of wages to be deposited with Utah State Retirement System in their 457 Deferred Compensation Program. In order to determine compliance with medical benefit eligibility laws, a look back period of 12 months from January to December will be used to calculate part-time status.

#### Elected Officials

Elected officials (Mayor and City Council Members) are eligible to receive medical and dental insurance (at the same bi-weekly premiums as regular City employees), \$200 per month Medical Cash Out benefit if not selecting medical insurance (City paid), life insurance (3X annual salary + \$10,000, \$5,000 life insurance for spouse, and \$5,000 life insurance per child – all City paid), Accidental Death & Dismemberment (City paid), Long Term Disability (City paid). With the exception of the Mayor, both Tier 1 and Tier 2 elected officials are ineligible for URS retirement pension benefits.

#### Reinstatement

The employee's previous employment will be reinstated if the employee is rehired with the City of West Jordan within one year from the most recent termination date. The rehired employee will be required to complete the six-month probationary period (12-month probationary period for firefighters and police officers) if they have not previously successfully fulfilled the applicable probationary period with the City. The amount of time the employee has been gone from the City of West Jordan will be deducted from the original hire date to determine the adjusted date of hire. The adjusted date of hire will be used to determine vacation accrual amounts. The reinstated employee will also be eligible to have unused sick leave balances reinstated unless already converted to continuance of health insurance.

**PROCESS:** An employee who is rehired with the City shall request reinstatement by initiating a letter to the Department Head. The Department Head shall give the letter to Human Resources to verify employment dates. The terms of the reinstatement shall be negotiated based on the terms of this policy and with final City Manager approval.

#### WHEN BENEFITS END

Upon termination of employment, the employee has the option of cashing out or running out their accrued vacation balance. Employees may not stop working and use vacation or compensatory time to delay their separation date for purposes of retirement eligibility, without City Manager approval.

Vacation, Sick, & Executive Leave Accrual – Accrual ends on the last pay period of full-time employment. Employees are eligible to run out their vacation time payout upon termination, thereby continuing to receive regular paychecks for the duration of their vacation accrual, although vacation, sick and executive leave accruals will not continue to accrue during the vacation run out period.

Medical & Dental Insurance – Coverage terminates on the last day of the month in which the employee ends full-time employment. At this time, the employee will be eligible to continue insurance coverage through Cobra. The employee's medical and dental insurance benefits will not continue during the vacation run out period. Retirees eligible for the sick leave conversion benefit should refer to the Sick Leave Accrual, Purchasing Continued Health Care Coverage Under COBRA, and Retirement Health Benefits sections of this booklet for conversion information.

Long Term Disability Insurance – Long Term Disability coverage ends on the date employment ends. Insurance coverage will not continue through the vacation run out period. Employees may remain on the City medical plan through the end of the month in which long term disability is approved; at which time they would be eligible for COBRA coverage.

Group Life Insurance/Accidental Death and Dismemberment/Supplemental Life Insurance – Life insurance coverage ends on the date employment ends. Insurance coverage will not continue through the vacation run out period.

Retirement and 401 & 457 Contributions – City-paid contributions will end on the last pay period of full-time employment. City contributions will not continue during the vacation run out period. The employee's own contributions will continue to be deducted from their paychecks during the vacation run out period.

Medical Cash Out Benefit – The City-paid \$200 per month Cash Out benefit for employees who elect to not participate in the medical insurance plan will end on the last pay period of full-time employment. This benefit will not continue through the vacation run out period.

#### BENEFITS DISCLAIMER

*Benefits are subject to change, and as a result, the information contained in this Handbook is intended only to be a summary of each of the benefits as of the date on the cover. Please refer to the applicable Summary Plan Description for more specific information regarding the medical, dental, life insurance, long term disability and retirement plans. Please contact Human Resources before relying on any statement made or using any of the benefits explained in this booklet. If desired, you will be provided with written information from the applicable benefit carrier. Many of the benefits explained in this booklet are to be paid out to City employees (or for the benefit of City employees) by third parties, and not by the City. The City does not and cannot guarantee payment of benefits by such third parties. Thank you.*

## Insurance

### MEDICAL, DENTAL, VISION, LIFE, AD&D, LONG TERM DISABILITY

The City contracts with vendors to provide a wide range of benefit insurances. Those coverages are described in a separate benefits booklet prepared by the City's benefit insurance broker. Booklets are available from HR, and are included in this Handbook by reference.

### COBRA COVERAGE UPON SEPARATION

**WHO IS ELIGIBLE?** Benefit-eligible employees with medical and/or dental coverage and enrolled eligible dependents.

**WHEN AM I ELIGIBLE?** You may extend coverage for yourself and your dependents for up to 18 months if you lose coverage because of one of the following qualifying events:

- Your employment with the City is terminated for any reason other than for gross misconduct.
- Your hours are reduced below the minimum number of hours that makes you eligible for coverage.

Your spouse or your dependent children may extend their coverage for up to 36 months if one of the following qualifying events occurs:

- You die while you are an active employee.
- You and your spouse legally separate or divorce.
- You become entitled to receive benefits under Medicare.
- Your dependent child loses eligibility.

**BENEFIT:** When coverage under the City's medical and dental plan would otherwise end, you and your enrolled dependents may extend your coverage under the terms of the Public Health Services Act (often referred to as COBRA). You pay the full monthly premium for extended health care coverage, plus a 2% administrative fee.

Also, if during an 18-month COBRA coverage period, you receive a determination from the Social Security Administration that you were disabled within 60 days of coverage loss, your COBRA eligibility may be extended for an additional 11 months.

In this case, you may be eligible for up to 29 months of COBRA coverage. You will be charged up to 102% of the cost for the 11-month coverage extension.

**HOW TO ELECT EXTENDED COBRA COVERAGE:** You or your dependents must notify Human Resources if medical and/or dental coverage ends due to divorce or if a dependent loses eligibility. Notification must be made within 60 days of the event or at the time coverage ends, whichever is later.

When loss of coverage is due to loss of employment, the City will notify you that you may elect continued coverage. When you are notified, you will receive a more detailed explanation of your COBRA rights and an application form.

You have 60 days to elect continued coverage from the later of two dates: the date you are notified of your eligibility or the date your group coverage ends. You then have 45 days from the date you submit your application to make your first payment.

**WHEN COBRA COVERAGE ENDS:** COBRA coverage for you or your dependents will end before the end of your 18-month or 36-month coverage period if:

- The required premiums are not paid on time.
- Coverage is obtained under Medicare.

- Coverage is obtained under another group health or dental plan, unless the new plan has a preexisting-condition clause that affects the individual's continuing coverage.
- The City terminates all group health plans for all employees.

Your COBRA rights are subject to change. Coverage is provided as the law allows; if the law changes, your rights will change accordingly.

## Leave

### VACATION ACCRUAL

**WHO IS ELIGIBLE?** Full-time and three-quarter time employees.

**WHEN AM I ELIGIBLE?** Vacation accrual begins on the first paycheck.

**BENEFIT:** Employees receive vacation accruals as listed below.

<u>LENGTH OF SERVICE</u>	<u>FULL-TIME VACATION HOURS EARNED</u>
0 - 4 years	4.00 hours per pay period or 13 days per year
4 plus - 9 years	4.92 hours per pay period or 16 days per year
9 plus - 14 years	5.85 hours per pay period or 19 days per year
14 plus - 20 years	6.46 hours per pay period or 21 days per year
20 plus years	7.69 hours per pay period or 25 days per year

<u>LENGTH OF SERVICE</u>	<u>THREE-QUARTER VACATION EARNED</u>
0 - 4 years	3.00 hours per pay period or 9.75 days per year
4 plus - 9 years	3.69 hours per pay period or 11.99 days per year
9 plus - 14 years	4.38 hours per pay period or 14.23 days per year
14 plus - 20 years	4.87 hours per pay period or 15.82 days per year
20 plus years	5.85 hours per pay period or 19.01 days per year

<u>LENGTH OF SERVICE</u>	<u>JOB-SHARE/HALF-TIME VACATION EARNED</u>
0 - 8 years	2.00 hours per pay period or 6.5 days per year
8 plus - 14 years	2.46 hours per pay period or 8.0 days per year
14 plus - 20 years	2.92 hours per pay period or 9.49 days per year
20 plus years	3.25 hours per pay period or 10.56 days per year

<u>LENGTH OF SERVICE</u>	<u>48-HOUR FIREFIGHTER VACATION HOURS EARNED</u>
0 - 4 years	5.54 hours per pay period or 6 days per year
4 plus - 9 years	7.02 hours per pay period 7.6 days per year
9 plus - 14 years	8.40 hours per pay period or 9.1 days per year
14 plus - 20 years	9.78 hours per pay period or 10.6 days per year
20 plus years	10.80 hours per pay period or 11.7 days per year

As used in this section, "length of service" shall mean the length of the employee's present employment with the City, which includes periods of previous employment with the City if the employee is gone less than one year (in accordance with the City Reinstatement of Prior City of West Jordan Employment policy).

An employee may use any or all accrued vacation at any time subject to his/her supervisor's approval. Vacations shall be scheduled well in advance so as to meet the operating requirements of the City and, insofar as possible, the preference of the employee.

An employee may be advanced up to five days vacation with Department Head approval. If an employee has advanced time and leaves the employment of the City prior to accruing replacement vacation leave,

the employee's final paycheck shall exclude payment for an equivalent amount of vacation hours, which were used but not replaced.

An employee may accrue up to two years worth of vacation accruals. An employee whose total vacation hours is over their individual two-year maximum accrual on December 31st of each year will have their vacation hours reduced to their two-year maximum accrual, effective January 1st. These employees will thereafter continue to accrue vacation for the following calendar year.

Firefighters transferred from 48 hour shift work to a 40 hour position, will be allowed a maximum vacation accrual equal to the maximum accrual for 48 hour shift firefighters, during the first two years of the transfer. Once the transfer to the 40 hour position exceeds two years the accrual maximum will be limited to the accrual for a 40 hour employee.

An employee may request in writing to his/her Department Head between May 1<sup>st</sup> and 15<sup>th</sup> for the City to buy out the equivalent of one week of vacation if (a) the employee has at least three weeks of accrued vacation by the time the buy-out is to occur and (b) the employee has already taken or will have taken the equivalent of one week of vacation within the twelve months immediately preceding the time the buyout is to occur. Vacation buyout is available if funding is budgeted and approved by the City Manager.

An authorized City holiday does not constitute a vacation day. In the event that an authorized holiday falls within an employee's vacation period, that day shall not be considered vacation time.

#### COMPENSATORY LEAVE (COMP TIME) FOR EXEMPT EMPLOYEES

**WHO IS ELIGIBLE?** Employees whose positions are defined as "exempt" by the Fair Labor Standards Act (FLSA). Executive-level employees who are eligible for Executive Leave are not eligible to accrue compensatory time.

**WHEN AM I ELIGIBLE?** Eligible exempt employees may begin accruing compensatory leave upon hire date.

**BENEFIT:** Eligible exempt employees will accrue compensatory time, at an hour-for-hour rate for each hour they work over 40 hours in a work week, up to the maximum accrual of 80 hours per calendar year. Employees eligible for this benefit may carry-over a maximum of 20 hours of compensatory time from one calendar year to the next. All Compensatory Leave accrued in excess of 20 hours as of December 31<sup>st</sup> of each year will be reduced to this maximum carry-over limit effective January 1<sup>st</sup>. Compensatory Leave accrued balances will be paid out in full when an employee leaves City employment.

#### EXECUTIVE LEAVE

Executive-level employees required by the City Manager to regularly attend City Council and other meetings after normal work hours are eligible for Executive Leave. Eligible employees receive the Executive Leave accrual on January 1<sup>st</sup> and July 1<sup>st</sup> of each year as described below. Newly hired eligible employees will receive a prorated accrual added to their first paycheck based on the number of months remaining in either the July 1<sup>st</sup> – December 31<sup>st</sup> time frame, or the January 1<sup>st</sup> – June 30<sup>th</sup> time frame, depending on hire date.

**BENEFIT:** Executive-level employees who are regularly required to attend City Council meetings and other meetings outside of their regular workday will receive 160 hours of Executive Leave per year. The maximum amount of Executive Leave which may be carried over from one calendar year to the next is 120 hours. All Executive Leave accrued in excess of 120 hours as of December 31<sup>st</sup> of each year will be reduced to this maximum carry-over limit effective January 1<sup>st</sup>. Executive Leave accrued balances will be cashed out in full when an employee leaves City employment.

#### SICK LEAVE ACCRUAL

Sick leave accumulates at a rate of 3.7 hours per pay period for all full-time employees, 2.77 hours per pay period for three-quarter employees and 1.85 hours per pay period for half-time employees. Sick leave for employees on 48-hour shifts shall be accrued at the rate of 5.54 hours per pay period. Sick leave is to be used in case of personal illness or injury to the employee or the immediate family with the exception that

24 hours accrued annually may be used for personal business during the year of accrual. Sick accrual begins on the first paycheck.

**HOW IS SICK LEAVE REPORTED?** The employee must make personal contact with his/her supervisor daily before or at the beginning of his/her shift stating the reason for his/her absence and where he/she can be reached. If the illness or injury makes this impossible, a family member or representative may make the contact. For extended absences, the supervisor may waive the daily contact requirement; however, contact must be made at least weekly. If the supervisor is not available to make personal contact, a voice message must be left if available. If the supervisor does not have voicemail, a message must be left with the administrative assistant or the next person in line below the supervisor.

**SICK LEAVE ACCUMULATION AND CASH OUT:** Sick leave may be accumulated indefinitely. During the time an employee is on sick leave, he/she will be paid regular salary. Terminating employees are eligible to cash out 25% of sick leave accrued, but not used in the current fiscal year when terminating their employment with the City. Employees may convert up to 24 hours to personal days per calendar year. (See the Retirement Health Benefits section of this booklet for information regarding the conversion of sick leave to continue health insurance benefits.)

Employees who change their employment status from full-time or three-quarter time to part-time will retain their accumulated leave balances for continued use until the leave balance is exhausted.

Firefighters on a 48-hour shift, regardless of their hire date, will have sick leave cash out paid at the 2748 hourly rate of pay, and for Battalion Chiefs it will be calculated at the 2904 hourly rate of pay, as listed on the City's salary schedule. Firefighters and Battalion Chiefs hired before June 30, 2008, will have their sick leave conversion, upon termination of employment, paid at the 2080 hourly rate of pay as described on the City's salary schedule. Firefighters and Battalion Chiefs hired after June 30, 2008, will have their sick leave conversion, upon termination of employment, paid at the 2748 rate of pay as described on the City's salary schedule.

**SICK LEAVE RULES:** Use of sick leave shall be considered abused when an employee follows a pattern of using sick leave on a specific day of the week, using sick leave other than for purposes previously stated, or using sick leave beyond current accruals. An occurrence is consecutive sick days that would have been normal workdays. Any return to work after a sick occurrence will constitute the end of an occurrence. Any subsequent sick days will begin a new sick occurrence.

A supervisor may require a medical release from the employee's physician to verify illness either after the employee has had three consecutive absences or upon request.

An employee's immediate supervisor with the consent of the Department Head is authorized to send an employee home and require the employee to use sick leave when the employee comes to work sick and is unable to perform his job in a safe, productive, or effective manner because of sickness.

#### **CATASTROPHIC LEAVE**

*Note: This is a voluntary program and is not a guaranteed benefit.*

**WHO IS ELIGIBLE?** All employees, regardless of their length of service and employment status are eligible to receive contributions of leave from other employees. Full-time and three-quarter time employees who have been employed with the City at least six months may donate time.

**WHEN AM I ELIGIBLE?** Upon date-of-hire if receiving a donation. After six months of employment if donating time.

**BENEFIT:** The purpose of Catastrophic Leave is to permit employees to contribute a portion of their accrued vacation leave or compensatory time to another City employee, when such employee has suffered a catastrophe injury or illness. This type of leave may also apply to an employee who is caring for a terminally ill member of his/her family. Under hardship circumstances described below, an employee may donate, to other employees of equal or lesser grade, accrued vacation or compensatory time, if donating

employee will have a combined minimum of 10 days of accrued vacation and compensatory time left on the books, after the donation. The donation must be approved by the employee's Department Head and the City Manager. Generally, the donated leave will be allocated on an as-needed basis to the employee receiving the leave, but not to exceed a total of 90 days. Those donating will have time deducted from their accrued vacation or compensatory accrual balances only when the receiving employee uses the time. If the employee receiving the donation returns to work before all "committed" donated time is used, the donation will be returned to the employee committing the donation without being deducted.

Listed below are the provisions of the plan:

- Participation is voluntary.
- For the purposes of this leave program, "catastrophe" shall include an illness or event which is monumental, unusual, unexpected, immediate in nature, and which is expected to preclude the employee's returning to work for an extended period of time. The City reserves the right to request supporting documentation.
- The receiving employee must have been absent from work due to injury or illness and have exhausted all earned leave credits, including but not limited to sick leave, vacation leave, holiday leave, compensatory time, executive leave, etc., and is therefore facing financial hardship.
- If the employee is approved for Long Term Disability benefits, they are no longer eligible to receive Catastrophic Leave donations.
- The hours will be deducted from the donor's leave, converted to dollars and used to compensate the recipient at the recipient's regular rate of pay.
- Donations will be listed in the order in which the Human Resources Department receives them. For each pay period, a sufficient number of donor hours will be converted and used to compensate the recipient. Unconverted donations shall revert to the donor.
- Donations must be in whole-hour increments.
- Donated hours are irrevocable once used.
- Employees may donate vacation or compensatory to employees at or below their same pay grade on the classification schedule.
- Requests must be initiated by the employee, recommended by the Department Head, and receive final approval from the City Manager.

#### **FAMILY AND MEDICAL CARE LEAVE (FMLA)**

**WHEN AM I ELIGIBLE?** Employees who have worked for The City of West Jordan for at least 12 months and who worked at least 1,250 hours during the 12-month period prior to requesting a leave are eligible.

**BENEFIT:** Employees may request family leave for any of the following reasons:

1. Family Leave of up to 12 weeks for the birth of the employee's child. (In this case, the leave must take place within 12 months of the birth, adoption, or foster care placement.);
2. Family Leave of up to 12 weeks for the placement of a child with the employee for adoption or foster care. (In this case, the leave must take place within 12 months of the birth, adoption, or foster care placement.);
3. Medical Leave of up to 12 weeks to care for a spouse, child, or parent with a serious health condition; or
4. Medical Leave of up to 12 weeks due to the employee's own serious health condition that makes it impossible for the employee to perform the functions of his or her own job.
5. Military Exigency Leave of up to 12 weeks to deal with exigencies resulting from a Federal Contingency Act when your loved one is being deployed to a foreign country.
6. Military Caregiver Leave of up to 26 weeks to care for a covered military family member who is injured in the line of duty or who develops a serious medical condition as a result of their deployment within 5 years from the date of their discharge.

**DEFINITION OF A SERIOUS HEALTH CONDITION:** A serious health condition is an illness, injury, impairment, or physical or mental condition that involves either an overnight stay in a medical care facility,

or continuing treatment by a health care provider for a condition that either prevents the employee from performing the functions of the employee's job, or prevents the qualified family member from participating in school or other daily activities.

Subject to certain conditions, the continuing treatment requirement may be met by a period of incapacity of more than three consecutive calendar days combined with at least two visits to a health care provider or one visit and a regimen of continuing treatment or incapacity due to pregnancy, or incapacity due to a chronic condition. Other conditions may meet the definition of continuing treatment.

#### **HOW TO APPLY FOR A FAMILY MEDICAL LEAVE**

An employee with a foreseeable family leave (for example, the birth of a child) must give the City 30 days advance notice. In other situations, the employee should notify the City as soon as practical, usually within one or two business days. Family leave applications and other materials are available from the Human Resource Department.

In many situations, an employee with a serious health condition may be eligible for paid medical leave through the City's disability plan. (See "Disability Insurance" in this *Handbook*.)

#### **HOW TO TAKE FAMILY MEDICAL LEAVE**

Each employee is entitled to up to 12/26 weeks of unpaid leave during any 12-month period, minus any leave taken in the prior 12 months. The City uses the "rolling 12-month period," measured backward, from the date an employee last used any FMLA leave. An employee does not need to use this leave entitlement in one block. Leave can be taken intermittently or on a reduced leave schedule when medically necessary. Employees must make reasonable efforts to schedule leave for planned medical treatment so as to not unduly disrupt the City's operations. Leave due to qualifying exigencies may also be taken on an intermittent basis. If the employee and spouse both work for the City, they may request a combined total of up to 12 weeks of unpaid leave each year, if the leave is required to:

- Care for a child following birth, adoption, or foster care placement; or
- Care for the employee's seriously ill parent. (The leave is not applicable to care for a spouse's parent.)

Otherwise, each employee is eligible for up to the full 12 weeks each year for an eligible FMLA reason.

#### **HOW A FAMILY MEDICAL LEAVE AFFECTS EMPLOYEE BENEFITS**

For an employee on family leave, medical, dental, and life insurance benefits will continue contingent upon an employee paying the regular premiums.

The employee's participation in these plans ends if the employee:

- Notifies the City that he/she does not intend to return to work.
- Fails to return from leave.
- Comes to the end of the leave period (12 weeks).
- Fails to pay the required premiums.

In some cases, the employee can continue coverage under the provisions of COBRA.

#### **WHAT HAPPENS WHEN THE EMPLOYEE RETURNS TO WORK**

The purpose of a family or medical leave is to ensure that the employee can take care of pressing personal situations. Therefore, the FMLA also includes provisions that protect the employee's job. He/she cannot be discriminated against for requesting an FMLA leave. When he/she returns to work, under most circumstances he/she must be restored to his/her original job or, if that is not possible, to an equivalent job with equal pay, benefits, and other terms and conditions of employment.

#### FAMILY AND MEDICAL LEAVE ACT AND NATIONAL DEFENSE AUTHORIZATION ACT OF 2008

Effective January 28, 2008, the National Defense Authorization Act for 2008 (NDAA), Pub. L. 110-181 was passed into law. Section 585 of the NDAA amends the Family and Medical Leave Act of 1993 (FMLA) to permit a "spouse, son, daughter, parent, or next of kin" to take up to 26 workweeks of leave to care for a "member of the Armed Forces, including a member of the National Guard or Reserves, who is undergoing medical treatment, recuperation, or therapy, is otherwise in outpatient status, or is otherwise on the temporary disability retired list, for a serious injury or illness." The provisions in the NDAA providing this leave are effective as of January 28, 2008. The NDAA also permits an employee to take FMLA leave for "any qualifying exigency or urgent need by regulation arising out of the fact that the spouse, or a son, daughter, or parent of the employee is on active duty (or has been notified of an impending call or order to active duty) in the Armed Forces in support of a contingency operation."

#### MATERNAL/PATERNAL LEAVE

Leave may be granted by the City Manager for the delivery of the employee's baby to a maximum of 24 hours for full-time employees and 18 hours for three-quarter time employees.

#### LEAVE OF ABSENCE

Leave of absence without pay or benefits up to 120 days may be granted by the City Manager after receiving a recommendation from the Department Head. The employee must exhaust all applicable leave before an unpaid leave of absence will be granted. Leave of absence shall not be regarded as an acquired right by the employee. Requests for a leave of absence shall be made in writing to the City Manager and the employee's Department Head. After the City Manager has made a decision, he/she shall respond to the employee in writing stating the reasons for the decision.

Benefits will not accrue while the employee is on a leave of absence without pay. If the leave of absence is unpaid, the employee will be responsible for paying the total insurance premiums for the duration of the unpaid leave.

In cases where a person's illness or injury requires the use of all sick leave and vacation time, the Department Head may request a leave of absence for the employee without pay once all sick leave and vacation time have been exhausted. If the City service is being harmed by the absence of the individual, the City Manager may separate the employee, provided that no FMLA, Workers' Compensation or other applicable laws are being violated. In such cases and where appropriate, the individual will be given first preference for the next available position for which he/she is qualified in returning to the City's service. Employees eligible for Family Medical Leave are not subject to the previous provisions unless their FMLA leave exceeds the allotted 12 weeks per year.

NOTE: Employees still in their probationary period will have their probationary time increased by the time they are on an approved leave of absence.

#### PAID HOLIDAYS

Full-time employees receive eight hours per holiday. Three-quarter time employees receive 6 hours per holiday. All holiday hours must be used within the calendar year in which they are granted or they will be zeroed out on December 31<sup>st</sup>. The City has designated the following days as paid holidays:

New Year's Day	Labor Day
Martin Luther King Jr.'s Birthday	Floating Holiday (Earned on August 1 <sup>st</sup> )
Presidents' Day	Veterans Day
Floating holiday (earned on April 1 <sup>st</sup> )	Thanksgiving Day
Memorial Day	Day after Thanksgiving
Fourth of July (Independence Day)	Christmas Eve Day
Pioneer Day	Christmas Day

*Floating Holidays are not considered "hours worked" for purposes of computing overtime and comp time.*

**HOLIDAYS WORKED:** Employees on duty for emergency services on designated holidays shall be compensated in accordance with the policy set forth in the *Employee Handbook* dealing with overtime.

When nonexempt employees are required to work a holiday by their Department Director, they are eligible to float the holiday hours so the holiday may be taken on another day during the calendar year, or be paid for the holiday hours. For the hours worked on a holiday, the employee will also receive overtime at a rate of one + ½ hours for each hour worked or overtime calculated at one and one + ½ times the hourly rate stated on the City's pay schedule. The working of a holiday must be due to City necessity and approved by the Department Director. Whether employees are compensated with overtime or comp time will be at the discretion of the Department Director.

**HOLIDAY BANK:** All holiday bank hours must be used within the calendar year in which they are granted or they will be zeroed out on December 31<sup>st</sup>. The following employees receive a bank of holiday hours at the beginning of each calendar year:

Police Department – All Police Department personnel are granted 112 holiday hours on January 1<sup>st</sup> of each year.

Fire Department – All 48-hour shift employees are granted 240 holiday hours on January 1<sup>st</sup> of each year.

Newly hired (Police personnel and 48-hour Fire) employees will be granted a prorated amount of holiday hours. Likewise, employees who leave City employment will only be paid out a prorated amount of holiday hours, which will depend on the amount of time left in the year. Police and Fire personnel who have used more of their holiday bank hours than they are eligible to receive upon termination will be required to pay back the City with unused vacation or compensatory time on their last paycheck.

#### **FUNERAL LEAVE**

The Department Head or designee may grant up to three eight-hour days or 24 hours of funeral leave to a full-time employee for making arrangements for and attendance at funeral services upon the death of an immediate member of the employee's family. Three-quarter time employees may receive up to 18 hours. For purposes of this section, "immediate members" will include father, stepfather, father-in-law, mother, stepmother, mother-in-law, brother, stepbrother, half-brother, brother-in-law, sister, step-sister, half-sister, sister-in-law, son, step-son, son-in-law, daughter, step-daughter, daughter-in-law, grandparents, step-grandparents, grandchildren, step-grandchildren, and spouse.

The Department Head or designee may also approve funeral leave in the event of the death of an individual(s) not included in the preceding list when he/she deems it appropriate. The days will be with pay and will not be charged to either earned sick leave or annual leave. Funeral leave will not accrue to the employee's benefit if not used for the intended purpose. Leave for attendance at funerals other than those covered above will be considered either leave without pay, personal leave, vacation, or holiday time. The Department Head or designee reserves the right to request verification of death from the employee at the manager's discretion. The Department Head or designee at his/her own discretion may grant up to five days maximum per calendar year for out-of-area relatives.

#### **MILITARY LEAVE**

Persons serving in the uniformed military services will be granted military leave for the period of service and a reasonable amount of time to travel to and return from duty as prescribed by federal law. The vacated position may be temporarily filled and the employee will return to service with the City in either the same position or a similar position within the same pay grade and scope of responsibility, if the employee meets the requirements of federal law. During the time of absence, the employee will continue to build seniority; the employee will not lose seniority obtained prior to obtaining military leave. During "activated or deployed status," all employees who are members of a reserve component shall receive full pay equal to the difference between military pay and City pay for regularly scheduled shift hours. This benefit also applies to employees who are serving in the National Guard, or reserve forces, and must attend annual training. A copy of orders will be required for salary payment.

No employee shall be subjected to any loss or decrease of vacation or holiday privilege or be prejudiced by reason of such absence with reference to promotion or continuances in office, employment, reappointment to office, or reemployment.

An employee reinstated under the foregoing provisions shall not be discharged from his/her position within one year after the reinstatement unless there is just cause for the discharge or a reduction in force.

Employees serving on active duty with the armed forces pursuant to a leave of absence under this section may participate for up to 36 months following separation from City employment in the City-sponsored employee group health and accident insurance plan for themselves and dependents, if they make the required, timely premium payments pursuant to federal law.

Upon reinstatement to City employment, the employee shall be entitled to participate in the retirement, insurance and other benefit programs offered by the City pursuant to the established laws, rules, and practices related to persons on leave of absence in effect at the time the reinstated employee commenced such active military service. This section shall not be construed to retain in office or in the employment of the City any person elected or appointed for definite term of office, or any person appointed by or serving under a person elected or appointed for a definite term of the person by whom he/she was appointed or under whom he/she was serving whose term shall otherwise expire by operation of law.

The employee serving on active duty with the military has the right to convert the City employees' group term life insurance containing a "war exclusion" provision, which would prevent payment of the double indemnity for accidental death.

Active duty service in the armed forces may qualify for service credit which may qualify and/or increase the retirement benefits an employee might receive from the retirement programs administered by the Utah State Retirement System, as provided by law. It is the employee's responsibility to contact the State Retirement Office for further information. The City will not make the employer-paid contributions and the employee-paid contributions, if any, otherwise paid by the City in behalf of the employee, for former employees serving on active military duty. For those employees whose employment with the City is reinstated following separation from active military service, the City will make the contribution adjustment representing the employer's contribution for the period of military service upon the following conditions:

- The reinstated employee requests the City to make the contribution adjustment payment to the Utah State Retirement System.
- The reinstated employee makes the contribution adjustment payment to the Utah State Retirement System as required by law.
- The reinstated employee meets all of the criteria for eligibility for the service credit, as provided by state and/or federal law.

The City will make no contributions to the City-sponsored "defined contribution" retirement/pension programs administered by ICMA Retirement Corporation or to the City-sponsored "deferred compensation" program administered by ICMA Retirement Corporation.

Active duty service in the armed forces will be used in calculating the "length of service" for "annual leave" (vacation) for a reinstated employee, pursuant to this manual.

#### **JURY AND WITNESS DUTY**

Employees will be granted leave for jury or witness duty. If the jury or witness service is completed during regular work hours, an employee is expected to return to work upon completion of the service. The employee shall receive his/her regular pay when performing jury and witness duty if money received for jury or witness service is returned to the City. Verification of jury and witness duty will be required. Police

and Fire Department personnel shall receive compensatory time off or pay at the overtime rate for court appearances while off-duty, which are related to their employment with the City.

## Retirement

### RETIREMENT BENEFITS

The City contracts for pension benefits with the Utah Retirement System (URS) (defined benefit and defined contribution programs) and the International City Managers Association Retirement Corporation (ICMA) (defined contribution 401 and 457 programs). The general City policy at this time is to contribute a total of 17.85% of an employee's salary (except when a higher amount is required by URS) to a mix of those programs, but the amount paid into each program may vary because of basic rate changes in the URS. Information on all programs is available from HR, including current year contribution distribution tables.

### DEFINITION OF RETIRED EMPLOYEE

Retirement is a voluntary separation from employment for reasons of service or medical condition for which the employee may qualify for an annuity from Utah Retirement Systems and/or disbursement of deferred compensation funds. A full-time employee with at least 10 years of service with the City or five years of service at age 60 qualifies to be a retired employee. The age that qualifies an employee for full social security benefits is not a traditional retirement age for employees. No employee will be required to retire or be removed from City service for reasons unrelated to work performance or elimination of position.

### SOCIAL SECURITY AND MEDICARE

Effective January 1, 1982, the City withdrew from the social security system. Contributions will not be made by or for employees to that program. Employees hired after April 1, 1986, shall contribute 1.45% to pay for a Medicare premium. This contribution shall be matched by the City. Participation in the Medicare program is required by federal law.

### URS POST-RETIRED EMPLOYEES

Employees who have retired through URS and are seeking employment at the City of West Jordan are responsible to ensure that their pay and benefits through the City do not affect their retirement. The City follows URS post-retired benefit contribution requirements.

### RETIREMENT HEALTH BENEFITS

**WHO IS ELIGIBLE?** Employees who meet the City's definition of a "retired" employee and are currently enrolled in the City's medical or dental insurance.

**WHEN AM I ELIGIBLE?** Upon date of retirement from the City of West Jordan.

**BENEFIT:** Retired employees may elect to apply their remaining unused sick leave multiplied by the employee's hourly wage at retirement toward the monthly health insurance premium at a rate of 40% for five to nine years of service, 50% for 10 to 14 years of service, 60% for 15 to 19 years of service, 70% for 20 years or more of service. Retired employees (who are eligible for insurance conversion) can opt out of medical coverage to have their unused sick leave benefit paid out in a "medical cash out" of \$5,000 per fiscal year. Once a retiree elects the medical cash out, they cannot re-enroll in the City's insurance policy at a later date. They may continue to remain on the City's dental plan while electing the medical cash out.

Effective December 19, 2009, the amount of an employee's sick leave that can be converted to retirement health and dental insurance premiums, or COBRA payments, will be capped. Employees may continue to accrue an unlimited number of sick leave hours for the purpose of employee illness, injury, or FMLA use. The capped value of each employee's conversion benefit will be calculated using the following as they exist on December 19, 2009: 1) employee's hourly salary rate; 2) the number of unused sick leave hours accrued; and 3) the vested percentage they are eligible to receive based on years of service. The benefit cap amount will be expressed as a dollar value. If the calculation results in an amount of \$5,000 or less, the employee's permanent benefit cap amount will be \$5,000. If the calculation results in an amount greater than \$5,000, then the higher amount will be the employee's benefit cap amount. For employees with a cap

amount greater than \$5,000; each year the calculation will be performed as of the end of the last pay period of the calendar year using the rate of pay, vested percentage, and unused sick leave balance existing on that date. If the result of the calculation is equal to or higher than the existing conversion cap, the employees cap will not be adjusted. If the calculation results in a lower amount, the conversion benefit cap amount will be adjusted to the lower amount. Once the cap is reduced, it cannot be increased in subsequent years, unless it has fallen below the \$5,000 minimum cap amount. Once an employee's cap falls below \$5,000, the \$5,000 amount is the maximum benefit they may accrue.

Firefighters hired before June 30, 2008 will have their sick leave calculation for purposes of this policy based on their 2080 hourly salary. Firefighters hired after June 30, 2008 will have their sick leave conversion benefit based on their 2748 hourly salary.

For budgetary reasons, the employee should notify his/her Department Head at least one year in advance of retirement, if feasible.

**CHANGE TO COBRA COVERAGE FOR RETIREES:** The COBRA regulation requires that we allow the retiree to specify if they want COBRA or the Retirement Health Benefits Plan at the time they retire. As a result, retirees will not be eligible to receive 18 months of COBRA at the end of the Retirement Health Benefit Plan. Employees who qualify as "retirees" under the City's definition and terminate their employment will be required to choose between COBRA coverage (18 months), or elect to go on the Retirement Health Benefits Plan. If the Retirement Health Benefits Plan is elected, COBRA is waived forever and if COBRA is elected, the Retirement Health Benefits Plan is waived forever. If the retiree elects COBRA, the City will continue to use the retiree's sick leave conversion dollars to pay the COBRA premium for the remainder of the 18 months left on COBRA. Upon depletion of 18 months of COBRA coverage, the retiree's medical and dental insurance coverage will end.

**GUIDELINES:** Retirees may make changes to their medical and dental plans upon an IRS approved life event or during open enrollment. If the retiree chooses to drop medical coverage, they will not be able to re-enroll in a medical plan at a future date. Termination of employment is not considered a "life event" qualifier under IRS regulation and as a result, the dependents cannot be added at the time of termination. Retirees must enroll their qualified dependents during the open enrollment prior to their retirement. Once a retiree cancels enrollment in the Retirement Health Benefits Plan, he/she cannot re-enroll, even if he/she has a balance left in the sick leave conversion plan. They would forfeit the sick leave conversion balance.

**ELIGIBILITY UPON TURNING AGE 65:** At age 65, the retiree is required to enroll in Medicare Parts A and B (same rule applies to spouses) in order for their coverage to continue with the City. At that point, Medicare becomes the primary insurance.

#### **DEATH BENEFIT**

**BENEFIT:** When an employee dies, the legal spouse or legal dependents at the time of death shall receive the following benefits from the City:

- The employee's pension and retirement funds when they are stipulated as beneficiaries.
- The employee's life insurance when they are stipulated as beneficiaries.
- For on-the-job-related deaths only, three year's salary from the City, based upon the amount received at the time of the accident minus the worker's compensation benefits received. The salary shall be paid semi-monthly, dating from the time of death, for the lesser of three years or until the youngest dependent either attains the age of 21 or marries.
- Payment for sick leave, vacation accrued, and compensatory time accrued at the time of the accident, in accordance with City policy.
- The City shall continue to pay for its regular share of the monthly health insurance premium for the lesser of 18 months or until the surviving spouse remarries. Dependent children will be covered consistent with the eligibility provisions of the health plan document. The employee's family may continue with the health insurance for an additional 18 months if the family pays the premium in accordance with the COBRA section of the this booklet.

## Miscellaneous Benefits

### BILINGUAL STIPEND

Employees who regularly perform interpreting services for the City will be eligible to receive a \$50 per month bilingual stipend if approved by the Department Head and City Manager. The employee is not eligible to receive this stipend if they only occasionally perform interpreting services in the normal course of their work duties. Regularly is defined as being asked to interpret at least 10 times per month. Employees who do not meet the criteria of regularly performing interpreting duties will receive their regular salary.

### EMPLOYEE ASSISTANCE PROGRAM

The Employee Assistance Program benefit provides professional counseling to City employees and any member of their household to help them deal with personal problems. Information is available in Human Resources.

### UNIFORM AND TOOL ALLOWANCE

**WHO IS ELIGIBLE?** Employees who work in departments that require a City uniform or City-issued tools.

**WHEN AM I ELIGIBLE?** As per individual department guidelines.

**BENEFIT:** A uniform and/or tool allowance will be provided where deemed necessary by the City Manager and where funds are available. Employees should seek specific instruction regarding their uniform and tool allowance from their immediate supervisor or department manager.

### EDUCATIONAL ASSISTANCE

**WHO IS ELIGIBLE?** Full-time employees.

**WHEN AM I ELIGIBLE?** Upon successful completion of the probationary period for full-time employees. Employees must receive a rating of 2 or higher on their most recent performance review, and if they have been under disciplinary action since the last performance review, it will be at the discretion of the Department Head and City Manager as to whether or not to approve the education assistance benefit for the upcoming fiscal year.

**PROCESS:** The City Manager will establish an Education Assistance budget during the budget process each year. This budgeted amount will be divided evenly among the number of employees with approved education plans, and will not exceed the established annual benefit level of \$1,500 per employee. Eligible employees must submit their individual Education Plan (see Human Resources for Education Plan) and estimated costs for the upcoming fiscal year by June 1<sup>st</sup> to Human Resources. The individual Education Plan form must include: verification from the college or university of the employee's declared major, list of classes the employee plans to take for the upcoming fiscal year (July 1 to June 30) and an estimate of the tuition, textbook costs, required fees, and a total of these costs for the upcoming fiscal year. The Department Head must approve and sign the form prior to submitting to Human Resources. Human Resources will establish the approximate benefit each employee will be receiving for the upcoming fiscal year based on the education assistance budget for that year. Once the forms are approved by the City Manager, Human Resources will inform each employee of the approved Education Assistance benefit for the upcoming fiscal year. If employees who are preapproved for Education Assistance decline to participate, their portion of the education assistance budgeted amount will be distributed evenly among the remaining participating employees during that fiscal year.

**BENEFIT:** Educational assistance is reimbursed only for courses taken through an accredited college or university. Human Resources will verify accreditation prior to approval of educational assistance. The course of study must lead to completion of a degree related to employment opportunities offered by the City of West Jordan. The Department Head and the City Manager must approve courses in advance as explained above. The maximum amount reimbursed shall be equal to one-half the tuition, books and required fees up to a maximum amount of \$1,500 per employee, per fiscal year, if a grade of "B-" or above is attained.

Employees accepting assistance under this program must agree to remain with the City for at least one year after completion of the last class taken. If they leave before the completion of one year, they will be required to repay the City the amount of their educational benefits paid to them for the preceding 12-month period (from the date of their termination). In cases of reduction in force (layoff), reimbursement shall not be required. Human Resources will verify that terminated employees are not required to repay education assistance monies. All educational benefits are conditional upon budget availability.

If the employee is eligible for reimbursement from any source (e.g., a government-sponsored program or scholarship), he/she may seek assistance under the City's educational assistance program but is reimbursed only for the difference between the amount received from the other funding source and the actual cost, up to the maximum 50% per year up to a maximum of \$1,500 per employee reimbursement allowable under this policy based on the grade received.

Upon completion of the course, the employee must submit to the Human Resource Department applicable receipts and records from the school indicating the grade received and official proof of payment.

#### **CAREER ENHANCEMENT PROGRAM (CAREER LADDER)**

**WHO IS ELIGIBLE?** Full-time employees

**PURPOSE:** To provide employees with an ongoing incentive to enhance their skills and knowledge in order to advance in their career. This program has a direct impact on the City by improving morale, career satisfaction, motivation, productivity, and responsiveness in meeting departmental and organizational objectives.

**PROCESS:** Employees must submit an application packet by December 31<sup>st</sup> of each year to the department for the upcoming fiscal year (July 1<sup>st</sup>). The department will have 30 days (January 30<sup>th</sup>) to vet the application. The requirements to qualify for a career ladder increase include the following components:

1. Experience
2. Education
3. Performance – receive an overall rating of 2.5 or higher
4. Certifications that bring added value to the position

Applicants will be given until June 15<sup>th</sup> to meet the criteria with the exception of years of service/experience. Those meeting the criteria by June 15<sup>th</sup> will be awarded the increase on July 1<sup>st</sup>. Those that meet the criteria except the years of service /experience will receive the increase the pay period after their anniversary date during the budget year. Human Resources will process the application packet after June 15<sup>th</sup> for the July 1<sup>st</sup> pay increase. Applicants who are on disciplinary action (first or final written warning) cannot receive an increase for one year from the date the discipline was issued.

The Career Enhancement Program is subject to annual budget approval.

#### **TRAVEL ON CITY BUSINESS**

Persons who travel on city business are encouraged to incur the lowest practical and reasonable expense while still traveling in an efficient and timely manner. Those traveling on city business are expected to avoid impropriety, or the appearance of impropriety, in any travel expense. They must conduct city business with integrity, in compliance with applicable laws and in a manner that excludes consideration of personal advantage. This policy applies to anyone who travels on city business.

#### **APPROVAL OF TRAVEL**

All travel requests must be authorized in advance by an authorized signer, meaning:

1. Department Directors can approve all travel requests within their department except for their own.
2. City Manager can approve department director travel requests.
3. Mayor can approve all travel requests for the City Manager, City Council, and City board or committee members.
4. Mayor Pro-Tem can approve all travel requests for the Mayor.

All signatures constitute certification to the accuracy and propriety of all expenses and allowance listed as actually necessary in the performance of official city business and conformity to the travel policy and procedures, and that funds are budgeted and available. Travel related to training should only be authorized if comparable training is unavailable locally.

#### **USE THE UTAH STATE TRAVEL OFFICE**

When making travel reservations, the state travel office should be consulted to verify competitive costs, and used to make travel arrangements when reasonably advantageous. The State of Utah has contracted with airlines, rental car agencies, and hotels to obtain economical rates and discounts. All government entities including the City of West Jordan have access to these special rates. When appropriate, the state travel agency can be contacted for any reservations and bookings.

Visit the state website for travel at <http://finance.utah.gov/main/>. (Click on the "Travel" link.) The following are the contact numbers for the travel agency:

State of Utah Travel Agency Contact Numbers  
Monday – Friday 8:00 a.m. – 5:00 p.m. (Mountain Time)  
Ph. 801-538-3350  
Ph. 866-489-9834 Toll free in-state

#### **AIR TRAVEL**

Employees are expected to book the lowest available convenient rate. Expenses incurred for air travel must be supported by a ticket stub, receipt, confirmation, or similar evidence of expense showing dates, destination, and cost of travel.

#### **USE OF CITY-OWNED VEHICLES**

A city-owned vehicle should be used when the travel destination is within 60 miles of City Hall. If the travel destination goes beyond the limit of 60 miles, it is the responsibility of the department director to determine the most economical travel method.

#### **PERSONAL AUTOMOBILES**

Mileage reimbursements for personal auto use for City travel are only available when the destination is greater than 60 miles from City Hall. Carpooling is encouraged and the names of all employees traveling together on the same trip and in the same vehicle must be listed on the travel expense report to ensure proper reimbursement.

#### **AUTOMOBILE REIMBURSEMENT RATES**

Reimbursement rates for mileage on privately owned/leased automobiles are established by the Internal Revenue Services (IRS). The IRS announces changes in mileage reimbursement rates every November for a January release. Rates can be verified at [www.irs.gov](http://www.irs.gov). Mileage will be paid from the employee's work location or from home, whichever is less.

#### **PERSONAL AUTOMOBILE INSURANCE**

It is the responsibility of the owner of any vehicle being used for City business to have adequate insurance coverage in force and properly endorsed for business use (as necessary). The owners' policy is primary in the event of an accident or claim. The City does not provide any coverage or reimbursement for expenses related to an accident or mechanical break-down (e.g. deductibles, loss of use/rental, property damage or towing). Insurance costs, maintenance, and wear are included in the mileage reimbursement rates as calculated by the IRS.

#### **RENTAL CAR**

In general, employees should use shuttle or train/bus services where reasonably available. In situations where such services are unavailable, employees may rent a vehicle for business travel when deemed

necessary and cost efficient with the department director's approval. If approved, the vehicle must be rented through a bona fide rental car company.

When contracting directly with a car rental agency:

1. Collision Damage Waiver (CDW) coverage should be included.
2. Compact and intermediate vehicles are to be rented unless rates are lower for another class.
3. Shop for lowest costs and compare to state rates. Use the state contract if the difference is significant.
4. City must be reimbursed for any personal use (except for minor, incidental mileage) of a rental vehicle.

#### **NON-REIMBURSABLE EXPENSES**

Personal and/or non-business related expenses are not reimbursable. If in doubt, check in advance with your department director or city manager.

#### **PER DIEM**

Per Diem is an allowance to cover meals, personal transportation at the place of the assignment, and any other incidental expenses likely to be incurred by the employee while traveling on company business. Per Diem rates are specific to major cities. Visit <http://www.gsa.gov/portal/category/100120> to determine per diem daily rates per city and state of the conference.

Per Diem requests should be turned in to the Finance Department no later than one month before the trip. Requests turned in after that time may delay the check processing. Checks will be available 2 weeks before the planned trip. All authorized signatures must be present when submitting the per diem requests or the request will be denied. Per Diem rates are not given to conferences and seminars within a 60 mile radius where no overnight stay is required.

Per Diem daily rates will be prorated and paid as follows:

- |                                     |      |
|-------------------------------------|------|
| • Departure prior to 8 a.m.         | 100% |
| • Departure between 8 a.m. and noon | 75%  |
| • Departure any time after noon     | 50%  |
| • Last day of travel                | 75%  |

#### **MEALS**

If meals are included in the conference registration fees the amount of the applicable meal percentage (below) should be deducted from the per diem, including travel days.

Per Diem will be reduced for meals provided as follows:

- |             |     |
|-------------|-----|
| • Breakfast | 10% |
| • Lunch     | 10% |
| • Dinner    | 25% |

#### **LODGING REIMBURSEMENT**

When an overnight stay is required, standard rooms in reasonably priced and convenient hotels may be requested. Department directors can exercise discretion when determining the most cost-effective, convenient lodging to avoid unnecessary car rental and parking costs.

#### **TRAVEL AUDIT**

It is the responsibility of the Finance Department to determine if submitted expense reports are accurate and complete. Final travel expense reports shall include all related expenses, outside of per diem, even if prepaid. The requirements for expense reports and approvals are as follows:

1. All expense reports must be submitted to accounts payable within 5 working days from the returning trip.
2. Final, actual expenses must be approved by the department director.
3. All expenses included on the expense report (except for meals covered by a per diem) must be accompanied by a valid original receipt, and a brief explanation of the expense. Credit card statements will not be accepted in lieu of a receipt.