



**STAFF MEMORANDUM TO CITY COUNCIL**

TO: Midway City Council

FR: Human Resources

DT: August 14, 2024

RE: Employee Handbook Update. Scheduled for the Work Meeting Agenda on August 20, 2024, and included as proposed Resolution 2024-19 / Human Resources Handbook on the Regular Consent Agenda for possible adoption.

**BACKGROUND:**

Midway City last updated its Human Resources Policies and Procedures Manual in 2020 but significant changes have not occurred for more than a decade. With growth in Midway and the State of Utah, state and federal legislation affecting municipal employment, benefits, training, etc., and the additional legislative burdens and mandates directed toward local governments and their Human Resources Departments, Staff has spent several months reviewing and revising the Employee Handbook to incorporate these changes.

Due to the magnitude of changes made, it was impossible to track changes and still have a readable document. Accordingly, we are forwarding to City Council members a copy of the old Employee Handbook (2020) and the proposed revised handbook (2024) for comparison, but also outline below and will discuss at work session some of the most significant proposed amendments.

**ANALYSIS & DISCUSSION:**

- The revised handbook expands and/or adds multiple new sections to address changes in law and to better advise employees of how changes in law affect them, including the following:

- 1.9 Harassment**
- 1.10 Sexual Harassment**
- 1.11 Workplace Violence**

- The revised handbook greatly expands the provisions of **Section 1.16 Confidentiality & Privacy**, in accordance with the provisions of the Utah Government Data Privacy Act of 2024, Utah Code Annotated Part 63A-19-101 et seq. and may need to be revisited going forward as this significant and voluminous legislation is better understood and put into practice.

- The revised handbook greatly expands provisions relating to drug testing and similar policies, including the following:

- 4.3 Physical Examinations**
- 4.4 Pre-Employment Drug Testing**
- 4.5 Drug Testing Confidentiality**
- 13.1 Non-smoking Policy**
- 13.2 Drug and Alcohol Free Workplace Policy** (In addition to pre-employment testing, includes random drug testing, post-accident testing, reasonable suspicion testing, and return to work testing.)

The new provisions detail expectations, procedures, employee rights, privacy, appeals, and consequences.

- The revised handbook makes changes to **Section 6.8, Compensatory Time**.

Previously, employees could only use comp time after a 30-hour bucket was full, and then again after a second 30-hour bucket was full. While the buckets were getting filled and used, employees were not able to use the already earned comp hours. This system created confusion and required extra administrative work to keep track of each employee's status.

The updated policy allows employees to use accrued comp time after the pay date where overtime should have been paid, with Supervisor approval. There are no more “buckets”; instead, there is a limit to the number of comp hours employees can earn (60 hours for Public Works and 30 hours for Administrative Staff). After employees reach the limit, they get paid for the overtime hours worked at a rate of time and a half.

- The revised handbook adds sections on use of electronic equipment, internet browsers, and adds a new **Section 13.11 Social Media Policy**.

- The revised handbook also adds a new **Section 13.17, Government Employee Protection**, in accordance with House Bill 460, also known as the Government Employee Conscience Protection Amendments, passed on March 1, 2024, and taking effect on May 1, 2024 (mandating that government employees allow employees to request that their employer relieve them from tasks that conflict with their religious beliefs or "conscience").

#### **Miscellaneous:**

- **Formal evaluations**  
Intent to take a new employee out of probation, before 60 days, at the discretion of the Supervisor and with the approval of the Mayor.
- **Corrective/ Progressive discipline:**  
The revised handbook clarifies the steps for discipline as well as appeal and adds an additional, non-disciplinary step involving a “counseling memorandum”, the intent of which is to assist the employee by specifically detailing the changes in performance required.
- **MVR's- Motor Vehicle Record**  
Will be requested by HR to our insurance company (Utah Trust) at the time of hiring.
- **Definitions:**  
Added or expanded definitions, including adding a definition for “retirement”.
- **Deletions:**  
The revised handbook removes obsolete provisions, such as position classifications and “grades”.

#### **PROPOSED FINDINGS:**

- The proposed revisions help bring the Human Resources Handbook into compliance with changes in law, policies and procedure on the local, state, and federal levels.
- The proposed revised handbook expands definitions and explanations to better assist employees in understanding their rights, expectations in the workplace, and City procedures.
- The proposed revised handbook incorporates expanded provisions concerning data privacy consistent with emerging laws and includes a new section on social media use, which is becoming increasingly necessary and relevant.

- The revised handbook includes an additional level of non-disciplinary feedback (counseling memorandum) intended to assist employees in understanding employer expectations and obtaining successful outcomes.
- The revised handbook seeks to provide employees with answers to frequently asked questions and issues and to promote uniformity and consistency in application of City policies and procedures.

**ALTERNATIVE ACTIONS:**

1. Approval (conditional). This action can be taken if the City Council approves the proposed changes to the Human Resources Handbook.
  - a. Accept staff report
  - b. List accepted findings
  - c. Place condition(s) if needed
2. Continuance. This action can be taken if the City Council finds that there are unresolved issues and/or wishes staff to make significant changes to the proposed document.
 

Accept staff report

  - a. List accepted findings
  - b. Reasons for continuance
    - i. Unresolved issues that must be addressed
  - c. Date when the item will be heard again
3. Denial. This action can be taken if the City Council does not wish to adopt the proposed amendments to the Human Resources Handbook.
  - a. Accept staff report
  - b. List accepted findings
  - c. Reasons for denial

**PROPOSED CONDITIONS:** None



**Midway**

**Human Resources  
Policies and Procedures Handbook**

Amended and Adopted August 20, 2024

***Welcome!***

*For employees who are commencing employment with Midway City, and on behalf of Midway City, let me extend a warm and sincere welcome. We hope you will take pride in being an important part of Midway City's vision and mission!*

*We are delighted that you have chosen to join our organization and hope that you will enjoy a long and successful career with us. As you become familiar with our culture and mission, we hope you will take advantage of opportunities to enhance your career and further Midway City's goals.*

*For employees who have been with us, thank you for your past and continued service.*

*I extend my personal best wishes for success and happiness here at Midway City. We understand that it is our employees who provide the services that our customers rely upon and who will enable us to create new opportunities in the years to come.*

*Midway City Mayor*

Midway City and its employees use their talents to offer new solutions in meeting the ongoing demands of our growing city. With your active involvement and support, **Midway City** will continue to achieve both its vision and mission as follows:



***Vision Statement***

Our vision for Midway City is to be a place where citizens, businesses and civic leaders are partners in building a city that is family-oriented, aesthetically pleasing, safe, walkable and visitor friendly. A community that proudly enhances our small-town Swiss character and natural environment while remaining fiscally responsible.

***Mission Statement***

The mission of Midway City is to enhance the quality of life and promote the safety and well-being of our residents and visitors while honoring our heritage and preparing for the future.

***Core Values***

<b>Integrity</b>	Actions are based on honor - to create ethical character, and a positive reputation.
<b>Teamwork</b>	A process built upon common focus, flexibility, cooperation, communication, and the sharing of risk, responsibility, and reward.
<b>Innovation</b>	Demonstrating a civic entrepreneurial spirit by generating new ideas and better ways of doing things and engaging in reasonable risk.
<b>Respect</b>	The obligation to treat all with civility by listening, comprehending, empathizing, and valuing opinions and perspectives.
<b>Responsive Customer Service</b>	Meeting needs in a timely, courteous, and responsive manner by delivering on promises and commitments while meeting or exceeding expectations.
<b>Trust</b>	Actions, information, and communication are accurate, consistent, open, and honest to maintain credibility.
<b>Honor</b>	Respect and preserve our heritage.

# Human Resources Policies and Procedures Handbook

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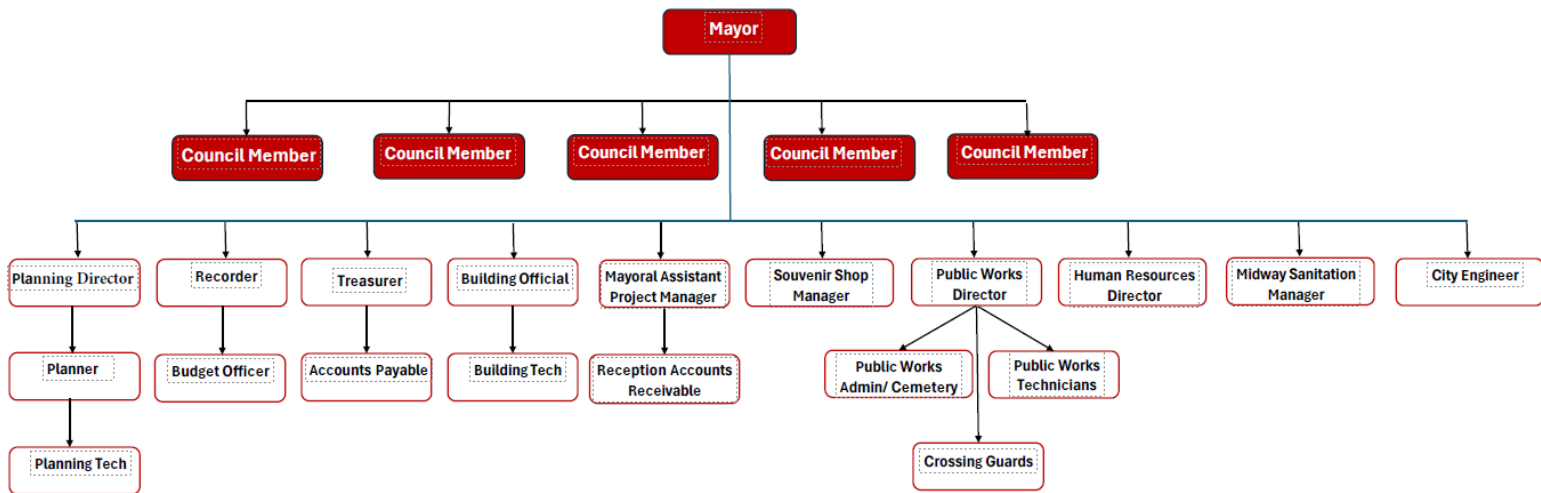
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MIDWAY CITY  
HUMAN RESOURCES  
POLICIES AND PROCEDURES HANDBOOK

**Section 1. Governing Principles of Employment**

**1.1 Purpose**

The policies and procedures relative to the human resource activities for Midway City are set forth for a dual purpose:

1. To give Midway City employees clear, concise information as to their rights, privileges, obligations, and responsibilities.
2. To provide Midway City management and the Midway City Council direction in dealing fairly, consistently, and justly with all employees.

The contents of this Policies and Procedures Handbook are for informational purposes only and are not intended to create a contractual obligation of any kind or a contract of employment between Midway City and its employees. The Human Resources Policies and Procedures Handbook provisions have been developed at the discretion of the City Council and, except for its policy of employment at will for appointed and elected officials, may be amended at any time at Midway City's sole discretion.

**1.2 Assignment of Responsibility**

The Mayor, City Council, and employees are responsible for recommending human resources policies and procedures for City Council approval.

**1.3 Applicability of Policies and Procedures**

The policies, procedures, rules, and regulations set forth in this document shall apply to all employees of Midway City, except where specifically excluded. These policies and procedures do not apply to persons engaged under contract to supply professional or technical services or volunteers who receive no or nominal compensation from Midway City, except where noted.

**1.4 Violations**

Violation of any state or federal law, personnel policy, rule, or procedure adopted hereunder shall be grounds for disciplinary action up to and including termination. Any

reasonable suspicion or knowledge of any violation of state or federal laws, personnel policy, rule or procedure must be reported in a confidential manner to the direct Supervisor, Human Resources Director, and/or Mayor.

## **1.5 Standards**

The human resources standards subscribed to by Midway City shall conform to the following:

1. Recruit, select, and advance employees on the basis of their business/professional competencies (current potential, knowledge and skill, commitment, and standards of behavior).
2. Provide competitive compensation based on Midway City's ability to pay.
3. Provide training to employees to ensure high quality performance to justify reasonable performance standards.
4. Retain employees based on prescribed performance standards, correcting unacceptable performance in a timely manner, and terminating employees whose performance fails to meet Midway City's standards.
5. Assure non-discrimination for applicants and employees in all aspects of employment.
6. Provide a formal procedure for processing the appeals and grievances of employees without discrimination, coercion, restraint, or reprisal.

## **1.6 Availability and Revision of Manual**

The policies and procedures in this Manual are subject to change at any time by the action of the Midway City Council, however, terms and conditions of employment memorialized in specific job descriptions/job offers/agreements shall be honored for the specific employee(s) covered by that job offer/agreement. Employees will be notified in writing of changes to policies and procedures in this Manual. A copy of the Manual shall be made available to all Midway City employees. If you have a question that cannot be answered by the Manual, please ask Midway City management.

## **1.7 General Conduct**

The very nature of municipal employment makes employee relations one of the most important aspects of the job. The quality of our interactions impacts all employees of Midway City and the public perceptions of Midway City as a whole. Employees are to take every opportunity through the course of performing their jobs to create "good will" with the public. Employees are required to be courteous and demonstrate understanding

irrespective of the difficulty of situations that may arise. Management will investigate negative reports, which may be subject to discipline.

1. Employees are expected to apply themselves to their assigned duties.
2. Employees are expected to make prudent and frugal use of Midway City funds, equipment, buildings, and supplies.
3. Employees are expected to observe all workplace rules.
4. Employees are to report to management conditions or circumstances that would prevent them from performing their jobs effectively or completing assigned tasks.
5. To maintain a professional atmosphere and appearance, all employees, including those who wear uniforms, shall maintain the following minimum standards:
  - a) Employees must maintain a high standard of personal hygiene. Employees must appear neat and clean and have no offensive odors. An employee's hair (including facial hair) must be clean and groomed.
  - b) Employees must wear clothing appropriate to their employment. Appropriateness may vary, depending upon the nature of work performed, safety concerns, and the degree of public contact.
  - c) Employees must wear clothing that is clean and neat, not torn or frayed. Employees must avoid clothing that is unduly revealing, immodest, or otherwise inappropriate for a professional office setting or other work environment.
  - d) In addition to the above, all employees shall meet department dress and appearance policies.
6. All employees in all departments are to treat the equipment they use with respect and good common sense, keep equipment in good working order, and report any damage or malfunctions to their supervisor.
7. Employees are expected to be courteous and helpful towards each other.

## **1.8 Equal Employment Opportunity and Non-Discrimination Policy**

Midway City is an Equal Opportunity Employer committed to recruiting and retaining a workforce and providing a work environment free from discrimination and harassment on the basis of actual or perceived race, color, creed, religion, national origin, ancestry, citizenship status, age, sex or gender (including pregnancy, childbirth and pregnancy-related conditions), gender identity or expression (including transgender status), sexual orientation, marital status, military service and veteran status, physical or mental disability, genetic information, or any other characteristic protected by applicable federal, state or local laws and ordinances. This policy applies to all terms and conditions of employment, including but not limited to recruitment, selection, hiring, firing, placement, promotion,



leave, evaluations, discipline, transfer, training, compensation, benefits, employee activities, access to facilities and programs, and general treatment during employment.

Retaliation against individuals who raise issues of equal employment opportunity, and/or witnesses to retaliation, shall not be tolerated nor condoned. Employees believing they have been subjected to retaliation should report the retaliatory behavior to their Supervisor and the Human Resources Department.

## **1.9 Harassment**

### **Policy**

Midway City is committed to the principle that all employees have the right to work in an environment free from discrimination and harassment. Midway City prohibits harassment of or by its employees in any form. All employees at all levels of employment shall avoid offensive or inappropriate, harassing behavior, and the City will hold employees responsible for ensuring that the workplace is free from harassment. Employees should treat others with respect and dignity. The City will enforce its harassment policy at all levels of employment and in all City workplaces.

### **Harassment Defined**

Harassment generally is defined in this policy as unwelcome verbal, visual or physical conduct that denigrates or shows hostility or aversion towards an individual because of any actual or perceived protected characteristic or has the purpose or effect of unreasonably interfering with an individual's work performance or creating an intimidating, hostile or offensive working environment.

Harassment based on any protected class or characteristic is strictly prohibited under this policy. The conduct includes, but is not limited to:

- A. Verbal: including, but not limited to: slurs, jokes, insults, epithets or negative stereotyping.
- B. Visual: including, but not limited to: offensive photographs, posters, symbols, cartoons, drawings, computer displays, text messages, social media posts, emails, or other displays or circulation in the workplace of written or graphic material that denigrates or shows hostility or aversion toward an individual or group.
- C. Physical: including, but not limited to: uninvited touching, blocking normal movement, and other threatening, intimidating or hostile acts.

Employees are expected to behave in a manner consistent with the intended purpose of this policy. The above conduct violates this policy even if it does not rise to the level of a violation of applicable federal, state, or local laws.

Bullying is a form of harassment also prohibited. Bullying includes repeated inappropriate behavior, either direct or indirect, whether verbal, physical or otherwise. Bullying is

prohibited regardless of whether it is used to target a person or a protected class.

## **Reporting**

The procedures and rules for reporting, investigation, retaliation and violation are the same as for Sexual Harassment below. See Section 1.10

## **1.10 Sexual Harassment**

### **Policy**

Midway City is committed to the principle that all employees have the right to work in an environment free from sexual harassment. The City prohibits sexual harassment of or by its employees in any form.

The City incorporates the Equal Employment Opportunity Commission's definition of sexual harassment, which is: Unwelcome sexual advances, requests for sexual favors, and other verbal or physical conduct of a sexual nature when: (1) submission to such conduct is made either explicitly a term or condition of an individual's employment; (2) submission to or rejection of such by an individual is used as the basis for employment or decisions affecting such individuals; or (3) such conduct has the purpose or effect or unreasonably interfering with an individual's work performance or creating an intimidating, hostile, or offensive working environment.

The City prohibits conduct which includes, but is not limited to, the following:

1. Unwelcome sexual advances.
2. Requests for sexual favors, whether or not accompanied by promises or threats with regard to the employment relationship.
3. Verbal or physical conduct of a sexual nature made to an employee that may threaten or insinuate, either explicitly or implicitly, that an employee's submission to or rejection of the sexual advances will in any way influence any decision regarding that person's employment, evaluation, wages, advancement, assigned duties, shifts, or any other condition of employment or career development.
4. Harassment of women by men, men by women, or same sex harassment.
5. Any verbal or physical contact that has the purpose or effect of creating an intimidating, hostile, or offensive working environment.
6. Other sexually harassing conduct committed in the workplace by supervisors or
7. non-supervisory personnel, whether physical or verbal.
8. Sexually degrading words to describe an individual, offensive comments; off- color

language or jokes; innuendoes, and sexually suggestive objects, books, magazines, photographs, cartoons, pictures, emails, faxes, or other communication.

### **Reporting**

Employees having complaints of harassment or sexual harassment by anyone in the workplace, including supervisors, co-employees, or visitors, should report such conduct to their Supervisors. The Supervisor shall document the complaint in writing, have the employee sign the writing to acknowledge the complaint, and immediately notify the Mayor. The employee should, whenever possible, document specific information regarding the alleged harassment and provide it in writing to the person notified. Any known dates, times, places, specific types of harassment, and names of any witnesses should be included in this documentation. If the complaint involves an employee's Supervisor or someone in the direct line of supervision, or if the employee is for any reason uncomfortable dealing with his/her/their Supervisor, the employee may go directly to the Mayor or City Attorney.

### **Investigation**

The City endeavors to investigate all complaints as expeditiously and professionally as possible. Where investigation confirms allegations of harassment, the City shall take appropriate corrective action and the at fault employee will be subject to disciplinary action up to and including termination. If the harassment has come from a person outside Midway City, any corrective action will be taken after consultation with the Midway City Attorney and the responsible outside party/organization.

If, after investigating a complaint of harassment, the City finds that an employee provided false information regarding the complaint, the City may take disciplinary action against such employee.

To the extent permissible by regulation or law, employees will be apprised of the investigation process and the conclusion of the investigation.

The City makes every attempt to keep confidential the information provided to it in the complaint and investigation process, to the fullest extent permitted by the circumstances and applicable law

### **Retaliation**

Retaliation against employees for reporting harassment or for assisting the City in its investigation of a complaint is against the law and prohibited. Retaliation is conduct that would tend to discourage others from making a complaint or is intended to punish a person who made a complaint. Retaliation includes, but is not limited to, such acts as: refusing to recommend the employee for a benefit for which he/she/they qualify(ies), spreading rumors about the employee, demonstrating hostility or encouraging hostility from co-workers; and/or escalating the harassment.

## **Violation**

Violation of this policy, including any improper retaliatory conduct, will result in disciplinary action, up to and including termination.

### **1.11 Workplace Violence Policy**

It is Midway City's policy that workplace violence, and an environment that allows workplace violence, is prohibited and will not be tolerated.

#### **Workplace Violence Defined**

Workplace violence is any act or behavior in the workplace that is intended to cause physical harm to a person or is physically threatening to a person. This includes, but is not limited to: assault, aggravated assault, homicide, kidnapping, disorderly conduct, stalking as prohibited by Utah law, as well as any other hostile physical contact, threats of harm to either a person or property, and malicious damaging of a person's property.

The use or threat of violence by any employee against another person while at work is prohibited.

#### **Reporting**

Employees complaining of workplace violence by anyone in the workplace, including supervisors, co-employees, or visitors, should report such conduct to their Supervisors. The Supervisor shall document the complaint in writing, have the employee sign the writing to acknowledge the complaint, and immediately notify the Mayor. The employee should, whenever possible, document specific information regarding the alleged workplace violence and provide it in writing to the person notified. Any known dates, times, places, specific types of workplace violence, and names of any witnesses should be included in this documentation. If the complaint involves an employee's Supervisor or someone in the direct line of supervision, or if the employee for any reason is uncomfortable dealing with his/her/their Supervisor, the employee may go directly to the Mayor or City Attorney.

#### **Investigation**

The City endeavors to investigate all complaints as expeditiously and professionally as possible. Where investigation confirms allegations of workplace violence, the City shall take appropriate corrective action, and the employee will be subject to disciplinary action up to and including termination. If the alleged behavior has come from a person outside Midway City, corrective action will be taken after consultation with the Midway City Attorney and the responsible outside party/organization.

If, after investigating any complaint of workplace violence, the City learns that an employee provided false information regarding the complaint, the City may take disciplinary action against such employee.

To the extent permissible by regulation or law, employees will be apprised of the investigation process and the conclusion of the investigation.

The City makes every attempt to keep confidential the information provided to it in the complaint and investigation process, to the fullest extent permitted by the circumstances and applicable law.

### **Retaliation**

Retaliation against employees for reporting workplace violence or for assisting the City in its investigation of a complaint is against the law and prohibited. Retaliation is conduct that would tend to discourage others from making a complaint or is intended to punish a person who made a complaint. Retaliation includes, but is not limited to, such acts as: refusing to recommend the employee for a benefit for which he/she/they qualify, spreading rumors about the employee, encouraging hostility from co-workers; and/or escalating the harassment.

### **Violation**

Violation of this policy, including any improper retaliatory conduct, will result in disciplinary action, up to and including termination.

## **1.12 Conflict of Interest Ethics Policy**

Pursuant to the provisions of the Utah Municipal Officers' and Employees' Ethics Act, Utah Code Part 10-3-13, and the Utah Public Officers' and Employees' Ethics Act, Utah Code Part 67-16-1, et seq., Midway City recognizes that there are rules of ethical conduct for public officers and employees which must be observed if a high degree of moral conduct is to be obtained and public confidence maintained in our unit of local government. All Midway City officers and employees shall comply with federal and state law and shall not:

1. Gifts: directly or indirectly, solicit or accept or receive any gift(s) having a value of fifty dollars (\$50) or more. This does not apply to a political contribution.
2. Confidential Information: disclose confidential information acquired in the course of their official duties or use such information to further their personal interest(s).
3. Representation before one's own agency: receive or enter into any agreement, express or implied, for compensation for services to be rendered in relation to any matter before any municipal agency of which he/she/they is/are an officer, member, or employee or of any municipal agency over which he/she, they has/have jurisdiction or

to which he/she/they has/have the power to appoint any member, officer, or employee.

4. Representation before any agency for a contingent fee: receive or enter into any agreement, express or implied, for compensation for services to be rendered in relation to any matter before any agency of his/her/their municipality, whereby his/her/their compensation is to be dependent or contingent upon any action by such agency with respect to such matter, provided that this paragraph shall not prohibit the fixing at any time of fees based upon the reasonable value of the services rendered.
5. Disclosure of interest in legislation: to the extent known, any Midway City officer or employee, whether paid or unpaid, who participates in the discussion or gives official opinion to the City Council on any legislation or decision before the City Council or which may come before the City Council shall publicly disclose on the official record the nature and extent of any direct or indirect financial or other private interest he/she/they has/have in such legislation or decision.
6. Investments in conflict with official duties: invest or hold any investment directly or indirectly in any financial, business, commercial or other private transaction, which creates a conflict with his/her official duties.
7. Private employment: solicit, negotiate for, or promise to accept private employment or render services for private interests when such employment or service creates a conflict with or impairs the proper discharge of his/her official duties.

**Other Conflicts of Interest:**

1. Holding an interest in or accepting free or discounted goods from any organization that does business, or is seeking to do business, with Midway City, by any employee in a position to directly or indirectly influence either Midway City's decision to do business or the terms upon which business would be done with such organization.
2. Holding any interest in an organization that competes with Midway City.
3. Being employed by (including as a consultant) or serving on the board of any organization which does business, or is seeking to do business, with Midway City, or which competes with Midway City.
4. Profiting personally, e.g., through commissions, loans, expense reimbursements or other payments, from any organization doing business or seeking to do business with Midway City.

A conflict of interest also exists when a member of the employee's immediate family is involved in situations such as those listed above. It is the employee's responsibility to report and disclose any actual or potential conflict that may exist between the employee (and/or the employee's immediate family) and Midway City.

This policy is not intended to prohibit the acceptance of occasional nonpecuniary gifts, having a value not exceeding \$50, openly given, and accepted as part of the usual business amenities, for example, occasional business-related meals or promotional items of nominal or minor value, or an award publicly presented in recognition of public service, or a political campaign contribution authorized by applicable law.

**Penalties for Offenses:**

In addition to any penalty contained in any other provision of law, any person who shall violate any of the provisions of this code may be fined, suspended or removed from office or employment in the manner provided by law.

**1.13 Political Activities Policy**

It is the policy of Midway City to permit political participation by employees during non-work hours. However, no employee shall be allowed to solicit funds for a political party or candidate from any organization or individual associated with Midway City.

Employees shall not use Midway City time, facilities, or resources to participate in campaign activities or to further the cause of a candidate for political office. Such facilities and resources include, but are not necessarily limited to, computers, use of City's Internet connection, facsimile machine, photocopying machines, typewriters, paper, telephones, stationery, or other staff members' time to compile or distribute campaign materials. Literature or announcements promoting, endorsing, or seeking support for a candidate or slate of candidates for political office may not be distributed on the premises.

Except in so far as it is a requirement of an Employee's job to notice, supervise or canvass an election, Midway City employees shall not participate in any appointment or election process of the City Council or Mayor except to provide substantive factual public information when requested. Nothing herein shall inhibit an employee's right to vote in any election.

**1.14 Outside Employment**

Employees are not to engage in any employment, private business, or in the conduct of a profession, or paid or unpaid work, during the hours for which the employee is employed to work for Midway City.

**1.15 Work Product Exclusivity**

Any material or work that the employee was directly assigned to complete in conjunction with employment with Midway City shall be the exclusive property of Midway City.

According to federal copyright laws (17 USC SEC. 101), such work produced shall be regarded as work made for hire, and Midway City shall be considered the author and shall own all the rights associated with the work. This ownership shall extend to documentary, literary, statistical, graphic, artistic, computerized, mapping, audio/visual works, recordings, and other data unless the parties have expressly agreed otherwise in a written instrument signed by both parties. This policy does not supersede any state or federal grant or contract provisions.

## **1.16 Confidentiality & Privacy**

The security of Midway City is a shared responsibility of all employees. Confidential information is any information that is not known generally to the public and would be damaging to the City if communicated to anyone other than authorized individuals. Personnel files, computer records, financial data, etc., would be considered confidential information. Document control and restricting access to confidential information must be strictly observed by all employees. Employee failure to manage confidential information properly will be subject to disciplinary action up to and including termination of employment.

Terminated employees are responsible for returning to Midway City all materials, including any confidential information in their possession. Also, former employees with knowledge of confidential information are expected to maintain the confidentiality of this information.

Personal data is information that is linked or can be reasonably linked to an identified individual or an identifiable individual. The Human Resources Director shall be the Privacy Officer for the City of Midway. Employees shall make all reasonable efforts and take all reasonable actions to protect personal data to which they become exposed through City employment. Employees shall process personal data provided to the City only for specified, lawful purposes and only process the minimum amount of an individual's personal data necessary to achieve those purposes. Employees are expected to comply with the City's privacy program and all applicable laws, rules, and regulations governing the use of personally identifiable information, including but not limited to the Utah Government Data Privacy Act of 2024, Utah Code Annotated Part 63A-19-101 et seq.



## **Section 2. Administration**

### **2.1 Administration of Policies:**

The day-to-day management of employees and operations within Midway City is the responsibility of the Department Supervisors and the Mayor, who also is responsible for ensuring the effective administration of policies and procedures. The Human Resources Director or designee shall coordinate and manage all aspects of the human resources management system and enforce all policies and procedures subject to existing policies which may include, but are not limited to:

1. Administration of the employee performance management process.
2. Staff planning, recruitment, and selection processes.
3. Employee relations and training processes.
4. HR administration of all personnel records/files and actions.
5. Make reasonable and practical interpretations of the intent of policies, procedures, etc.
6. Other actions as prescribed by Midway City's rules, regulations, policies, and procedures.

### **2.2 Interpretation**

Management should be familiar with policies and procedures set forth in this manual, so they are able to address any questions and offer clear, accurate interpretations to any employee asking questions or desiring information on City policies and procedures.

If a Supervisor is unable to answer an employee's question, it is the Supervisor's responsibility to use this manual and/or consult with the Human Resources Director to obtain the needed information. Under no circumstances should a Supervisor answer any employees' questions when unsure of the accuracy of the answer or interpretation of the policy.

### **2.3 Human Resources Records**

#### **Policy**

The Human Resources Department shall maintain personnel records for each employee of the City, in paper and/or electronic format. All Human Resources Records shall be accessed and maintained in accordance with applicable laws, rules and regulations, including the Utah Government Records Access and Management Act, as set forth in Title 63G, Chapter 2, Utah Code Annotated, as amended, City ordinances, and any Municipal Records Retentions Schedule as adopted by the City.

1. It is the policy of Midway City to maintain records for applicants, employees, and past employees to document employment-related decisions, evaluate and assess policies, and comply with government record-keeping and reporting requirements.
2. Midway City strives to balance its need to obtain, use, and retain employment information with individuals' rights to privacy. To this end, Midway City seeks to restrict the personnel information maintained to that which is necessary to conduct Midway City business and/or which is required by law.
3. The Human Resources Director or designee is responsible for overseeing the record keeping for all personnel information and will specify what information should be collected and how it should be stored and secured. The Human Resources Director or designee shall maintain the official personnel records. All medical files shall be maintained separately from other personnel records.
4. Employees have a responsibility to ensure their personnel information and records are up-to-date and should advise of any changes as soon as possible. Employees also will receive an updated information form from the Human Resources Director annually at the time of open enrollment for completion and return to the employee to the HR Director. Employees shall advise the Human Resources Department of any changes to the following:
  - a. Name.
  - b. Address
  - c. Telephone number.
  - d. Address and telephone numbers of dependents and spouse or former spouse (for insurance purposes only).
  - e. Beneficiary designations for any of Midway City's insurance or retirement plans.
  - f. Tax forms and benefit election forms.
  - g. People to be notified in case of emergency.
5. Personnel records shall contain, as appropriate:
  - a. Record of application for employment and employment eligibility certification, resume, letters of reference.
  - b. Reference to transcripts of academic preparation.
  - c. Performance evaluation ratings.
  - d. References to any formal reprimand, corrective action or commendation.
  - e. Records of actions affecting employee salary, status, or standing.
  - f. Leave records.
  - g. Acknowledgements of notices received.
  - h. Any other information deemed pertinent by the Human Resources Department.
6. An employee has the right to review the contents of his/her/their personnel record as governed by law and may challenge any information contained in the official personnel record but may not remove any of its contents. All changes must be in writing and

directed to the Human Resources Director.

7. If a disciplinary action is rescinded or disproved upon appeal, forms, documents, and records pertaining to the discipline shall be removed from the personnel record and archived.
8. Personnel records are private data and available for review only to the employee and users authorized by law or as determined by the Human Resources Director or designee to have a legitimate “need to know.” A log or record of those reviewing personnel records and information shall be maintained together with the reasons for access to the records. All reviews of personnel records shall be done in the presence of the Human Resources Director or designee. Midway City will not make copies of personnel files.
9. When providing information on previous employees for a reference check, Midway City’s response shall be limited to the former employee’s job title and dates of employment. Only the Human Resources Director or designee is authorized to provide reference information on behalf of Midway City.
10. Requests for information: Information and records management shall be consistent with state law and the Government Records Access & Management Act (GRAMA). When completing a request for verification of employment, names, gender, gross compensation, job titles, job descriptions, business addresses, business telephone numbers, numbers of hours worked per pay period, dates of employment, and similar job qualifications of present employees shall be treated as public information. Such requests or inquiries should be directed to the Human Resources Director or designee. When providing information on previous employees for a reference check, the City’s response shall be limited to the same information as provided for an employment verification (job title and dates of employment).
11. Records Retention: All active employee files must be kept up to date and the content of each file must be relevant to current employment and work history. All records related to inactive and terminated employees shall be retained based on legal records retention requirements.
12. Upon separation from the City, it is the employee’s responsibility to provide the City with information regarding a change of address to ensure timely delivery of the employee’s tax record and any other materials the City may need to forward to the former employee.

## **2.4 Savings Clause**

If any provision of these policies and procedures or the application thereof is found to conflict with any applicable law, the conflicting part of the policy and/or procedure is hereby inoperative to the extent of the conflict, but such conflict shall not affect the operation of the remainder of these policies and procedures or any of its applications.

## **Section 3. Positions & Wages**

### **3.1 Staff Planning/Position Allocation**

The City Council may create a new position as part of the budget process or during the year by creating the position and amending the budget to fund the position if needed, however, the decision to hire someone into a new or vacant position rests with the Mayor or his/her/their designee. There shall be a job description for each position created or revised and funding for each position filled.

### **3.2 Job Description**

Employee job descriptions are prepared according to duties and qualifications required for successful job performance. Job descriptions include a summary of the position purpose and objectives; the supervision received by the employee; the supervision exercised by the employee; essential and secondary job duties; required knowledge, skills and abilities; minimum qualifications; and work environment. All employees will be assigned to employment as provided in an established job description and must be able to meet the requirements for performing the “essential functions” of the position to which assigned. The description shall be used by Midway City as the basis for:

- b. Preparation of work-related testing and/or determination as to whether an applicant or employee meets minimum requirements for a particular position.
- c. As a basis for preparation of a position announcement/job posting/employment ad soliciting applications from interested individuals for position vacancies.
- d. The orientation of a new employee to the duties and responsibilities of a position to which hired or promoted by management.
- e. The basis for the development of performance management objectives, work plans and performance evaluations.

### **3.3 Wages**

Wages shall be established and maintained through recommendations of the Mayor to the City Council on an annual basis at the time of the City budget. All employees hired will receive competitive compensation according to the position for which they are hired.

Midway City will ensure that their employees continue to be paid fairly for performance by establishing/maintaining competitive wages that are updated annually based on changes in the Consumer Price Index (CPI) and conducting or referencing an applicable compensation survey every two years.

### 3.4 Position Classifications

#### A. Exempt/ Non-Exempt Status

Under the Fair Labor Standards Act (FLSA), there are two classes of employees: exempt and non-exempt.

1. Exempt Employees: Exempt employees are “exempt” from the provisions of the FLSA and therefore not entitled to overtime pay. Exempt employees may be entitled to other employment benefits if they meet the benefit qualifications.
2. Non-Exempt Employees: Non-exempt employees are subject to all provisions of the FLSA, including overtime. These employees are paid hourly for all hours worked. When non-exempt employees work in excess of forty-hours (40) in a given workweek, they are entitled to overtime at one and one-half times their hourly rate. The amount of time given an employee for paid vacation or sick leave during a week in which a paid holiday falls will not be included in calculating hours for overtime pay.

#### B. Regular Full-Time:

This classification of employees includes those who have been competitively selected, worked a minimum of thirty (30) days of full-time employment, are scheduled to work a minimum of thirty-two (32) hours weekly, and are not in a temporary employment status. These employees are eligible for Midway City’s full benefit package (subject to terms, conditions, and limitation of each benefit program).

#### C. Permanent Part-Time//Temporary Positions:

1. Permanent Part-Time: Employees who have been competitively selected and are regularly scheduled to work less than thirty-two (32) hours per week.
2. Temporary/Seasonal Positions: The duration of employment for persons in this category is specified at the time of hire. Temporary positions may work full-time or part-time hours and are generally designed to fill a one-time need to meet a project goal or fill in for an employee expected to be absent for a significant period of time.

Temporary employees are ineligible for Midway City’s benefits.

3. Interns: There are currently two forms of internships available through Midway City; paid and/or unpaid academic credit. Intern status is determined prior to start date. All intern positions are considered temporary appointments.

#### **D. Consultants/Independent Contractors:**

Individuals engaged to perform a specified service or produce a specific product, for a specified period, and for a specified dollar amount. Consultants/independent contractors are usually companies, agencies, or subcontractors. Consultants/independent contractors are not Midway City employees and not entitled to Midway City benefits. Current employees are not permitted to enter into any consulting relationship/independent contract with Midway City. The terms of a consulting engagement are specified in the consulting agreement signed by the Mayor and consultants/independent contractors are paid in accordance with the terms of the consulting agreement.

### **3.5 Reorganization**

Should circumstances arise which require Midway City to reorganize its operations and staffing that require the abolition of a position, this shall be treated as a reduction-in-force. To minimize the effects of a reduction-in-force brought about by reassignment, or reorganization, the following options shall be considered:

1. The employees may be returned to a lesser position.

or

2. The employee may be transferred to another position, depending upon qualifications and position availability.

Should neither of these options be available to Midway City, the employee(s) would be terminated based on the elimination of his/her/their position. Exercise of any of these options is within the City's sole discretion.

## **Section 4. Recruitment, Selection & Orientation**

### **4.1 Recruitment**

Leadership of the recruitment process for all vacant or new positions is the responsibility of the Human Resources Director. The Human Resources Director or designee shall be responsible for advertising, recruiting, interviewing, reference checks, and selection of all staff positions.

For new positions budgeted by the City Council and vacancies in existing positions, the Human Resources Director or designee will post the position to be filled upon request by the Mayor or designee. The notice will specify the job title, salary range, supervisor, requisite skills, experience and application deadline.

The Human Resources Director or designee shall post the opening on the City's website, where all City employees have access to the posting. Vacancies shall be filled based upon ascertained merit and qualification.

The department Supervisor and/or Mayor and/or designee will review all applications to determine who meets the required qualifications. The department Supervisor or Mayor or designee will determine which, if any, of the applicants to interview by an interviewing board which is set up by the department Supervisor, Mayor, and Human Resources Director.

Offices whose appointment and/or removal is governed by State law or existing City ordinances are the City Recorder and City Treasurer. The appointment, removal, and demotion of these officials shall be by the Mayor with the advice and consent of the City Council.

Upon hiring, an employee shall timely complete necessary forms including, but not limited to, authorization to work (I9), W-4 tax forms, background check authorization, bank direct deposit information, acknowledgment of policies, including data privacy policy, and handbook, required training, and insurance forms. These items will be kept in a personnel file in the Human Resources Director's office.

### **4.2 Applicant Disqualification**

Midway City reserves the right to reject any application that indicates that the applicant does not possess the qualifications required for the position. Applicants and subsequently hired applicants who make false statements or who are found to have engaged in any type of deception or fraud in the application or testing process shall be rejected or immediately terminated.

### **4.3 Physical Examinations**

#### **Policy**

Public health and safety require that employees be physically able to perform the duties of the job classification to which hired. The physical requirements of the job constitute bona fide occupational qualifications. The City will accommodate employees and applicants in compliance with the American With Disabilities Act (ADA) and provide “reasonable accommodation” when the cost of such is deemed “reasonable” within the City’s ability to pay and where to do so does not impair the City in its business operations.

1. The City may require a medical examination at any time during the employee’s work tenure if deemed necessary to assure the safety and health of the employee, co-workers and the public. The City will pay the cost of any required medical examination.
2. Employees returning from disability leave or an absence caused by health problems may be required to provide a doctor’s certification of their ability to perform their essential job functions satisfactorily without endangering themselves or others.

Any employees required to hold a Commercial Driver’s License (CDL) and drive commercial vehicles as a condition of employment will be required to have an annual physical examination which will be paid for by the City.

### **4.4 Pre-Employment Drug Testing**

All prospective employees will 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 sign the acknowledgment form and/or to abide by the terms of this policy. Any prospective employee whose pre-employment drug and alcohol test results in a confirmed positive and who does not have a medically sufficient explanation (as determined in the sole, but reasonable, discretion of the City), may reapply for employment with the City after six months from the date of such test. Applicants who have previously failed the drug test and reapply for employment after six months will be asked to agree to a program of unannounced drug and alcohol testing for a predetermined period of time at the sole discretion of the City. See also, Section 13.2, Drug and Alcohol-Free Workplace.



#### **4.5 Drug Testing Confidentiality**

The information received from the drug testing results shall be the property of the City. Test results information may be released to the person who has been tested upon written request. Such information is accessible only by authorized personnel and released only as required or limited by state or federal laws and regulations.

#### **4.6 Notice**

A copy of the City's Drug and Alcohol Testing Policy shall be given to all employees and posted on the City website. This policy applies to all employees, including management.

#### **4.7 Acknowledgment of Policy**

The City shall require all employees to read this policy and sign a form acknowledging receipt of the drug and alcohol free workplace policy as part of the employee handbook and acknowledging agreement to abide by all terms as a condition of continued employment. The signed acknowledgment shall be kept in each employee's personnel file.

#### **4.8 Selection and Hiring**

##### **A. Regular Full & Permanent Part-Time Employees:**

Selection of employees to fill vacant positions and their starting salaries will be determined and budgeted by the Mayor subject to Midway City policies and budgetary constraints. Selection will be made according to which candidate best meets the total job qualification requirements.

##### **B. Temporary Employees/Agencies:**

Temporary hires also may be made with the assistance of temporary hiring agencies designed to fill a particular skill for a specified project or need. In this case, such individuals are employees of the agencies and contracted to Midway City for a specific time period.

##### **C. Interns:**

The selection process for interns will be conducted in the same manner as other positions. Requests should include a statement of need and proposed academic value, a position description, including tasks to be performed and products to be developed, knowledge and abilities required, proposed duration of internship and type preferred (salaried or academic), and estimated time needed to supervise the intern. Interns may be considered for the opportunity to convert to regular full or part-time status; such decisions will be based on the needs of the City and past work performance during the internship. Interns are not employees and therefore do not receive city benefits.

#### **4.9 New Employee Benefit Orientation:**

After a new employee is hired, he/she/they shall promptly receive a general orientation concerning policies and procedures, benefits, and initial employment expectations from the Human Resources Director. The orientation and following provisions will apply to all new employees whether they are to be permanent full-time, permanent part-time or seasonal employees. Seasonal and temporary employees hired for less than ninety days will not receive a ninety-day evaluation.

- A. All new employees are required to complete an orientation/probationary period of up to six (6) months. During this period, the Supervisor observes and evaluates the work of the employee. The Supervisor will conduct a face-to-face verbal evaluation/discussion with the new employee covering his/her/their performance at ninety (90) days and a second written or verbal evaluation before the completion of the employee's one hundred and eighty (180) days of employment. The Supervisor will provide a copy of any written evaluation to be placed in the employee's personnel file.
- B. If the performance of an orientation/probationary employee is considered unsatisfactory at any point in the orientation period, the employee may be terminated. However, if the Supervisor feels with additional time and coaching the employee could meet the required performance standards, the orientation time may be extended. Any extension must be agreed to by the Supervisor and the Mayor before approved. If the rating factors remain unsatisfactory, the Supervisor should recommend to the Mayor that the employee be separated from Midway City.
- C. Any employee terminated during the new hire orientation period and/or any extension of the new hire probationary period does not have the right to appeal. The City may give any or no reason for the dismissal.
- D. During the new hire orientation period, applicable benefits will be in force and accrue.

#### **4.10 Nepotism**

##### **Policy**

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

No appointing authority may employ, appoint, vote for, or recommend the appointment of his or her father, mother, husband, wife, son, daughter, sister, brother, uncle, aunt, nephew, niece, first cousin, mother-in-law, father-in-law, sister-in-law, brother-in-law, son-in-law or daughter-in-law, when the salary, wages, pay or compensation of the appointee will be paid from public funds and the appointee will be directly supervised by a relative, except as indicated in Utah Code § 52-3-1.

No public officer (a person who holds a position that is compensated by public funds) may directly supervise an appointee who is a relative when the salary, wages, pay or compensation of the relative will be paid from public funds, except as indicated in Utah Code § 52-3-1.

Midway City will consider employment applications from relatives of current employees whenever openings exist for which they are qualified. Hiring decisions, however, will be made solely on the basis of merit, and relatives will not receive preferential treatment. Applicants with relatives in classified or full-time exempt service will not be hired in the same department if the applicant is to be supervised by one of the relatives listed above.

## **Section 5. Personnel Action**

### **5.1 Promotion**

Promotion is the appointment/transfer of an employee to a higher position and/or salary range. Insofar as it is consistent with the best interests of the City, promotional opportunities within the City's service shall be encouraged, however, vacancies may be advertised outside the City and promotional examinations or tests may be required.

Promotion will be recommended by management and subject to approval by the Mayor. When an employee is promoted, the employee may or may not be eligible for an increase in pay. The exact percentage of any increase shall be recommended by Management or the Mayor and subject to the approval of the Mayor.

### **5.2 Reassignment**

A transfer is the appointment of an employee to a new position. When a job vacancy is announced, any City employee may apply for reassignment to the position. All qualified applicants will be considered, although no City employee is insured selection. If the employee successfully applies for reassignment during his/her/their original orientation/probationary period, the employee shall undergo a new and separate orientation/probationary period in the position to which he/she/they is/are transferred.

### **5.3 Demotion**

Demotion is the appointment/transfer of an employee to a lower position and/or lower salary range. A demotion shall be recommended by management and/or the Mayor and subject to approval of the Mayor based upon performance, for the good of the department, to meet the needs of the department, or as a disciplinary measure where warranted. A change in job title that does not affect the pay of the employee shall not be considered a demotion.

### **5.4 Layoff (Reduction-in-Force)**

Should it become necessary to undergo a reduction of the work force, brought about by a curtailment of operating revenues, technological innovation, the discontinuance or reduction of services, or other grounds consistent with economic and efficient administration of Midway City, the Mayor shall utilize the following sequence as far as practicable to achieve the required reduction-in-force:

1. Temporary employees (may be separated or reduced in work hours).
2. Regular part-time employees (may be separated or reduced in work hours).

3. Regular full-time employees (may be separated or reduced in work hours).

In determining which employee(s) shall be separated, the Mayor, subject to City Council approval, will determine which positions are affected based on such factors as, but not limited to, longevity, performance, and City needs. The City Council shall be notified and approve all layoffs affecting regular full-time employees.

### **5.5 Abolishment of Job**

If a circumstance should arise requiring the abolition of a specific position, employment status may be maintained by one of the following subject to Mayor and City Council approval:

1. The employee may be returned to a previous position, at a salary appropriate for the position, which may entail a reduction in pay.
2. The employee may be promoted based on performance, qualifications, and position availability.
3. The affected employee(s) possessing the necessary qualifications may be transferred to another office/division to fill an open position commanding equal or lesser compensation.
4. The City may, in its sole discretion, choose one of these options or may choose termination of the employee.

### **5.6 Termination of Employment**

Except as otherwise provided by law, all employees may terminate their employment at will, and the City may terminate employment at will. In the event of involuntary termination, a written statement of termination shall be delivered to the employee and placed in his/her/their personnel file.

### **5.7 Voluntary Termination**

1. Whenever an employee voluntarily terminates employment, an exit interview will be conducted by the department Supervisor and/or the Mayor and the Human Resources Director.
2. Employees who voluntarily terminate their employment and desire to leave Midway City in good standing should give a minimum of two (2) weeks' notice. Resignations must be in writing and submitted to the employee's Supervisor and/or the Mayor and/or the Human Resources Director. Midway City, at its option and in the best interests of Midway City,

reserves the right to terminate employment immediately upon notice and pay the individual any wages or benefits due to the departing employee at the time of notice.

## **5.8 *De facto* Voluntary Termination**

Employees who are absent from work for three (3) consecutive days without giving proper notice will be considered as having voluntarily resigned employment with the City. At that time, the resignation and thus termination will be formally noted in the employee's personnel file and the employee will be advised of the action by certified mail to the employee's last known address.

## **5.9 Rehire of Former Employees**

Former employees who left voluntarily and in good standing may be considered for rehire based upon their qualifications and the needs of Midway City. Credit for previous Midway City experience and service may be given to determine salary and benefits at the discretion of the City.

## **5.10 Return to Work After Serious Injury or Illness**

### **Policy**

It is the policy of the Midway City to allow employees who have been seriously injured or seriously ill to return to their full responsibilities as soon as they are able to perform the essential functions of their job.

### **A. Purpose**

1. To ensure that employees may return to their full responsibilities or a temporary transitional assignment (TTA) as soon as appropriate after a serious injury or illness.
2. To protect the employee from further injury or illness resulting from returning to work too early.
3. To protect the City from potential workers' compensation liability resulting from requiring or allowing an employee to perform functions which should not be performed due to medical limitations.
4. To ensure that reasonable accommodation is made for employees where appropriate.
5. To comply with the Americans with Disabilities Act (ADA).

## **B. Procedures**

1. For the purposes of this policy, “serious injury or illness” shall mean any injury, illness or medical condition which is serious enough to affect the performance of any essential function of the job, as reasonably determined by the City. The determination shall be made by (1) the Risk Manager in cases of work-related serious injury or illness, or (2) the Human Resources Director in all other cases of serious injury or illness in consultation with the employee’s department Supervisor and the Mayor. Serious injury or illness may also include undergoing major surgery and absences of more than five (5) consecutive working days.
2. When an employee has had a serious injury or illness, whether work related or not, the employee shall not return to work until a physician who has treated or examined the employee releases the employee for a return to full duties or as otherwise provided in this section. The release shall specifically address the essential functions of the job and shall unequivocally state that the employee can perform the essential functions. If the City has reason to believe, based on knowledge of the type of injury or illness, observation of the employee, or any other evidence or information, that the employee may not be able to perform the essential functions of the job, the City may require the employee to undergo a job-related independent medical examination (IME) by a physician selected by the City at the City’s expense.
3. In cases where the physician performing the IME has a different opinion than the employee’s treating physician, the employee may request a third opinion, in which case the City and the employee shall mutually agree upon a third physician and shall each pay half of the costs of the examination.
4. Before the employee returns to work, the physician’s release and the employee’s return must be approved by the employee’s Supervisor, the Mayor, and the Human Resources Director. The decision to approve the release shall be made based on all the information available to the City regarding the job and the employee’s medical condition. The release shall be included in the employee’s personnel file.
5. The City shall allow the employee to return to full duties once the release has been submitted and approved as required by paragraph #4 above. Employees are encouraged to vigorously pursue any recommended therapy to accelerate their return to work.
6. Employees returning to work after a serious injury or illness are expected to perform all the required functions and duties of their job, unless assigned to a temporary transition assignment.
7. Employees are expected to keep the City apprised of the status of their condition on a regular basis (at least weekly) and to notify the City when they can return to work. A doctor's statement indicating whether the employee can return to work with or without work restrictions is required before the employee returns to work. A physical examination by a physician of the City's choice may be required at the City's expense prior to returning to work.
  - a) Full Duty: The employee shall obtain a written return to work release (with no restrictions preventing the employee from resuming full duties) from the employee’s medical provider and provide a copy of the work release to the

employee's Supervisor and to Human Resources. Supervisors may not allow an employee to return to work until a written work release is provided after a work-related injury;

- b) Modified Duty: If the treating medical provider places work restrictions on the employee and the employee is unable to return to full duty, the employee shall provide a copy of the written work restrictions to the employee's Supervisor and Human Resources Director.
- c) Temporary Transitional Assignment (TTA): Midway City endeavors to assist employees in returning to work. Temporary transitional assignments may be made availability where practical and subject to availability and City needs. See TTA below.

### **C. Temporary Transition Assignment (TTA)**

1. In cases where an employee cannot return to full duty because of limitations caused by a serious injury or illness, the City, at its discretion, may allow the employee to return to a temporary transitional assignment (TTA) up to an equivalent number of hours the employee worked prior to the injury or illness for a period not to exceed six (6) months in cases where:

- a. There is legitimate transitional duty available without displacing another employee;
- b. The employee is qualified to perform the transitional duty;
- c. The employee's physician releases the employee to perform the transitional duty; and
- d. There is a reasonable likelihood that the employee can return to his/her/their regular position.

In unusual cases, the TTA may be extended with approval by the Mayor where the employee is undergoing therapy, is an active and committed participant in the therapy, and the expectation of recovery allowing the full performance of the essential job functions is verified by the employee's physician.

2. The Department Supervisor shall determine the availability of a TTA in conjunction with the Human Resources Director / and the Mayor. If a TTA is available, the following shall be required:

- a. The employee's Supervisor shall either mail, email, or deliver a letter to the employee in person that confirms an offer of a TTA and provides information to the employee concerning the TTA, the work schedule, assignments, and date the TTA is available. A copy of this letter shall be included in the employee's personnel file.



- b. The employee's work restrictions should be observed both on and off the job.
  - c. While on TTA, the employee is required to pursue treatment by his/her/their treating physician at least once a month and to provide the City with an updated report on his/her/their condition and prognosis.
3. At the end of the TTA, or in cases where there is no TTA available, the City, at its discretion, may make the following options available to the employee:
- a. Return to work in the same job held previously, performing the full duties of the job, with a physician's release as required above.
  - b. Reassignment to another position available in the City, where the employee possesses the minimum qualifications and ability to perform the essential functions of the position. If the available reassignment is within the same department, the Department Supervisor must authorize. If the reassignment is to another department, the two Department Supervisors and the Mayor must authorize.
  - c. Return to the same job held previously with reasonable accommodation if available to help in the performance of the essential functions.
  - d. A medical leave of absence for up to four (4) weeks using accrued sick leave or workers' compensation benefits (if the situation involves a work related injury) or taking leave without pay if benefits or accrued leave are no available or applicable or until sick leave benefits are exhausted, whichever is longer, provided the employee provides the City with a medical note justifying the medical necessity for the leave within a week of taking the leave.
  - e. Apply for any open position in the City for which qualified....
  - f. Retirement or other separation from City employment.
4. The City shall make reasonable accommodations for the performance of essential functions by employees who have a qualifying disability under the ADA. Reasonable accommodation does not include creating another position or having another employee perform the essential functions of the position but may include changes in the physical or functional work methods or the work conditions or environment.

## **5.11 Payoff of Benefits**

Upon voluntary termination of employment, earned but unused vacation benefits will be paid to the employee. In the case of involuntary termination of employment, these benefits will not be paid. Sick Leave lump sum payments will be made only to those employees retiring from Midway City. Terminated employees will not receive sick leave payments. Agreed to conditions set forth in specific job offers/agreements for specific employees shall be honored per the terms of such job offers/agreements.

## **5.12 Ongoing Performance Documentation**

It is the responsibility of Department Supervisors and the Mayor to timely document noteworthy or critical employee work-related incidents and required work behaviors. Such records will be used to support decisions that affect employee status including, but not limited to: promotions, rewards, recognition, and progressive discipline, including termination.

## **5.13 Exit Interviews**

All terminating regular employees are encouraged to meet with the Mayor or Supervisor and/or Human Resources Director for an exit interview. The purpose of this interview is to gather information to assist management in identifying areas in need of improvement.

## **Section 6. Compensation**

### **6.1 Compensation Policy**

Midway City is interested in attracting and retaining employees that have high potential, are knowledgeable and skilled, committed, and able to meet our required needs and standards. Midway City's policy is to offer a total compensation package (salary and benefits) that is competitive, internally equitable, and within Midway City's financial capabilities, while enabling employees to progress at a pace commensurate with their own efforts and capabilities. The salary of all employees will be approved by the City Council at the time of budget approval, based on recommendations of the Department Supervisors and Mayor and within the established compensation structure.

Midway City strives to insure the uniform and equitable application of pay with due regard to the duties, responsibilities, current year's available market data, and requisite qualifications of each position classification. This policy differs from many corporate Pay Plans that traditionally reward longevity (seniority) without regard for performance. The City believes rewarding performance is an equitable way of compensating employees for their contributions to the organization.

In determining the total compensation value of a position, benefits must be considered. Base salary plus cost of benefits equals total compensation. In comparing benefit packages provided in the labor market, the City may evaluate both level and cost of benefits and other factors as deemed appropriate.

### **6.2 Compensation Survey**

The Human Resources Director or designee will periodically conduct and/or subscribe to employee, City Council, and Mayor salary surveys for the purpose of determining prevailing pay rates of comparable municipalities within the state of Utah.

Compensation surveys are not conducted on all positions within the City, but rather on a select number of positions known as benchmarks. A benchmark shall typically be a position common to at least four cities. Every attempt is made to select benchmarks that represent each of the different grades within the Pay Plan. Periodic review of job content and job description will also assist in maintaining internal equity among jobs in the City. (Compensation surveys will include an analysis of the total benefits package including insurance, retirement contribution, etc., so the survey is more reflective of total compensation.)

### **6.3 Pay Rates for New Hires**

All newly hired regular status employees are normally paid at the starting salary unless an exception is authorized by the Mayor or City Council. The City may grant exceptions and allow appointments above the minimum for such factors as a high level of experience and training or because the demands of the employment market affecting the position being recruited require a higher than minimum pay rate.

### **6.4 Anniversary Date/Performance Review Process**

The anniversary date is the date one year following the employee's first day of employment with Midway City.

Annual performance reviews are made each year on the employee's anniversary date. Merit increases may or may not be awarded at this time per the recommendation of the Supervisor and the discretion of the Mayor. See Merit Pay Increases below.

### **6.5 General Wage/Salary Adjustment**

It is the intent of the City to consider prevailing practices related to cost of living and market trends in establishing wages and salaries. The amount of salary change ultimately will be based upon the anticipated effects upon the City budget. Where general, across-the-board raises are awarded, the raise will be effective the first full pay period in July, unless the City Council finds good cause exists to award such raises at a different time of the year, in which case the City Council may make an exception and set forth the basis for the exception in any findings.

### **6.6 Changes in Compensation**

Compensation may be changed in the following ways:

#### **A. Merit Pay Increases**

Performance/compensation evaluations are conducted by Midway City management. Increases in employee pay are based on work performance/results achieved in the previous year and are considered Merit Pay Increases. Merit pay adjustments are awarded on the basis of: (1) the quality of performance and results achieved during the previous year (or portion thereof for new employees); (2) annual City wage budget; and (3) the employee's qualifications, duties and responsibilities. Merit pay adjustments are reserved for employee continuous measurable performance improvement and/or exceptional performance in the past evaluation period(s). Merit pay increases are effective the pay period following the anniversary date each year based on the Department Supervisor's appraisal and subject to approval by the Mayor.

## **B. Promotion/Promotional Salary Increases**

Promotions and therefore promotional salary increases may occur as a result of an employee's successful achievement of a higher position with greater responsibilities, duties, and more complex job assignments that provide greater value to Midway City. Such increases are determined by management based upon the employee's length of service, current compensation, and appropriate position in their wage range.

## **C. Cost of Living**

Employee compensation may be increased for cost of living adjustments (e.g., COLA) at the City's discretion. An employee who has not completed his/her/their orientation/probationary period is not eligible for any cost of living raise or merit raise approved by the City Council.

## **6.7 Overtime**

### **A. Exempt Employees**

Exempt employees are not paid overtime.

### **B. Non-Exempt Employees**

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

Every effort should be made to keep the accumulation of overtime hours to a minimum. Any time worked over forty (40) hours in any defined workweek or work period by FLSA covered employees shall qualify as overtime provided the overtime has been requested or approved by the Department Supervisor or Mayor. The amount of time given an employee for paid vacation and sick leave during that week will not be used to calculate hours for overtime.

If an employee needs to make up time/hours, the missed time/hours must be made up during the work week in which the time/hours were missed. An employee will not be compensated for hours not made up during that work week; i.e., an employee cannot work thirty (30) hours one week and fifty (50) the next and average the two weeks together. The number of hours worked over two or more work weeks cannot be averaged to avoid payment of overtime. An employee cannot take time off without pay if the employee has vacation time or sick leave available without approval from the employee's Supervisor or the Mayor.

In emergency situations, supervisors or the Mayor may request that an employee accept extra work on an overtime basis. Overtime is intended to be used in emergency

situations, or under very unusual circumstances, and shall be kept conservative and commensurate with the best interests of the City.

Employees working approved overtime hours in a pay period may choose to receive FLSA pay (calculated as number of overtime hours worked x (1.5) x (salary)) or compensatory time (at time and one half), subject to restrictions. See Compensatory Time below.

## **6.8 Compensatory Time (Comp Time)**

Non-exempt employees approved to work in excess of forty (40) hours in any given work week have the option of either receiving pay (calculated as time and a half under the FLSA) or compensatory time, subject to limitations as set forth below. An employee must indicate his/her/their choice by completing an election form at the beginning of each fiscal year, and he/she/they may update their election choice one additional time in a fiscal year if the employee chooses to do so.

### **Current policy for earning/using comp time:**

Administrative Employees may accrue thirty (30) hours of compensatory time in a fiscal year, and Public Works employees and Souvenir Shop Manager may accrue sixty (60) hours.

Comp time cannot be accumulated if total overtime earned in a pay period is less than 2 hours.

Employees may earn and use their comp time hours as "paid time off" through the fiscal year. Their hours earned and used will be tracked through the current HR Information System and a spreadsheet each pay period.

Employee requests to use compensation time for time off requests must be submitted through the "time off" tab under "Comp Time" in the current HR Information System.

Any overtime hours earned thereafter will be paid out as salary until the end of the fiscal year. Employees with compensatory hour balances remaining unused in June of each year will be paid out on the last pay period of the fiscal year, usually between June 20<sup>th</sup> to June 30<sup>th</sup>.

One hour of overtime equals one and a half (1 ½) hours of compensatory time.

## **6.9 Termination Pay**

When employees separate and/or are terminated, they shall be required to return all equipment and to clear all financial obligations involving their equipment with the City prior to receiving their final paycheck. Any such obligation not cleared shall be itemized and deducted from their final paycheck.

For voluntary terminations, the final paycheck, including compensation for hours worked, unused vacation and comp time, if applicable, will be issued on the next regularly scheduled pay period following termination. For involuntary terminations (for cause), a final paycheck, including compensation for hours worked, unused vacation, and comp time, if applicable, will be sent to the employee's address within 48 hours after termination.

The Human Resources Director or designee shall confirm the amount of termination pay to which an employee is entitled. In the event of the death of an employee, final payment shall be made to the employee's designated beneficiary.

#### **6.10 Severance Pay**

Employees determined by Midway City and its management to have lost their jobs through no fault of their own may be eligible for severance pay. Severance pay is a discretionary benefit, the amount determined by the City Council not to exceed two weeks' pay. Employees dismissed for cause are not eligible for severance pay.

#### **6.11 Pay Date**

Midway City employees will be paid 26 times a year on a bi-weekly basis.

## **Section 7. Benefits**

### **7.1 Policy**

Midway City strives to provide good working conditions, competitive pay, and a combination of supplemental benefits available to all eligible employees. These benefits include vacations, holidays, insurance, and other plan benefits. We continually study and evaluate our benefits programs and policies to better meet present and future requirements.

The next few pages contain a brief outline of the benefits programs Midway City provides employees and their families. The information presented here is intended to serve as a guideline only. The descriptions of the insurance and other plan benefits highlight certain aspects of the applicable plans for general information only. The specifics of these plans are detailed in the official plan documents, which are available for review upon request from the Human Resources Department. Additionally, the provisions of the plans, including eligibility and benefits provisions, are summarized in the summary plan descriptions ("SPDs") for the plans (which may be revised from time to time). In the determination of benefits and all other matters under each plan, the terms of the official plan documents shall govern over the language of any descriptions of the plans, including the SPDs or this handbook.

Midway City (including the officers and administrators responsible for administering the plans) retain full discretionary authority to interpret the terms of the plan, administer the plans, and over all matters arising in connection with the plans including, but not limited to, benefit terms, eligibility, and entitlement. While Midway City intends to maintain these employee benefits, the City reserves the right to modify, amend or terminate these benefits at any time and for any reason.

If employees have any questions regarding benefits, please contact the Human Resources Department.

### **7.2 Group Insurance Programs**

Permanent, full-time employees who work a minimum of thirty-two (32) hours weekly may participate in Midway City's group insurance programs. Under these plans, eligible employees may receive comprehensive health and other insurance coverage for themselves and their families. Upon becoming eligible to participate in these plans, employees will receive summary plan descriptions (SPDs) describing benefits in greater detail. The level of participation in the payment premiums by the employees and the City is determined on a year to year basis. Please refer to the SPDs for detailed plan information or feel free to contact the Human Resources Department with additional questions.



### 7.3 Extended Health Insurance (COBRA)

Midway City complies with the Consolidated Omnibus Budget Reconciliation Act of 1985 (COBRA) laws and regulations in extending to "qualified beneficiaries" the right to choose to continue health care benefits provided by the group health plan for limited periods of time under certain circumstances, such as voluntary or involuntary job loss, reduction in hours worked, transition between jobs, death, divorce, and other life events ("qualifying events").

In order to be eligible for this coverage, an individual is a "qualified beneficiary" if he/she/they is/are covered under a group health plan on the day before a qualifying event as either a covered employee or the spouse of a covered employee or a dependent child of a covered employee. Employees shall notify the City immediately of any change in beneficiary status, including but not limited to legal separation, divorce, or loss of eligibility due to age limitations or educational status requirements established by the insurance plan. The City will not be responsible for any coverage issues resulting from failure to give notification of such an event.

To apply for coverage, the employee or eligible family member must notify the Human Resources Director within thirty (30) days after the qualifying event. **Please note: Enrollment is not automatic. The employee or eligible family member must timely complete the necessary enrollment forms and return all COBRA forms to the Human Resources Department within the time requirements.**

Individuals receiving coverage under COBRA are responsible for the costs of the extended coverage. Employees should refer to the plan documents for specific time limits on this coverage and other requirements governing this coverage. Plan documents are available through the Human Resources Department.

### 7.4 Retirement

Midway City participates in the Utah Retirement System (URS). Midway City endorses the concept that performance and not age should be the standard for retaining qualified employees. There shall not be a set retirement age from City employment.

Understanding your retirement benefit options and contributions is helpful in planning for retirement. Because the URS Tier 1 and Tier 2 systems have varying retirement qualifications, with varying years of service requirements, all employees are encouraged to refer to the URS website ([www.urs.org](http://www.urs.org)) or contact the URS member services directly at 801-366-7770. You may also contact the Human Resources Department.

All full-time employees working thirty-two (32) hours or more per week and appointed officials working full-time, which includes the City Treasurer and City Recorder, are eligible for URS benefits. Employees working less than thirty two (32) hours per week are ineligible for URS benefits.

Employees may choose to retire any time after they become eligible under the provisions of the Retirement Act.

Effective July 2024, the Utah Retirement System pension contribution rate will increase to require a member contribution equal to 0.7% of the salary. All employees in the Tier 2 Hybrid option are required to contribute 0.7% of their gross salary to their retirement fund. This percentage, or any change in percentage consistent with state law, will be deducted from each paycheck and cannot be altered by the employee. Midway City will match the 0.7% mandatory employee contribution. The City's contribution will be deposited into a 401K plan (457b). The City's contribution may be changed at any time at the discretion of the City.

Employees are encouraged to make additional voluntary contributions at their discretion. It is not required.

For further details or questions regarding this policy, please contact the Human Resources Department.

## 7.5 Workers' Compensation Policy

Midway City pays premiums for Workers' Compensation Insurance to provide benefits for all eligible employees who suffer a job-related injury as determined by the Workers' Compensation Board and subject to Workers' Compensation laws and regulations.

Coverage begins on the employee's first day of employment, provided the employee meets all eligibility requirements. Benefits, as deemed applicable, are administered through the City's third-party Workers' Compensation Administrator.

### Procedures

1. **Notify:** Employees who experience an occupational injury, no matter how slight, must report the incident to their Supervisors immediately. Failure to timely report occupational injuries in compliance with Midway City procedures may jeopardize employees' rights to workers' compensation benefits. Supervisors shall immediately contact Human Resources in the event of an occupational injury.
2. **Evaluate:** Determine if medical treatment is needed. Employees are not required to seek immediate medical treatment if they feel they do not need it. However, employees are still required to notify their Direct Supervisor of the injury and complete a report form at the time of injury. This report creates a history of the event in case the injury worsens and future medical attention is warranted.
3. **Report:** It is the employee's responsibility to submit a written report of the injury to the Department Supervisor within forty-eight (48) hours of the accident in order to ensure prompt coverage of the claim. In the event of the employee's incapacitation, the Department Supervisor will complete and submit to the Human Resources Department the required report forms on behalf of the injured employee.
4. **Claims:** If claiming Workers' Compensation benefits, employees must timely complete

claim forms and related paperwork required by the City's Workers' Compensation Insurance carrier (available through the Human Resources Department) and submit the forms to their Supervisors and/or the Human Resources Director.

5. **Doctor's Certification:** Employees who are unable to work due to a work-related injury must provide a doctor's statement listing the medical facts and the expected date of return to work. Employees are required to comply with all medical care and treatment prescribed by their treating physician(s).
6. **Return to Work:** Employees are expected to keep the City apprised of the status of their condition on a regular basis (at least weekly) and to notify the City when they can return to work. A doctor's statement indicating whether the employee can return to work with or without work restrictions is required before the employee returns to work. A physical examination by a physician of the City's choice may be required at the City's expense prior to returning to work.
  - d) **Full Duty:** The employee shall obtain a written return to work release from the medical provider and provide a copy of the work release to the employee's Supervisor and to Human Resources. Supervisors may not allow an employee to return to work until a written work release is provided after a work-related injury;
  - e) **Modified Duty:** If the treating medical provider places work restrictions on the employee and the employee is unable to return to full duty, the employee shall provide a copy of the written work restrictions to the employee's Supervisor and Human Resources Director.
  - f) **Temporary Transitional Assignment (TTA):** Midway City endeavors to assist employees in returning to work. Temporary transitional assignments when given and where practical will be made available to all injured employees who are unable to immediately return to full duty following a work-related injury subject to availability, City needs, and at City discretion. If a transitional assignment is available and the employee chooses not to accept the transitional assignment, the employee shall not be eligible to receive Workers' Compensation wage replacement benefits. See 5.10 return to work after serious injury or illness.
7. **Reduction, Denial or Loss of Benefits:** Workers' Compensation benefits may be reduced, denied or lost as provided by state law. Failure of employees to utilize safety devices, follow safety rules, and/or follow procedures for reporting and processing Workers' Compensation claims as required by State Law and the Utah Labor Commission may result in the reduction, denial or loss of Workers' Compensation benefits.
8. Workers' Compensation benefits, if merited, are solely monetary benefits under the City's Workers' Compensation Insurance Policy, not a leave of absence entitlement. Employees who need to miss work due to a work-related injury must also request a formal leave of absence and submit supporting medical documentation for the request.

## 7.6 Unemployment Insurance

Midway City participates in the State Unemployment Insurance Program, and any employee whose employment is terminated for other than just cause may be eligible for unemployment benefits in accordance with the rules and provisions as provided by the State.

## 7.7 Life Insurance

Midway City offers group term life insurance for all benefited employees. The amount of coverage is subject to change each fiscal year. Premiums are paid by the City during the term of employment and cease upon retirement or termination of employment.

## 7.8 Holidays

Full-time Midway City employees will be paid for the following holidays:

- New Year's Day
- Martin Luther King, Jr. Day
- President's Day
- Memorial Day
- Juneteenth
- Independence Day
- Pioneer Day
- Labor Day
- Columbus Day (Floating Option)
- Veteran's Day
- Thanksgiving Day
- Christmas Day

When a holiday falls on a Friday or Saturday, it will be celebrated on the preceding Thursday due to the City's current 4/10 schedule with offices closed on Fridays. When a holiday falls on a Sunday, it will be observed on the following Monday. Employees on leave without pay before or after a holiday may not be paid for the holiday. When a holiday occurs during an employee's paid leave, the day will be charged as holiday leave. The floating holiday option must be used anytime between the holiday date through the last day of the fiscal year.

## 7.9 Vacation Leave

### Policy

Midway City recognizes the benefits to employee health and well-being of allowing reasonable time away from work responsibilities and therefore provides paid vacation benefits to eligible employees.

**Accrual, Distribution & Compensation:**

- a. Vacation is earned and accrues on the anniversary date of each employee’s date of hire. Vacation benefits are based upon the length of service and accrue according to the following schedule, except for full-time employees working less than 32 hours, whose vacation benefits are pro-rated based upon the average weekly hours worked.

6 months	40 hours
1 year	40 hours
2 years through 4 years	80 hours
5 years through 9 years	120 hours
10 years and over	160 hours

- b. **Carryover:** Unused current year vacation benefits may be carrier over (“banked”) to the next year, provided the hours carried over do not exceed the total hourly equivalent “bankable” hours for the prior year as set forth below.

1 year through 4 years	80 hours
5 years through 9 years	120 hours
10 years and over	160 hours

For example, employees with 6-9 years of employment may carry over 120 hours in addition to the 120 hours received on their employment anniversary date, but an employee with 5 years may carry over only 80 hours (the total hourly equivalent for the prior year when the vacation was accumulated). **Warning: any accumulated hours in excess of the permitted carryover limits cannot be banked and will be forfeited.**

Note: terms and conditions of employment memorialized in specific job offers/agreements shall be honored for the specific employee(s) covered by such job offers/agreements.

- c. With the approval of the Supervisor and/or Mayor, employees may donate vacation hours to another employee to be used as sick leave in cases of dire need. Before an employee can receive vacation leave from another employee, the receiving employee must have used all of their available sick leave, compensation time and vacation time. There cannot be an excess of donated hours beyond the hours required to cover the emergency. Donations of vacation time will not be counted as hours used in determining the maximum accrual that can be carried forward in any year.

**Procedures**

1. Vacation accrues and is earned on the anniversary date of each employee's date of hire. Vacation benefits are based upon length of service.
2. Full-time and permanent part-time employees are eligible for annual vacation benefits after completing six (6) months of continuous service.

3. All vacation benefits must be earned/accrue before used, and use shall require the pre-approval of management (i.e., employees may not go "in the hole" on vacation days).
4. Former employees who are re-hired with reinstatement rights following military service or recall from active layoff status shall be entitled to assume the same eligibility for vacation as enjoyed prior to leave or layoff.
5. Annual vacation benefits will not be earned during periods of time when a leave of absence without pay is being granted.

### **Vacation Leave Requests/Approvals**

Requests for vacation leave require approval in advance of the planned vacation from the employee's Department Supervisor or the Mayor. Due regard shall be given to employees' needs and the City's need to provide services. For vacation leave of one week or longer, employees should provide thirty (30) days' advance notice for each week of vacation; if the vacation time is less than twenty (20) hours, the request should be submitted at least one week prior to the requested vacation.

Midway City management reserves the right to approve or disapprove a request for vacation leave based upon specific work requirements of the City. Vacation leave may be utilized in not less than one (1) hour increments. Coming in early, staying late, or taking a shorter lunch break may not be used to reduce the number of vacation hours which have been taken during a pay period. The Human Resources Department maintains the official vacation leave records.

### **Compensation for unused accrued Vacation Time:**

- a) Employees are entitled to receive payment for unused vacation leave for which the employee has been credited at the time of voluntary separation from the City. Deductions from pay may be made where the separating employee has outstanding obligations to the City. The City also may withhold the payment of vacation pay if an employee fails to return City property in his/her/their possession.
- b) Upon the death of a Midway City employee with accrued vacation benefits, a lump sum payment for vacation time accrued will be made to the employee's estate/beneficiaries.
- c) Any employee who is terminated for misconduct in accordance with Utah law and/or any employee who voluntarily terminates without giving two (2) weeks' notice is ineligible to receive pay for accrued, unused vacation time.

## **7.10 Sick Leave**

### **Policy**

Midway City provides paid sick leave as a benefit to eligible full-time employees who

become ill or injured and cannot perform their normal duties. Paid sick leave is accrued based upon hours worked. This is the time during which an employee may be excused from work without any loss of pay due to:

1. Personal illness; injury or type of disability, or illness in the immediate family;
2. Dental, medical, optical, or mental health appointments; and
3. Maternal/paternal leave (limit of six weeks for maternal leave unless physician prescribes more; limit of one week of sick leave for paternal leave)

All eligible employees shall be eligible for sick leave benefits upon completion of one (1) full month of Midway City employment.

Paid sick leave is accrued by full-time employees (working over 32 hours per week) at a rate of 3.69 hours per pay period (provided the employee worked 80% of the available work hours in the calendar month).

Part-time employees are not eligible for sick leave benefits.

Sick leave will not be earned during a period where a leave of absence without pay is being granted for reasons other than personal or family related illness or conditions as defined by the Family Medical Leave (FMLA).

Within an hour of the start of work of the same business day, an employee on sick leave shall inform management of the reason why he/she will be unable to attend work. It is the responsibility of the employee to keep management advised regarding continued absence or sick leave. Management may require the employee to submit a doctor's certification of illness before approving sick leave pay.

With management approval, earned vacation leave may be used for sick leave purposes once sick leave is exhausted. Coming in early, staying late, or taking a shorter lunch break may not be used to reduce the number of sick hours which have been taken during a pay period.

Employees who retire from Midway City will be paid their accrued sick leave. "Retirement" means the status of an individual who has become eligible, applies for, and is entitled to receive an allowance under this Title 49-11-101 of the Utah Code Annotated (known as the "Utah State Retirement and Insurance Benefit Act.") There is no cap on the number of sick leave hours an employee may accrue during his/her/their employment with the City. This lump sum for sick time will be paid at 50% of the employee's wage at the time of retirement. No sick leave hours will accrue for an employee who is on sick leave, medical leave, short-term disability, or long-term disability. The employee may at retirement choose to take this amount as a lump-sum one-time payment or, if the employee is participating in the URS Contributory Accounts (i.e., 401(k), 457, or Roth IRA), may have it deposited directly into his/her/their account, after the URS approves the payment.

In the event of illness to an immediate family member (spouse, parent, child, brother, sister, grandparent, spouse's grandparent, grandchild, father-in-law, mother-in-law, brother-in-law,

sister-in-law, daughter-in-law, son-in-law, and aunt or uncle), an employee may use up to five (5) days of sick leave per incident upon approval of the department Supervisor. See also FMLA below.

Eligible employees may donate leave to another employee with the approval of the employee's Supervisor and/or Mayor. In cases of dire need by another employee. The hours donated by an employee must be from his/her/their accrued vacation or compensation time; they cannot be donated from their accrued sick leave hours. Before an employee can receive hours from another employee, the receiving employee must have used all of his/her/their available time off.

All non-emergency, medically necessary surgeries or procedures requiring sick leave beyond twenty-one (21) consecutive days must be approved in advance. The request must be accompanied by a physician's note, which must specify medical necessity, prognosis, probable return to work date and fitness for duty status. At the end of twenty- one (21) consecutive sick days due to the employee's illness, employees may use vacation hours

The Human Resources Director or designee maintains sick leave records.

## 7.11 Family and Medical Leave Policy (FMLA) Policy

As a supplement to its other leave policies, the City offers family and medical leaves of absence as provided by the federal Family and Medical Leave Act of 1993 ("FMLA").

**A. General Leave Provisions** - Under the FMLA, an eligible employee may take up to 12 weeks of unpaid leave during any 12-month period for (1) the employee's own serious health condition, (2) the birth or placement for adoption or foster care of a child, or (3) care of a child, spouse, or parent who has a serious health condition.

1. A "serious health condition" is an illness, injury, impairment or physical or mental condition that involves inpatient care in a medical facility or continuing treatment by a health care provider.
2. "Intermittent leave" is leave that is not taken consecutively. A "reduced leave schedule" means a leave schedule that reduces the usual number of hours per workweek or hours per workday.
3. An employee must have been employed by the City for at least one year to be eligible for FMLA leave.
4. Leave to care for a new child must be taken within one year of the birth or placement for adoption or foster care.
5. If leave is taken for care of a new child or for care of a spouse, child, or parent with a serious health condition, an employee may elect or the City may require the employee to substitute any accrued paid vacation leave and/or sick leave as part of the 12-week leave as provided for in FMLA.
6. If two spouses both work for Midway City and seek leave to care for a new child or a parent with a serious medical condition, their combined leave is limited to 12 weeks.
7. If an employee requests intermittent leave or a reduced leave schedule because of a serious health



condition that is foreseeable based on planned medical treatment, the City may require the employee to transfer temporarily to an alternative position for which the employee is qualified and that has equivalent pay and benefits and better accommodates recurring periods of leave.

8. "Intermittent leave" is leave that is not taken consecutively. A "reduced leave schedule" means a leave schedule that reduces the usual number of hours per workweek or hours per workday.

**B. Notice** - If the need for leave is foreseeable based upon an expected birth or placement of a child, the employee should give at least 30 days' notice before the leave begins that the employee intends to take leave. If the situation requires leave to care for a child to begin in less than 30 days, the employee should provide such notice as soon as is practicable.

If the need for leave is foreseeable based upon planned medical treatment, the employee should (1) make a reasonable effort to schedule treatment so as not to disrupt unduly the operations of the City, and (2) give at least 30 days' notice before the leave begins that the employee intends to take leave. If the situation requires leave to begin in less than 30 days, the employee should provide such notice as soon as possible.

### **C. Benefits and Employment Status**

At the end of an FMLA leave under this policy, an employee is entitled to return to his or her previous position or to an equivalent position with no loss of benefits.

- a) FMLA leave taken under this policy will not result in loss of any seniority or employment benefits accrued prior to the leave. No seniority or benefits like sick leave and vacation will accrue during the leave.
- b) An employee on FMLA leave under this policy will receive health benefits while on leave under the same terms and conditions as when he or she was on the job.

## **7.12 Long Term Disability**

Full-time employees are eligible to participate in Midway City's Long-Term Disability plan, subject to all terms and conditions of the agreement between Midway City and the insurance carrier.

## **7.13 Military Leave**

In the event that an employee is absent due to being called into the military service of the United States or the State of Utah for active duty, the employee may receive compensation from the military while on military status and the City will pay the difference in salary between the military pay and the amount the employee would have received had he/she/they remained working with the City during the same period of time, for a period not exceeding fifteen (15) calendar days, without loss of benefits. Employees requesting military leave shall notify their Supervisors at least four (4) weeks prior to the requested leave date. Employees shall furnish the Human Resources Director with satisfactory proof of orders to report for duty and of actual service and military salary pursuant to such orders. The City will comply with all state and federal laws and regulations concerning military leave.

## **7.14 Jury Duty/Court Leave**

### **Policy**

Midway City recognizes the obligation of all U.S. citizens to serve on jury duty and/or attend Court when summoned to do so. All employees will be allowed time off to perform such civic service as required by law. Employees are expected, however, to timely provide to their Supervisor proper notice of a request to perform jury duty or testify as a witness and verification of their service.

Employees also are expected to keep management informed of the expected length of jury duty/court service and to report to work for the major portion of the day if excused by the court. If the required absence presents a serious conflict for management, employees may be asked to try to postpone jury duty.

Midway City grants paid leave to full-time employees required to serve as a juror or witness during a time the employee was normally scheduled to work. Such compensation shall not exceed an employee's normal wages, nor the number of hours spent in Court, nor exceed ten (10) hours for any given day. All compensation received for Court or jury duty from such agencies is to be remitted by the employee to the general fund of Midway City, unless such duty is performed outside of normal working hours. Employees serving as jurors or witnesses will be expected to work as much of their regularly scheduled shift as the court duty schedule permits, to the extent that combined time on court duty and work does not exceed the number of scheduled work hours for that day.

Leave under this section shall not apply when appearing in court for criminal or civil cases being heard in connection with the employee's personal matters, such as traffic court, divorce proceedings, custody or as a witness in a case not involving Midway City, etc. These absences would be leave without pay, personal days or vacation leave.

## **7.15 Bereavement Leave**

Full-time employees shall be entitled to up to three (3) working days paid bereavement leave to attend the services or funeral of an immediate family member. Immediate family for this purpose shall be defined as: spouse, parent, child, brother, sister, grandparent, spouse's grandparent, grandchild, father-in-law, mother-in-law, brother-in-law, sister-in-law, daughter-in-law, son-in-law, and aunt or uncle.

For other family relations and friends, bereavement leave may be taken when agreed upon by the Department Supervisor and the Mayor, or employees may use compensatory time, vacation time or leave without pay.

In the case of the death of an employee's parent, spouse or child, the employee may request and be granted up to five (5) working days with pay to manage the family issues related to the loss. Requests should be made to the Supervisor or Mayor, who will approve or deny the request based on the specific needs of the employee, balanced with the needs of the City. If additional time off beyond this allowance is required, vacation or sick leave must be used. Time off under this policy will not count as time worked when calculating overtime for that week.

Bereavement leave must be used immediately and may not be saved, accumulated or accrued.

## 7.16 Voting Leave

In the event employees do not have sufficient time outside of working hours to vote in a statewide election, the employee may take off enough working time to vote. Such time will be paid if required by state law. This time should be taken at the beginning or end of the regular work schedule. Where possible, Supervisors should be notified at least two (2) days prior to the voting day.

## 7.17 Birthday Leave

Eligible employees will receive a paid day off in recognition of their birthday. There is no pay in lieu of Birthday Leave, and Birthday Leave cannot be used in increments of less than one (1) day.

To be eligible for Birthday Leave an employee must have:

- Successfully completed his/her probation period prior to the date of his/her/their birthday.
- Have no outstanding disciplinary actions (including verbal) on file at the date of his/her/their birthday.

Upon Supervisor approval, an employee may take his/her/their birthday as paid leave. If the birthday falls on Friday or Saturday, the Birthday Leave may be taken on the preceding Thursday. If the birthday falls on a Sunday, the Birthday Leave may be taken the following Monday. In the event staffing needs prevent use of leave as described above, the employee can take Birthday Leave within a week of his/her/their birthday provided the employee receives pre-approval from his/her/their department Supervisor. If the Birthday Leave is not taken within one week of the birthday, the Birthday Leave will be forfeited.

If an employee leaves employment before the date of his/her birthday, the employee will not be entitled to Birthday Leave or any payment in lieu of Birthday Leave. The City reserves the right to change, amend or withdraw this benefit at any time.

## 7.18 Town Hall and Community Center - Employee Rentals

Midway City employees are eligible to reserve and rent free of charge either the Town Hall or Community Center one day per fiscal year as a benefit of their employment with Midway City.

## 7.19 Housing Stipend

Midway City provides a Housing Stipend to employees that live in Wasatch County. The Housing Stipend for the current fiscal year can be obtained from the Human Resources Department.

### Terms

- Employees that live in Wasatch County qualify to receive a Housing Stipend from Midway

City.

- Housing Stipends are taxable and do not count as retirement contributions.
- The amounts and approval of term will be determined by the Midway City Council and may change with each fiscal year's budget.
- The amount will change if the employee classification changes.
- Housing Stipends will stop immediately for a qualifying employee that moves outside of Wasatch County and/or upon termination of employment with Midway city.

Employees should direct any questions regarding this policy to the Human Resources Department.

## **7.20 Leave Without Pay**

An employee may be granted leave without pay upon showing a pressing need or other extraordinary circumstances. The length of time approved will be determined on a case-by-case basis and the circumstances that caused the request. All leave without pay requests need to be in writing and approved in writing by the Mayor or City Council.

## **7.21 Clothing Allowance**

During the orientation/probation period, new Public Works employees will be entitled to 6 work shirts with City emblem and 1 pair of boots. After the probation period, the full voucher for the year (less the shirts and boots) will be issued.

Full-time Public Works employees will receive a yearly allowance to be used to purchase the following:

- 5      Pair of work jeans/ work shorts
- 5      Work shirts with City emblem
- 1      Pair of work boots
- 1      Pair of muck boots
- 1      Heavy weight coat - Winter
- 1      Light weight coat/ Sweatshirt/ Vest -Summer

Allowances are subject to change every year. Please contact the City Treasurer for updated information.

Administrative staff will be provided with shirts with the City emblem. The number of shirts provided will depend on the budget for the fiscal year. With Supervisor approval and subject to the approval of the Mayor, employees may be reimbursed for costs to embroider the City emblem on shirts.

**7.22 Cell Phone Allowance:**

A City cell phone, or reimbursement for the use of a personal cell phone, may be provided to eligible employees and department Supervisors at the discretion of the City. Supervisors, at their discretion, will determine if cell phone issuance or reimbursement is warranted. The budget for a phone and/or amount of reimbursement will be determined by the City Council at the time of the Budget approval.

An employee receiving phone reimbursement must provide the City with his/her/their cell phone number. Employees opting to use their personal cell phones and receive reimbursement from the City for business use should limit the amount of time they use their phone for personal use while on the clock.

Employees issued a City-owned cell phone are responsible for its use and treatment. If a City-owned phone is damaged, lost, or stolen, the employee is required to notify his/her/their Supervisor immediately. The City will not be responsible for personal cell phones that get damaged, lost, or stolen irrespective of whether the event occurs during hours working for Midway City.

See also Section 13.7.

## **Section 8. Work Hours**

### **8.1 General Policy**

With the exception of City Council members and the Mayor, all exempt and non-exempt employees must record their time worked for payroll and benefit purposes using the current Midway City/HR timekeeping information system. Employees must record the time work begins and ends, as well as the beginning and ending time of any departure from work for any non-work-related reason.

Altering, falsifying, or tampering with time records is prohibited and subjects the employee to discipline, up to and including discharge.

Exempt employees are required to record their daily work attendance and report absences from work for reasons such as leaves of absence, sick leave, or personal business. Employees may not start work until their scheduled starting time except for special and limited circumstances preapproved by the employee's Supervisor or the Mayor.

It is the employee's responsibility to review his/her/their timesheets for accuracy of all time recorded. An employee shall promptly report any errors in the timesheet to a Supervisor, who will attempt to correct legitimate errors.

### **8.2 Time Records**

Employees are expected to clock in at the start of the workday (7:30 am) and to clock out at the end of the workday (5:30 pm), unless otherwise authorized by their Supervisor.

Employees who fail to submit timely, accurate time sheets for approval (e.g., no later than noon on payroll day (Monday)) may not be paid until up to 5 days later than the usual pay date.

#### **Supervisor Responsibility.**

Time records are subject to review and approval by the employee's Supervisor. Supervisors are expected to timely approve timesheets before payroll day (Monday) at noon. If the Supervisor anticipates that he/she/they will be out or for some reason cannot timely approve timesheets, he/she/they shall let the Human Resources Director or payroll designee know prior to payroll day. If hours are not approved before payroll day (Monday at noon), the Human Resources Director or payroll designee will approve timesheets after confirming hours with the employee directly.

Violation of time-keeping policies or falsification of time sheets may result in disciplinary action up to and including termination.

### **8.3 Work Week and Paydays**

#### **A. Normal Operating Hours**

Normal operating office hours are 7:30 a.m. to 5:30 p.m. Monday through Thursday. A regular pay period is normally defined as bi-weekly, with each work week beginning at 12:00 a.m. on Sunday and ending at midnight on Saturday. Due to seasonal Public Works Department needs and schedules,

variation in the hours worked per week may occur, which shall be managed according to the overtime provisions of the Fair Labor Standard Act (FLSA). Paydays are Thursdays following pay periods.

## **B. On Call Hours**

Public Works employees will be required to be on call on a rotation basis. Employees must be within thirty (30) minutes' drive time from Midway while on call. Each rotation will be for a one (1) week period, starting Monday through Thursday from 5:30 p.m. to 7:00 a.m., and Friday, Saturday, and Sunday 24/7. The employee on call will receive eight (8) hours of pay for being on call for the week. Should the employee be called out on an emergency, he/she/they will be paid regular or overtime wages, whichever applies, with a one (1) hour minimum. If the emergency requires more than one person, it will be the responsibility of the "on-call" person to call out additional help. If the "on-call" employee is unable to work their on-call shift, it is the employee's responsibility to make arrangements for coverage.

## **8.4 Breaks/Rest Periods**

In light of the City's four-day work schedule, employees will not receive a lunch break. Employees will receive two, ten-minute rest periods each workday. Rest periods are meant to be used as a break from one's office.

Employees may combine the two rest periods into one rest period, but rest periods cannot be used to shorten the workday. Employees shall remain within walkable distance of Midway City's premises (Town square for those working in the City office building) during the rest periods allowed unless the employee obtains permission from his/her/their Supervisor or the Mayor. For any amount of time longer than 20 minutes off premises, or if rest periods have already been used, the employee must clock out and obtain pre-approval from his/her/their Supervisor and/or the Mayor.

## **8.5 Unforeseen Work Interruptions**

It is the policy of the City that on those days when there is an interruption of work for causes outside the control of the City, employees shall be compensated for the entire day of the occurrence, regardless of the time released from work.

## **8.6 Flexible Work Schedules**

### **Policy**

Midway City may allow employees to work remotely if their job duties and work performance are determined conducive to and eligible for remote work. Eligibility will be decided on a case-by-case basis by the employee's Supervisor and the Mayor. Employees also may be required to work

remotely during periods of emergency, such as a weather disaster or public health emergencies, if government orders and mandates require such work.

Employees approved to work remotely should consult with their Supervisor for specific details of their remote work/telecommuting arrangement, such as expected work hours, equipment provided, and other details. Telecommuting may be appropriate for some employees and jobs but not others.

Any remote work/telecommuting arrangement may be discontinued by Midway City at any time at the discretion of Midway City.

### **Hours of Work**

Employees approved for remote work will work from home. Scheduled hours of work will be set by the employees' Supervisor. Employees should maintain regular contact with their Supervisors.

All exempt and non-exempt employees must accurately record all hours worked for payroll and benefit purposes using the current Midway City Human Resources timekeeping information system and take rest breaks as if in Midway City's workplace and as required by law. Non-exempt employees may not work beyond scheduled working hours (including working more than 40 hours in a workweek) without prior authorization from their Supervisor.

### **Location**

While working remotely, employees will provide, at their expense, a secure, dedicated work area. Employees are responsible for maintaining the work area in a safe, secure, and nonhazardous condition at all times and to maintain security devices and procedures necessary to prevent use by unauthorized persons, including by preventing the connection of any Midway City furnished computer system, network, or database to any computer, network, or database other than a computer, network, or database to which connections are provided or authorized by Midway City.

### **Duties**

Employees will follow all existing Midway City policies and procedures. The duties, obligations, responsibilities, and conditions of employment with Midway City remain unchanged. Employees will remain engaged with work throughout the workday and be available during normal business hours. If employees do not successfully perform their job duties remotely, this arrangement will be revoked. Employees are expected to follow existing Midway City policies with respect to scheduled and unscheduled time off, including the obligation to speak with their Supervisor before the scheduled start time in the event of an unscheduled absence, tardiness, or early departure.

### **Accidents and Injuries**

Remote employees agree to maintain safe conditions in the remote workspace and to practice the same safety habits and rules applied on Midway City premises. If employees sustain an injury arising



out of the course and scope of the assigned job duties while working in the remote workspace, the workers' compensation provisions in place for the state in which the employees are working will apply. Employees must notify their Supervisor immediately and complete all necessary and/or requested documents regarding the reported injury. Midway City assumes no responsibility for injuries occurring in the remote workspace outside normal working hours, or for injuries that occur as a result of a reasonably recognizable unsafe remote workspace.

## **Equipment**

Remote employees will use electronic equipment that meets all Midway City's security requirements. If Midway City provides equipment for home use, employees will provide a secure location for Midway City-owned equipment, use the equipment only for Midway City Business, and will not allow others to use such equipment. Employees have no expectation of ownership in such equipment, linkages, property, or other items installed or provided by Midway City. Midway City will bear the expense of removal of any such equipment, linkages, and installations provided by Midway City upon the termination of the remote work/telecommuting arrangement but not modification of or repairs to the work location.

## **Return of Midway City Property**

All equipment, records, and materials provided by Midway City remain Midway City property. Remote employees will promptly return Midway City equipment, records, and materials upon termination of remote working/telecommuting and/or upon request. All Midway City equipment will be returned by employees for inspection, repair, or replacement as needed or requested. All equipment must be returned within five (5) business days of written notice to the employee.

## **Confidentiality**

Employees working remotely are subject to Midway City's policies prohibiting the nonbusiness use or dissemination of Midway City's confidential information. Employees will take all steps appropriate to safeguard Midway City's confidential business information, including segregating it from personal papers and documents, not allowing nonemployees access to such information, and keeping such information in locked drawers or file cabinets when not in use. Employees will maintain confidential information including, but not limited to, information regarding employees' personal information, mailing addresses, data, orders, memoranda, notes, records, proposals, project reports, sources of supply, and financial information.

## **8.7 Absences and Tardiness**

Employees are expected to report to work on time. Tardiness is expensive, disrupts workflow, compromises customer service and will not be tolerated. Unauthorized or excessive absences or tardiness may result in disciplinary action up to and including termination. An absence is considered to be unauthorized if the employee has not followed proper notification procedures or the absence has not been properly approved. Unsatisfactory attendance may have an adverse effect on promotional opportunities.

If an employee is going to be late or absent for any reason, he/she/they shall contact his/her/their Supervisor or designee within one (1) hour prior to the regular starting time. It is the employee's responsibility to ensure that proper notification is given. Leaving voice mail messages is considered proper notice; asking another employee, friend or relative to give this notification is acceptable only under emergency circumstances.

Employees who know they will be absent on three or more consecutive days (e.g., surgery) are required to notify their supervisor in advance of their absence. Employees who are absent on consecutive days because of day-to-day illnesses are required to notify their supervisors each day. Employees who are absent on three or more consecutive days, or who have a pattern of absences, will be required to furnish a doctor's note verifying each occurrence of illness.

Employees who are absent from work for three consecutive days without giving proper notice will be considered as having voluntarily resigned employment with the City. At that time, the resignation, and thus termination, will be formally noted in the employee's personnel file and the employee will be advised of the action by certified mail to the employee's last known address.

Employees shall use sick leave and vacation leave for absences for illness. FMLA may then apply if the situation meets the requirements of the Family Medical Leave Act. Upon exhaustion of sick leave, vacation leave, and FMLA (if applicable), an employee absent from work during scheduled hours may be subject to termination.

## **Section 9. Reimbursement of Travel and Related Expenses**

### **9.1 Travel**

#### **Policy**

Reasonable travel expenses associated with authorized trips for City business, attendance at conventions, conferences, field trips, educational courses or meetings, etc., will be paid by the City based on a per diem schedule set by the Mayor and City Council. Receipts will be required, particularly for any reasonable and unavoidable expenses that exceed the per diem schedule. The employee will provide receipts for all expenses associated with the above to the City upon completion of the trip and no later than one (1) week after return from travel. An employee may be accompanied by a spouse, family member, partner or friend on approved City business trips with the understanding that the City will not pay any of the costs incurred by these individuals nor be responsible for any liability associated therewith. All absences from work to attend meetings, training, seminars, conferences, conventions, etc., must be approved by the Department Supervisor prior to attendance. Travel expenses must be included in the annual budget for each department anticipating travel as a part of the budget process. Any travel expenses exceeding the amount budgeted must have the approval of the Mayor.

### **9.2 Use of Personal Cars**

Employees should use City vehicles for City business and travel. Personal cars may be used for City business if adjudged advantageous to the City by an employee's Supervisor and/or the Mayor. When a personal car is used for City business, the City's reimbursement for the car shall be at the rate allowed by the IRS. The distance will be computed from a standard mileage chart or vehicle odometer reading. Travelers receiving mileage reimbursement are required to maintain their driver's license number and personal auto liability insurance company name and policy number on file with Midway City. Mileage is paid on the most reasonable direct route. Authorized Midway City travelers driving their personal vehicles shall report all accidents occurring while on Midway City business to the Risk Manager or designee. Authorized Midway City travelers are required to meet all automobile insurance regulations for the state of Utah that must include liability and property damage coverage.

### **9.3 Authorized Expenses**

Midway City employees may be reimbursed for certain authorized and pre-approved expenses incurred in the course of employment with Midway City, including the following:

1. Air Transportation: Any authorized Midway City employee on City business traveling by air transportation shall be reimbursed for his/her/their reasonable travel expense at the current airfare rate. Exceptions require approval of the Mayor. Receipts for air tickets purchased by the employee are required. Whenever possible, all airline tickets must be purchased using the lowest

available advance booking fare.

2. Public Transportation – Reimbursement will be authorized for taxi, bus, or shuttle service for authorized Midway City employees when conducting Midway City business and no private vehicle is available. The actual cost and a fifteen percent gratuity will be reimbursed. Receipts are required.
3. Lodging Expense:
  - a. Midway City will reimburse lodging expenses at the single accommodation rate, except in instances where accommodation is shared by persons conducting Midway City businesses, in which case reimbursement will reflect the party's actual costs. Receipts are required.
  - b. Charges for lodging will be reimbursed for the night prior to the formal start of the event, only with previous approval of the employee's Supervisor or the Mayor. Charges for lodging will be reimbursed for the nights the event is held, including the night of the last day, unless it is reasonable and convenient to commute to the event and/or return to Midway at the conclusion of the event, or unless there is a savings available to Midway City through extending the stay.
4. Meal Expense:

When meals are part of a registration or tuition fee, additional per diem charges for those meals cannot be claimed. Subsistence, which consists of meals (excluding alcoholic beverages) and lodging, is limited to actual costs as approved or per diem as allowed by the IRS.

5. Other Authorized Expenses:

Reimbursements for miscellaneous expenses may be authorized for Midway City business (e.g., toll fees, parking, other gratuities, etc.)

#### **9.4 Expenses for Spouses, Other Family Members, or Non-Midway City Employees**

Expenses for spouses, other family members or non-Midway City employees will not be paid by the City. Family members may accompany City employees on City-assigned trips requiring an overnight stay, but travel, food, lodging or any other expenses will not be paid by the City.

## Section 10. Performance Evaluation

### 10.1 Policy

It is the policy of Midway City to evaluate each employee's performance annually on the anniversary date of hiring. This is done to assure that performance expectations are clear, to identify employee's strengths and areas in need of development, to develop plans to address performance issues, and for the purpose of recognizing contributions/results made by employees in the achievement of the City's goals and objectives.

### 10.2 Responsibility

1. The Mayor and/or Supervisor will assist the employees they evaluate by explaining the objectives and provisions of the performance evaluation plan.
2. The Mayor and/or Supervisor are responsible for:
  - a. Keeping the employees under their supervision informed of the expectations used in evaluating their performance.
  - b. Setting performance objectives, goals, and formulating improvement plans when necessary to assist employees in improving aspects of performance identified as in need of improvement.
  - c. Recommending compensation adjustments based on performance.

### 10.3 Evaluation Process

#### A. Informal Evaluation:

Informal evaluation may occur daily and for a variety of purposes: appraisal of performance in the current position; determination of career potential; appraisal for promotion to a specific position; determination of training and development needs; and consideration of merit increases.

#### B. Formal Evaluation:

Informal evaluations of probationary new employees by management may take place at three months. Formal evaluations by management of new employees may be conducted at or near completion of the six-month probation period. The purpose of these evaluations is to determine whether the employee can perform the responsibilities of the position and to provide opportunities for constructive feedback.

Formal annual reviews of all employees should be completed within thirty (30) days of the employee's anniversary date. The purposes of these appraisals are to provide performance feedback, set performance objectives, and provide the basis for merit pay determinations. Copies of all performance appraisals may be forwarded to the Mayor for review prior to being placed in the employee's personnel file. Management proposing merit increases for staff shall provide the recommendation along with the performance appraisal to the Mayor.

The performance evaluation consists of a written employee self-evaluation, a written evaluation by the Mayor or Department Supervisor, a confidential interview to discuss the employee's performance, and an opportunity for the employee to offer his/her/their written comments to the review.

As part of the self-evaluation, an employee should identify goals he/she/they would like to accomplish during the next review period. The employees should identify goals, the means by which to measure whether goals have been accomplished, and the timeframe in which goals will be accomplished.

The Mayor or Supervisor then proceeds with his/her/their evaluation of the employee. First, reviewing and evaluating the accomplishments of previously set goals; second, identifying any additional accomplishments; third, establishing goals for the future that are measurable; and fourth, identifying areas needing improvement. These areas of development may enhance the employee's ability to do his/her/their current job or prepare him/her/them for upward mobility.

The interview is intended to be an open dialogue between the employee and the Mayor and/or Supervisor to discuss the evaluation openly and set future goals.

If, at the end of the interview, the employee and the Mayor and/or Supervisor agree that items should be changed, added or deleted from the written review, the evaluation may be rewritten. Once the written performance evaluation is finalized, the employee will be asked to sign it, acknowledging that he/she/they has/had read the review and been given the opportunity to discuss it. Signing the written evaluation shall not be construed to mean that the employee agrees or disagrees with the contents of the evaluation.

The Human Resources Director may be involved at any or all stages of this process.

## **Section 11. Disciplinary Procedures**

### **11.1 General Policy**

It is the responsibility of all employees to observe rules of conduct necessary for the proper operation of Midway City government. Employees shall conduct themselves in a positive and professional manner to promote the best interests of the City. Conduct that interferes with operations or that discredits the City will not be tolerated. The following administrative measures have been established for the handling of disciplinary measures when required.

### **11.2 Corrective/Progressive Discipline**

Midway City generally endorses a policy of corrective and progressive discipline in which the City attempts to provide employees with notice of deficiencies and an opportunity to improve. Progressive discipline may include written warnings, suspension with or without pay, suspension pending investigation, or termination of employment, depending on the circumstances. Notwithstanding the foregoing, the City does not guarantee that one type of discipline will precede another and retains the right to discipline employees in any manner deemed appropriate to the facts.

#### **Communication**

Open and candid communication with employees is an important aspect of Midway City's employee relations. When a rule, policy, or procedure is violated, the employee's Department Supervisor, or designee, will review the specific nature of the violation with the employee. Employees' input is important to ensure that all the facts have been considered. After review, corrective action, if warranted, is discussed with the employee and the management involved.

#### **Corrective Action Notice**

Employees are given the opportunity to agree or disagree with the results and write a brief statement on the corrective action notice, if desired. However, as a condition of employment, employees are required to sign the corrective action notice to indicate that a discussion of the issue has taken place. Failure to comply with this policy could result in further disciplinary action, up to and including termination of employment. Employees receive a copy of any written notice issued by the City.

### **11.3 Prohibited Conduct**

Any employee who, after investigation, is found to have violated the policies, procedures, rules, or regulations outlined in this Employee Handbook or those established by the employee's department or by law, or is found to have engaged in misconduct, will be subject to disciplinary action in accordance with this policy or applicable law will be subject to disciplinary action for engaging in misconduct including, but not limited to, the following:

- a) Violation of the laws, codes, rules, regulations, policies, procedures, and/or ordinances of the United States, State of Utah, and/or City of Midway;
- b) Violation of applicable Codes of Conduct;
- c) Conduct which endangers the peace and safety of others or poses a threat to the public interest;
- d) Any behavior deemed inappropriate or disruptive to the work environment which may affect the ability of other employees to perform effectively;
- e) Falsification of any records or reports, employment applications, medical reports, time records, work-related records, absence from work, injuries on the job, claims for benefits provided by the City;
- f) Intimidation, coercion, threatening, or assault of, or fighting or interfering with, other employees, Elected Officials, City residents; or any other person(s);
- g) Engagement in any form of discrimination or harassment, including sexual harassment, and/or retaliation;
- h) Improper performance of job duties or repeated failure to perform assigned duties and responsibilities;
- i) Refusal to obey instructions of a Department Supervisor or supervisor or any other form of insubordination;
- j) Careless or negligent use or operation of equipment, including vehicles and machinery;
- k) Willful or deliberate abuse, destruction, defacement, misuse, or theft of City property or removal of City property without permission;
- l) Illegal gambling on City property, or while acting in their capacity as employees of the City;
- m) Sleeping on the job, unless authorized by a Department Supervisor;
- n) Violation and/or disregard of safety rules or safety practices, including failure to wear/use assigned safety clothing or equipment;
- o) Repeated violations of City policies, procedures or prohibited conduct;
- p) Leaving work area without permission, as defined by the Department Supervisor;
- q) Excessive tardiness and/or absences (except those absences covered by state and/or federal statutes);
- r) Unauthorized absences or repeated failure to give proper notice;
- s) Possession or use of controlled substances or alcohol while on City property or in City vehicles, or while acting in their capacity as employee of the City;

The above list is illustrative and is not intended to limit Midway City's right to impose discipline in other appropriate cases.

#### **11.4 Immediate Suspension With or Without Pay**

The employee may be subjected to immediate suspension with or without pay and/or dismissal pending the results of a formal investigation. A written letter stating reasons for disciplinary action must be sent by certified mail or be hand delivered to the employee by the Department Supervisor or the Mayor. The Department Supervisor and the Mayor shall schedule and conduct an investigation hearing with the employee within five (5) working days of such action. Failure of the employee to appear, without good cause, constitutes a waiver of further appeal by the employee through Midway City grievance procedures. If the employee at issue is a Supervisor, the Mayor will provide



the notice and conduct the investigation hearing. The City Council will act as the grievance board.

## 11.5 Disciplinary Action

Midway City employees are subject to disciplinary action for failing to fulfill their work-related duties and responsibilities, or for other reasons, as determined by the City in its sole discretion. No full-time, permanent employee covered by Utah Code Sections 10-3-1105 and 10-3-1106 may be discharged, suspended without pay, or involuntarily transferred to a position with less remuneration because of the employee's politics or religious beliefs or incident to or through changes in the elective officers, governing body, or heads of departments of the City. The employee has the right to review through the grievance procedure of any disciplinary action.

Pre-Disciplinary Hearing. Whenever a full-time employee, who is not an appointed, at-will, or a probationary employee, is subject to possible suspension without pay for more than two (2) days (20 hours), involuntary transfer from one position to another with less compensation, or termination, a pre-disciplinary hearing shall be held prior to imposing disciplinary action.

- A. The employee shall be given written notice of the hearing, prior to the hearing, which will include an explanation of the charges against the employee and notice that discipline, up to and including termination, will be considered.
- B. The pre-disciplinary hearing shall be conducted by the employee's supervisor, Human Resources Director or the Mayor or designee for the purpose of allowing the employee to respond to the charges and present information the employee believes is relevant to the decision.
- C. A decision as to the disciplinary action to be taken, if any, shall be made by the applicable Supervisor or designee, and the employee shall be notified in writing within five (5) working days after the hearing. This written notification shall include:
  - i. The grounds for disciplinary action.
  - ii. Any disciplinary action to be imposed.
  - iii. The effective date and duration of the disciplinary action.
  - iv. Any required corrective action necessary for the employee to avoid further disciplinary action.
  - v. Notice and a copy of the post-disciplinary hearing process. If the imposed disciplinary action is termination, a suspension of more than two (2) days (20 hours), or involuntary transfer from one position to another with less compensation.
- D. Employees whose conduct constitutes grounds for discipline may be subject to one or more of the foregoing disciplinary actions depending on the severity of the

improper conduct. The City reserves the right to impose disciplinary action, up to and including termination on a first offense, depending on the nature and severity of the improper conduct.

## 11.6 Counseling Memorandum

Counseling memos are not considered discipline, but rather a tool to inform employees of rules, policies, procedures, practices, and/or expectations to aid employees in compliance. Counseling memoranda may not include any disciplinary action or threat of discipline.

A counseling memorandum should include the title “**Counseling Memorandum**” at the top and at the conclusion state the following: “**A Counseling Memorandum is not disciplinary and cannot be used in any disciplinary action against an employee except to prove notice if an employee denies notice.**” This language should be in bold type.

Since Counseling Memoranda are not disciplinary, they are not subject to the disciplinary appeal process.

## 11.7 Initiation of Disciplinary Action

Disciplinary action may only be initiated by Department Supervisors, the Mayor and/or the City Council.

## 11.8 Steps of Disciplinary Action

The following describes the types of disciplinary action that may be taken by management in order of severity. No employee is guaranteed to receive any of the following types of action. Generally, first time problems result in verbal reprimands. Failure by the employee to correct the behavior or performance problem may result in more serious disciplinary action. Except in the most serious disciplinary cases, employees will normally receive progressive discipline before termination occurs.

1. **Step 1 - Corrective Action:** When an employee's performance does not meet established standards for reasons other than willful misconduct, managers may document in writing and take appropriate corrective action in accordance with the following rules:
  - a. Management may discuss substandard performance with the employee in an attempt to discover the reasons for such performance and to plan an appropriate solution.

- b. Appropriate corrective actions include, but are not limited to: closer supervision, training, reassignment or transfer, or separation.
  - c. During the implementation of corrective action, Management may regularly evaluate and document the employee's progress (good and bad).
2. **Step 2 - Verbal Reprimand:** Whenever grounds for disciplinary action exist, and Management determines that more severe action is not required, Management may verbally communicate to the employee the observed deficiency. Written documentation of the verbal reprimand will be kept for the record of discipline in the employee personnel file. Sufficient time for improvement should be given before more formal disciplinary action is taken unless extenuating circumstances dictate otherwise.
3. **Step 3 - Written Reprimand:** This is an action which may be taken in which Management writes out the action or behavior which the employee must change/stop. The written reprimand will describe in detail the behavior to be corrected, will give a clear statement of performance expectations for the future, and will point out the consequences of repeating the actions which brought about the written reprimand. The written reprimand will be signed and presented to the offending employee by Management. The employee will sign all copies to acknowledge receipt; if the employee refuses, the presenter shall note this refusal on the form. A copy of the written reprimand shall be placed in the employee's personnel file.
4. **Step 4 - Suspension With/Without Pay:** This is an action which may be taken by Management which removes the employee from the work site for a period not to exceed eight (8) workdays unless extended for good cause by the Mayor. Based on the level of the violation of Midway City work rules and consideration of all the facts surrounding the suspension will determine whether the suspension is with or without pay. A written record of suspension is kept in the employee's personnel file.

At the end of a suspension, if the employee is returned to work the employee will be returned to the Midway City payroll at the same classification and salary as when the employee was suspended. If suspension is without pay, benefits will not accrue during the suspension period. If through the appeal process the suspension is found to be without basis, any lost wages and benefits will be reinstated.

5. **Step 5 Demotion:** An employee may be demoted to a lower grade position with or without a reduction in pay or reduced in pay within the employee's grade by a Department Supervisor. If the demotion is also an involuntary transfer to a position with less remuneration, the City shall first conduct a pre-disciplinary

hearing as outlined in Section 11.5, except for appointed, at-will, and probationary employees or as the result of a layoff or reorganization.

6. **Step 6 - Termination:** This is an action that may be taken by Management if: (1) through the progressive disciplinary process the employee failed to correct the violation of work rules and/or standards; (2) three (3) or more written reprimands for the same or different violations in twelve (12) months occurred; (3) the employee failed to report to work without notice for three (3) consecutive days; (4) the incident/violation of Midway City work rules and standards is considered by Management to be at such a high level that termination is the most reasonable option for the good of the City; or (5) the City, in its sole discretion, determines that termination is otherwise necessary.

A full-time employee may be terminated by the Mayor after consultation with the Department Supervisor and/or the Human Resources Director or designee and City Attorney. The City shall first conduct a pre-disciplinary hearing as outlined in Section 11.5, except for appointed, at-will and probationary employees or as the result of a layoff or reorganization. All other employees may be terminated at the discretion of the Mayor. A hearing is not required.

Termination is an action taken by the Mayor that permanently removes an employee from Midway City employment. Prior to terminating an employee, the Mayor shall notify the employee in writing of the reason(s) for the discharge and the effective date thereof. Termination is subject to the grievance procedure as outlined in these policy guidelines.

## 7. **Appeal Board:**

- a. A full-time employee, who is not an appointed, at-will, or probationary employee, may use the post-disciplinary hearing process as follows: Appeals to the Appeal Board shall be taken by filing written notice of the appeal with the Human Resources Director within ten (10) calendar days of receipt of the notice of the imposition of the suspension of more than two (2) days (20 hours), demotion, or involuntary transfer from one position to another with less remuneration, or termination, except if the action is the result of a layoff or reorganization.
- b. The Appeal Board shall consist of all members of the City Council. The Mayor, at his or her discretion, may appoint him or herself as a member.
- c. Exhaustion of Internal Grievance Procedures

The City designates the Appeal Board as the only internal post-disciplinary appeal procedure for terminations, suspensions without pay for more than two (2) days (20 hours), demotions or an involuntary transfer from one position to another with less remuneration.

- d. If through the appeals process of any disciplinary action the action is reversed, the disciplinary action is expunged from the employee's record.

## **8. Appeal Hearing Process (post-disciplinary)**

- a. The employee shall be entitled to appear in person before the Appeals Board and to be represented by counsel (at the employee's expense), to have a hearing open to the public, to confront the witnesses whose testimony is to be considered, and to examine the evidence to be considered by the Appeals Board.
- b. The Appeals Board determines the admissibility of evidence and its use. Further, the Appeals Board is not bound by the rules of evidence and may consider any evidence it determines relevant to the matter.
- c. The City Recorder records and takes minutes of each session, except for the Appeal Board's deliberations.
- d. The City Attorney or designee represents the City's interests.
- e. The standard of review is an administrative standard of whether the evidence shows that it is more likely than not that the findings and action taken by the Department Supervisor are supported.
- f. The Appeals Board may establish hearing procedures consistent with 10-3-1106, UCA, and may modify those procedures at the hearing as may be equitable and conducive to a determination of the issues.

## **9. Decision of Appeals Board Hearing**

- a. Each decision of the Appeal Board shall be by secret ballot.
- b. Each decision of the Appeals Board shall be certified to the City Recorder no later than fifteen (15) days after the day on which the hearing is held; however, for good cause, the Appeals Board may extend the fifteen (15) day period to a maximum of sixty (60) calendar days, if the employee and the City both consent.
- c. Upon reaching a decision, the Board shall issue the decision. A decision is issued when it is signed and dated by all members of the Board and certified with the City Recorder. The City Recorder shall distribute the certified decision to the employee, Mayor, and Department Supervisor.
- d. If the Board does not uphold the suspension, demotion or termination, the Board shall provide in its order:
  - i) The employee shall receive the employee's salary for the period of time during which the employee was discharged or suspended without pay less any amounts the employee earned from other employment during this period of time, or
  - ii) That the employee be paid any deficiency in salary for the period during

which the employee was demoted or involuntarily transferred to a position of less remuneration.

Any final action or order of the Board may be submitted for review by either the employee or the City to the Utah Court of Appeals by filing a petition for review no later than thirty (30) days from the date of the issuance of the final action or order of the Appeals Board by filing with that court a petition for review.

#### **10. Requests to Purge Disciplinary Records**

An employee may submit a written request to have prior disciplinary records purged to the Mayor.

- a. Requests will only be considered if there have been no intervening disciplinary actions.
- b. The Mayor shall consider the request within ten (10) working days of receipt.
- c. All decisions shall be at the sole discretion of the Mayor or designee.

## Section 12. Communications/ Grievance and Appeal Procedures

### 12.1 Midway City Communication Policy

**Policy:**

Employees shall have the right to file grievances in accordance with this policy. Grievances shall follow the steps outlined below. The Human Resources Director shall maintain a grievance file separate from the employee's personnel file.

Midway City seeks to maintain good working relationships with staff that affirm the importance of each individual and his/her/their contribution to the work performed, encourage mutual trust and respect of all staff and management, provide prompt answers to questions, minimize misunderstandings, and seek resolution to workplace differences as quickly as possible. It is Midway City's policy to facilitate the development of open channels of communication among all levels of the City. Employees are encouraged to take the initiative in seeking answers to their work-related problems through immediate discussion with Management. While Management is the normal avenue through which staff raises concerns, other channels are available (i.e. Mayor and City Council) to employees to discuss concerns with someone outside of the immediate working situation in order to check information, clarify personnel policies, or obtain guidance. When a serious disagreement arises and reaches impasse, or when an employee disagrees with disciplinary action taken against him/her/them, the employee may initiate the grievance procedure.

**Non-reprisal:** No City official or employee shall harass, coerce, intimidate, threaten or discipline employees who exercise their rights under this procedure and no employee shall use this policy to intimidate or harass.

**Definitions:** For purposes of this policy, "Grievant" shall mean the person initiating the grievance.

The purpose of this procedure is to promote employer-employee relations, settle grievances quickly and efficiently, establish a process for settling grievances, promote fair and equitable treatment for employee concerns and prohibit reprisal.

### 12.2 Coverage of Grievance Procedure

All employees are covered by the grievance procedure except temporary employees and probationary employees. Exceptions require approval of the Mayor and City Council. The grievance procedure covers matters subject to the control of management, such as an employee's claiming unresolved issues concerning working conditions, application of discipline, and application, enforcement, and/or interpretation of policies and procedures.

### **12.3 Grievance Procedure**

To assure promptness and equity in answering employee's concerns and to achieve early resolution of their work-related problems, employees are encouraged to take the following sequential steps:

#### **Step 1-Discuss with Management/Mayor:**

An employee is expected to first consult with the person with whom he/she/they has/have the problem or grievance and then with his/her/their Department Supervisor. Consultation with management must occur within five (5) working days of the occurrence in order to initiate the grievance procedure. The problem may be regarding any occurrence or attitude, either expressed or implied, on the job that is perceived as unfair, inequitable, or in violation of any policy or procedure. Management is responsible for seeking resolution of problems through open discussions with those involved.

#### **Step 2 – Appeal to City Council**

In cases where no resolution is reached through discussion with Management or the Mayor, or if no reply or reason for the delay has been received within ten (10) working days of the initial discussion with management, the employee may appeal to the City Council through the Mayor. The appeal should include a written statement of the problem or grievance with the desired outcome and/or requested resolution. Upon receipt of the written grievance, the City Council will have ten (10) working days to schedule a hearing. The decision of the City Council shall be by secret ballot. The City Council shall render a written decision to the employee and to Management within five (5) working days after the conclusion of the hearing. All decisions by the City Council are final.

### **12.4 Discharge and Pre-Termination Hearing**

Only the Mayor or Mayor's designee may discharge a permanent, full-time employee with the consent of the City Council. Prior to being discharged, an employee shall have the right to know the reason for his/her/their discharge and have the opportunity to discuss the discharge with his/her/their Supervisor if desired.

### **12.5 ETDAB Appeal Rights and Procedure**

Except as otherwise provided, in cases of involuntary transfer to a position with less remuneration, suspension without pay for more than two (2) days, or discharge, employees shall have the right to appeal to the Employee Transfer and Discharge Appeal Board (ETDAB) (the City Council) as set forth in Utah Code Annotated Sections 10-3-1105 and -1106 as amended.

Pursuant to the Utah Code Annotated Section 10-3-1105, the ETDAB appeal rights provided herein do not apply to: (1) an officer appointed by the Mayor or City Council, (2)



a head of a municipal department or deputy head (all managers are considered department head or deputy manager), (3) orientation/probationary employees; (4) part-time employees; and (5) seasonal employees.

An employee to which ETDAB appeal rights apply may not be discharged, suspended without pay, or involuntarily transferred to a position with less remuneration because of the employee's politics or religious belief, or incident to, or through changes, either in the elective officers, governing body, or heads of department. Any employee or officer who is discharged, suspended without pay for more than two days, or involuntarily transferred to a position with less remuneration, for any reason, shall have the right to appeal the discharge, suspension without pay, or involuntary transfer to the ETDAB. Appeals to the ETDAB shall be taken by filing written notice of the appeal with the Human Resource Manager within ten (10) days of the discharge, suspension without pay, or involuntary transfer.

The City Council shall act as the ETDAB.

## **12.6 Hearing Procedures**

1. Management and the employee's representative may briefly summarize their cases in an opening statement.
2. At the conclusion of the opening statements, witness or material evidence may be introduced in support of Management's position.
3. The appellant, and then the hearing officer, may ask questions of each witness of the Management after said witness has testified.
4. The appellant presents material evidence and calls witnesses following the same process as set forth above.
5. After presentation of appellant's case, Management shall be allowed to present rebuttal evidence.
6. Before closing the hearing, the hearing officer(s) shall allow the appellant and Management in turn to make closing statements.

## **12.7 Documentation**

Any documentation made of disciplinary actions should be signed by both the employee and the Mayor. A copy of this documentation will be kept with the employee's file.

## **12.8 Exit Interview**

All terminating regular employees are encouraged to meet with the Mayor and/or Supervisor and/or Human Resources Director for an exit interview. The purpose of this interview is to gather information to assist management in identifying areas that are satisfactory and those that need improvement.

## **Section 13. Creating a Positive Work Environment**

### **13.1 Non-Smoking/ Vaping Policy**

It is the policy of Midway City to comply with all applicable federal, state, and local regulations regarding the use of tobacco/smoking/vaping products in the workplace and to provide a work environment that promotes productivity and the well-being of its employees.

1. Midway City recognizes that the use of tobacco/smoking/vaping in the workplace could adversely affect employees. Accordingly, the use of tobacco/smoking/vaping is restricted at all City facilities.
2. The use of tobacco/smoking/vaping is prohibited inside all Midway City facilities, parks, Town Square and within one hundred (100) feet of any Midway City facility. Management is responsible for implementing and monitoring tobacco/smoking/vaping regulations and expected to enforce such regulations. The tobacco/smoking/vaping policy applies to employees during working time and to customers and visitors while on Midway City premises.
3. Employees are expected to exercise common courtesy and to respect the needs and sensitivities of co-workers with regard to the tobacco/smoking/vaping policy. Complaints about tobacco/smoking/vaping issues should be resolved at the lowest level possible but may proceed through Midway City's grievance procedures. Employees who violate the policy will be subject to disciplinary action.

### **13.2 Drug and Alcohol Free Workplace Policy**

To promote a safe, healthy, and productive work environment for our employees and others, to protect Midway City property, to safeguard efficient operations, and to comply with the Federal Drug-Free Workplace Act of 1988, Midway City has adopted a drug and alcohol free workplace policy. This policy applies to all employees, applicants for employment, volunteers, and others who perform work for Midway City.

Employees, applicants for employment, volunteers, and others performing work for Midway City are prohibited from possessing, manufacturing, storing, using, abusing, soliciting, selling, transferring, purchasing, distributing, consuming or otherwise using alcohol, illegal drugs, and/or controlled substances, as defined by state and federal laws and regulations, on Midway City premises and worksites, while on Midway City business or at Midway City activities (whether or not on Midway City premises), in any Midway City vehicle, or while operating any vehicle while on duty. Such individuals also are prohibited from reporting to work or working while they are using or under the influence of alcohol or any controlled substances, or while abusing lawful medications which may negatively impact their ability to perform their job or otherwise pose safety concerns.

## Testing

Midway City, in its sole discretion, may require employees and applicants for employment to submit to medically accepted drug and/or alcohol testing, as defined in Utah Code Title 34, Chapter 41, under the following circumstances:

- 1. Pre-employment Testing:** All prospective employees may be tested for drug and alcohol usage prior to being placed for employment.

**Random Drug Testing:** All Employees may be tested randomly or on an annual basis. Employees in positions that require a commercial driver license (CDL) shall also be subject to testing requirements and prohibitions under applicable Federal and State laws. Random testing is determined by the testing company, not the employer.

**Post-Accident or Critical-Incident Investigation Testing:** Testing is authorized for employees whose performance either contributed to an accident or cannot be completely discounted as contributing to the accident. Such testing will occur as soon as possible. The immediate Supervisor and/or the Mayor, in association with the Human Resources Department, shall determine if the performance of that employee either contributed to the accident or cannot be completely discounted as a contributing factor.

**Reasonable Suspicion Testing:** Testing is authorized where reasonable suspicion exists that a District employee is using, or is in possession of, or is under the influence of, alcohol, or a controlled substance, or abusing lawful substances. The Department Supervisor or other responsible individual making the determination that reasonable suspicion exists shall submit written documentation setting forth the specific articulable observation(s) that resulted in the reasonable suspicion determination. Reasonable suspicion of use of alcohol, controlled substances, or abuse of lawful substances may also be based upon observation of indications of the chronic and withdrawal effects of those substances.

- 2. Return to Duty Testing:** Employees will be tested as a condition to return to work and/or continued employment if alcohol or controlled substance(s) played a part in the employee's absence from duty; if the employee was referred to and/or participated in a program of rehabilitation; and/or if the employee has been absent for a period exceeding six (6) months. Additional follow-up testing may occur in combination with a mutually agreed upon rehabilitation program.
- 3. Disclosure:** Employees and applicants for employment may voluntarily disclose any lawful use of controlled substances on the Midway Substance Abuse Testing Consent Form prior to testing and bring medical certification for such use. If such

use is otherwise detected during the drug and alcohol testing process, employees and applicants must provide medical authorization in a form acceptable to the City for such use.

Employees and prospective employees shall notify the Mayor of any criminal drug statute conviction for a violation occurring in the workplace or while in any official capacity as a Midway City employee/representative. The notification must be given to the Mayor no later than one (1) business day after such a conviction.

### **Procedures**

1. All applicants for employment with Midway City shall be informed of this policy and have an opportunity to review the policy. 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.
2. Any prospective employee whose pre-employment drug and alcohol test results in a confirmed positive and who does not have a medically sufficient explanation may reapply for employment with the City after six months from such test. Applicants who have previously failed the drug test and reapply for employment after six months may be asked to an unannounced drug and alcohol test for a predetermined period of time at the sole discretion of the City.
3. If an employee or prospective employee receives a Positive Test Result, he/she/they may, at his/her/their option, contact the testing laboratory and request a new test of the same sample at his/her/their own expense. Any request for a re-test must occur within three (3) business days of the date he/she/they is/are notified of a Positive Test Result (please contact Human Resources to obtain contact information for the testing laboratory), and it is the employee's responsibility to notify the City of the request at the time the re-test of the original sample is requested. The City has no responsibility to ensure that the retest occurs. The results of any re-test must be forwarded by the testing laboratory directly to the City. If employees or prospective employees do not receive a Positive Test Result on the new test, the City may request that they sign the appropriate consent and release form(s) and be tested a final time. The final test may be of the same or a new sample, at the City's sole discretion. If they refuse to sign the appropriate consent and release form(s) for the final test, they will be discharged/precluded from employment. If employees receive a Positive Test Result on the final test, the City may discipline up to and including termination.
4. Any drug or alcohol testing shall occur during or immediately after the employees' shift and shall be deemed work time for purposes of compensation.

5. Individuals will be sent to an outside clinic or testing facility licensed to perform such tests. Selection of testing facility rests solely with Midway City.
6. For individuals tested under the categories of "Post-Accident", "Critical-Incident Investigation" and/or "Reasonable Suspicion", the employee must be driven to any outside testing facility by the Supervisor or his/her designee. Where there is reasonable suspicion that the employee is using, misusing, or abusing alcohol or substances under this policy, the employee must be put on administrative leave until the results of the test are available. The supervisor shall arrange, or help the employee arrange, to get home without driving him/herself.
7. The City shall pay all costs of testing and transportation associated with testing required by the City. Except as otherwise stated above, any employee failing or refusing to take the test will be subject to termination.
8. Midway City reserves the right to pursue discipline under this policy irrespective of any agreements between the City and the employee or prospective employee as to testing.
9. The City maintains a policy of non-discrimination and will endeavor to make reasonable accommodations to assist individuals recovering from substance and alcohol dependencies and those who have a medical history which reflects treatment for substance abuse conditions. However, employees may not request accommodation to avoid discipline for a policy violation.
10. As a condition of employment, employees and applicants for employment are required to report any arrest or conviction, other than for minor traffic offenses, to Midway City within 48 hours of such arrest or conviction.

### **Prescription and Over the Counter Medications**

Employees may use physician-prescribed medications, provided that the use of such drugs does not adversely affect job performance or the safety of the employee or other individuals. Midway City reserves the right to require that the employee provide written documentation from the prescribing physician that the medication as prescribed will not adversely affect job performance or increase the risk of injury to employees or co-workers. If not provided upon request, Midway City reserves the right to have a licensed physician review and determine if the use of a prescription or over-the-counter drug or medication may adversely affect job performance or increase the risk of injury to employees or co-workers.

The use of any prescription medication that is not prescribed for the employee/applicant, that is obtained unlawfully, or that is not taken as prescribed or in accordance with prescribed instructions is prohibited, as is the abuse of over-the-counter medications.

In accordance with Utah Code Title 26, including 26B-4-207, Chapter 61a or Utah Code section 58-37-3.7, the City shall treat an employee's use of medical cannabis in the same way the City treats employees' use of any prescribed controlled substance except when the

employee's position requires federal funding, federal security clearance, or any other federal background determination required for the employee's position.

### **Discipline**

In the event that an employee tests positive for unlawful controlled substances; tests positive for alcohol; refuses to submit to a drug or alcohol test; attempts to taint, avoid, delay, or circumvent the testing process; is arrested (charged or convicted) on an alcohol or drug related offense; abuses lawful substances in a manner which interferes with work performance or creates a danger to self or others; or violates this policy in some other way, the City will initiate appropriate administrative investigation, and a confirmed violation of this policy may result in discipline up to and including termination of employment, preclusion from employment, and/or removal as a volunteer. Employees are responsible to seek assistance for substance abuse problems before policy infractions occur and disciplinary action is required.

### **Treatment**

Any employee who has a substance abuse or alcohol abuse problem is encouraged to voluntarily obtain assistance through a drug or alcohol abuse treatment program. All such treatment will be at the employee's expense. Employees are strongly urged to seek assistance before usage affects the performance of their job duties. The Human Resource Department may provide information about Employee Assistance Programs, if applicable, or provide information related to coverage for substance abuse treatment programs. Seeking drug or alcohol treatment may be taken into consideration when making decisions related to discipline. The City may, at its sole discretion, based on the particular facts of a given matter, agree to allow an employee to seek assistance through a drug or alcohol treatment program as a condition of continued employment.

### **Confidentiality**

Employee and applicant drug and alcohol test forms, testing procedures, test results, and other records related to drug testing or rehabilitation are confidential and are stored by Midway City separately from other HR and personnel files and in accordance with state or federal laws and regulations. Such information is accessible only by authorized personnel and released on a need-to-know basis and as required or limited by state or federal laws and regulations.

## **13.3 Safety/Housekeeping**

Employees spend a large portion of their time on the job. Midway City does its best to provide a pleasant, clean and safe place to work. As a result, we adhere to all local, state and federal safety laws and principles required of safe working environment.

We require our employees to notify Management if you discover any unsafe work

conditions or malfunction in building equipment/operations. Midway City is committed to correcting any unsafe working conditions as quickly as possible.

Employee on the job safety is a concern to everyone. We ask that Midway City employees help avoid safety hazards, fires, and other safety issues by keeping the following in mind:

- Report any/all unsafe work conditions.
- Be particularly careful/ safety conscience around machinery and power equipment.
- Place trash, scraps and wastepaper in proper receptacles.
- Help prevent fires. Know the location of the nearest fire extinguisher and how to operate it effectively.
- The first person into the office each morning should turn on the office lights and the copiers. The last person to leave the office should make sure that lights, copiers, space heaters, fans and coffee pots are turned off and the doors locked.
- Should emergency care for an employee be needed, call #911; for any first aid needs, use the office first aid supplies or call 911 for emergency care. Report any employee on-the-job medical needs to management.
- Report to management any injuries occurring on the job within 24 hours and complete an injury report form.

In addition to safety, it is quite important that employees maintain a clean, organized workplace. This is important based on the impression we give our visitors and the need to maintain the quality of our facilities and equipment and overall work environment. We ask all employees to:

- Be sure to clean up after yourself both in your work area and common work areas.
- Use recycling containers whenever possible.
- Do not consume beverages and/or food near computer keyboards, telephones or other sensitive equipment. If you do spill something that will affect the performance of the piece of equipment, notify management as soon as possible.
- Take the initiative to refill coffee pots, empty trash, and clean tabletops and dishes.
- Do your part to always keep the kitchen area clean.
- Clean out your refrigerator items daily.

#### **13.4 Equipment Use/ Voice Mail, Email, Fax, Copiers, Computer Systems, Phones**

Midway City's voicemail, email, fax, copiers, computers and electronic mail systems/equipment are designed to assist us to provide better service, enhance our internal communications, reduce unnecessary paperwork and overall improve our collective efficiency. The following policies and procedures govern employee use of this equipment, as follows:

1. Midway City Voicemail System is the property of the City and is not for the private use of our employees. As such, Midway City may access the voicemail system at any time, for any reason and without notice. The Human Resources Director will be

provided all access codes or passwords used by employees that will allow access in case of absences or emergencies. Employees have no expectation of privacy in any data, files or electronic messages. Any electronic mail messages sent and received using City equipment are not private and may be viewed, downloaded, inspected, released or archived by the City at any time. The City has the right to inspect any and all files stored in private areas of the network or on individual computers or storage media.

2. Email, fax, copiers, computer systems and Internet are to be used for Midway City business purposes only, unless permission by management is given to the contrary. Confidential information (i.e. member financial/health information, social security numbers, etc.) should not be sent or transmitted without taking precautions to ensure this information remains confidential. Double check fax numbers, email addresses, etc. prior to sending information to ensure the correct contact information is being used. All copyright laws, ethical rules and other applicable laws must be followed by Midway City employees.

### **13.5 Personal Use of Automated Systems**

Brief and occasional personal use of the electronic mail system or the internet is acceptable if it is not excessive or inappropriate, occurs during personal time (breaks), and does not result in expense to the City. Use is defined as “excessive” if it interferes with normal job functions, responsiveness, or the ability to perform daily job activities. Electronic communication, including telephones, should not be used to solicit or sell products or services that are unrelated to the City’s business; distract, intimidate, or harass coworkers or third parties; or disrupt the workplace.

Personal use of the City’s computers, networks, and internet access is a privilege granted by management and may be revoked at any time due to inappropriate conduct carried out on such systems.

### **13.6 Automated Systems Prohibited Activities**

1. Using the City's automation systems to access, create, view, transmit, or receive data that is racist, sexist, sexual materials, threatening, or otherwise objectionable or illegal is strictly prohibited. Such use violates City policy and is subject to disciplinary action up to and including termination.
2. The City's electronic mail system, internet access, and computer systems must not be used to violate the laws and regulations of the United States or any other nation or any state, city province, or other local jurisdiction in any way. Use of City resources for illegal activity will lead to disciplinary action, up to and including termination and criminal prosecution.



3. It is a violation of City policy for any employee, including system administrators and supervisors, to access electronic mail and computer systems files, including customer records, to satisfy curiosity about the affairs of others. Employees found to have engaged in such activities will be subject to disciplinary action.

### **13.7 Cell Phones**

1. Care and security of assigned City cellular phones will become the responsibility of the employee.
2. The employee may be held financially responsible for any damage/loss due to misuse, abuse or lack of reasonable care.
3. Upon separation from employment, any cellular phones that have been issued to an employee shall be returned to Human Resources before or at the time the separated employee receives his/her/their last paycheck.
4. Personal calls during Midway City work hours should be limited.

### **13.8 Software Licensing**

The City has licensed the use of certain commercial software application programs for business purposes. Third parties retain the ownership and distribution rights to such software. No employee may create, use, or distribute copies of such software that are not in compliance with the license agreements for the software. Violation of this policy can lead to disciplinary action, up to and including termination.

### **13.9 Confidentiality of Electronic Mail**

As noted above, electronic mail monitoring and the release of specific information is subject to applicable state and federal laws and City rules, policies, and procedures on confidentiality. Existing rules, policies, and procedures governing the sharing of confidential information also apply to the sharing of information via commercial software. Employees have no reasonable expectation of privacy in work-related communications, including emails. Employees shall not use work email for non-work purposes.

### **13.10 Electronic Mail Tampering**

Electronic mail messages received should not be altered without the sender's permission; nor should electronic mail be altered and forwarded to another user and/or unauthorized attachments be placed on another's electronic mail message.

### **13.11 Social Media Policy**

**Midway City recognizes that social media has changed the way people communicate with one another and may be used to enhance communication between City government and citizens, particularly those who do not access traditional media sources. The City permits the use of social media to disseminate information and to further the mission of Midway City where appropriate.**

#### **I. PURPOSE**

This Social Media Policy (“Policy”) establishes guidelines for the establishment and use of Midway City (“City”) website(s) and social media site(s), particularly as a means of conveying information to the public.

The intended purpose of the City’s website and social media sites is to disseminate information from the City to the public about the City’s mission, meetings, activities, and current issues. It is not intended to be a public forum for public discourse and exchange of opinions.

The City has an overriding interest and expectation in protecting the integrity of the information posted on its social media sites and the content attributed to the City and its officials.

#### **II. DEFINITIONS**

“Social media site” refers to online platforms that enable users to create and share content and participate in social networking through the internet. Examples of social media include, but are not limited to, Facebook, Twitter, Instagram, YouTube, LinkedIn, Tiktok, and Flickr.

“City social media site” refers to any social media site the City establishes and maintains and over which the City controls postings, except for advertisements or hyperlinks by the social media site’s owner, vendors, or partners. City social media sites may supplement, not replace, the City’s required notices and standard methods of communication. “Posts” or “postings” refers to information, articles, pictures, videos, and/or other forms of communication posted on a City social media site.

“City website” refers to a set of related web pages located under a single domain name registered to and maintained by the City of Midway.

#### **III. GENERAL POLICY**

A. Midway City’s official website at [www.midwaycityut.org](http://www.midwaycityut.org) (or any domain owned by the City) will remain the City’s primary means of Internet communication. City social media sites shall link back to the City’s official website for forms, documents, online services, and other information necessary to conduct business.

B. The establishment of City social media sites is subject to approval by the Mayor or his/her/their designee. Upon approval, the City website and/or social media sites shall bear the name and/or official logo of the City or the appropriate department.

1. Whenever possible, the City website and/or social media accounts should clearly state that such accounts are maintained by the City and the City's Social Media Policy should be displayed to users and/or made available by hyperlink.

2. All City websites and/or social media sites shall utilize authorized City contact information for account set-up, monitoring, and access. The use of personal email accounts or phone numbers by any City employee is not appropriate for the purposes of setting up, monitoring, or accessing a City social media account.

3. The City reserves the right to terminate any City social media account at any time, for any or no reason, with or without notice.

C. The Mayor or his/her/their designee(s) shall be responsible for the content and upkeep of the City website and/or each social media site approved and maintained by the City. The Mayor's Office shall monitor content on the City's website(s) and social media accounts to ensure adherence to both the City's Social Media Policy and the interests and goals of the City.

1. The City's website and/or social media sites may contain links to other sites. These links allow one to leave the City's sites to access other information as a convenience only. Users should be aware that the sites available through these links and the materials one may find are not controlled by the City. The fact that the City makes these links available is not a recommendation, sponsorship, or endorsement by the City of these sites, their content, the site host, or any political, commercial or religious organization, viewpoint or information expressed on these sites. The views and opinions of authors of documents published and/or linked to a City site do not necessarily state or reflect the opinions, policies, or positions of Midway City. Midway City disavows legal responsibility for content contained on another site or for the opinions of individuals posted on any site contacted via a City site.

2. To avoid the perception that Midway City endorses or promotes any private person, business enterprise, or religious practice, the City does not provide direct links to websites or other social media sites that are strictly commercial, political, or religious in nature. It is the City's policy to prohibit the posting of corporate or commercial logos, except logos of Midway City and City-sponsored or controlled boards, commissions, and committees.

3. City website and/or social media sites may contain content including, but not limited to, advertisements or hyperlinks over which the City has no control. The City does not endorse any hyperlink or advertisement placed on City website and/or social media sites by the site's or internet carrier's owners, vendors, or partners.

D. City social media sites shall be used only for communication of City-related information in accordance with the City's mission and shall not be used for personal purposes.

E. City Council Members, Commission Members, Board Members, and /or employees may choose to post and/or comment on various social media sites using their personal accounts, not City accounts, as individuals do not have authority to speak for the Council, Commission, Board or City unless authorized to do so. The content and tenor of online comments and posts should model the same decorum expected during City Council, Commission, Board, and community meetings, and/or as expected from City employees per City policies including, but not limited to, the Employee Handbook.

F. City website(s) and/or social media sites shall adhere to applicable federal, state, and local laws, regulations, and policies.

1. City websites and/or social media sites shall be managed in a manner consistent with the applicable laws. Members of the City Council, Commissions, Boards, and employees in their work capacity shall not respond to, “like”, “share”, "retweet" or otherwise participate in any published postings or use the site or any form of electronic communication to respond to, blog or engage in serial meetings, or otherwise discuss, deliberate, or express opinions on any issue within the subject matter jurisdiction of the body.

2. City websites and/or social media sites are subject to the Utah Government Records Access and Management Act (GRAMA). If the information requested is available on the social media site, referral of the requester to the site may constitute compliance with the request. Content maintained on a City social media site related to City business, including a list of subscribers, posted communication, and communication submitted for posting, may be subject to public disclosure.

3. Records retention for websites and/or social media formats and content shall comply with state law and Midway City policies.

G. City websites and/or social media sites shall comply with usage rules and regulations required by the site provider, including privacy policies.

H. Communication through the City’s website and/or social media sites shall not be considered legal notice to Midway City or its employees or representatives.

I. Midway City strives to insure the accuracy of the information provided on its website and social media sites. However, due to the possibility of unauthorized modification of data, transmission errors, HTML browser incompatibilities, changes made since the last update to the site, or other aspects of electronic communication outside the City’s control, the City does not guarantee the accuracy of information provided on its website or social media sites and is not liable for reliance upon this information. Please contact the City at 435-654-3223 to verify the accuracy of information.

J. Midway City is not responsible for any general, special, direct, indirect, incidental or consequential damages that may arise from the use of or inability to use the City’s website and/or City’s social media sites and/or the materials contained therein regardless of the source of the content or materials.

K. The City reserves the right to change, modify, or amend all or part of this policy at any time.

L. All content created or posted on the City website or a City social media site, as well as all City profile and home pages, belong to the City, not its employees or other contributors.

M. The City reserves the right to deny access to City social media sites to any who violate the Social Media Policy at any time and without prior notice.

#### **IV. AUTHORIZED USE**

A. The Mayor and/or his/her/their designee is responsible for determining who is authorized to use the City website and any social media on behalf of the City and will determine the appropriate level of employee access, which includes identifying what social media accounts, or types of sites, each department or individual is approved to use, as well as defining their respective capabilities: publish, edit, comment or view only.

B. Any employee authorized to post items on the City website and/or any of the City's social media sites shall review, be familiar with, and comply with the website's and/or social media site's use policies and terms and conditions.

C. Authorized employees representing Midway City on the City website and/or social media sites shall conduct themselves at all times in a professional manner in accordance with City policies including, but not limited to, the Employee handbook.

D. Authorized users shall be provided a copy of this Social Media Policy and are required to acknowledge their understanding and acceptance by signing and dating the last page of this document, returning the original copy to the Mayor's office, and retaining a copy for his/her/their records.

#### **V. CONTENT GUIDELINES**

A. The content of City website and/or social media sites shall only pertain to City-sponsored or City-endorsed programs, services, and events. Content includes, but is not limited to: information, photographs, videos, and hyperlinks.

B. All content on the City website and/or social media sites must be provided to the Mayor or his/her/their designee for review and approval before posting.

C. Wherever possible, content posted to the City website and/or social media sites should link back to the City's official website for forms, documents or online services, and other information necessary to conduct business with the City.

D. Any employee authorized to post items on any of the City's website and/or social media sites shall not express his/her/their personal views, opinions or concerns through such postings. Postings on the City's website or social media sites by an authorized City employee shall reflect only the authorized views of the City.

E. Postings shall contain information that is freely available to the public and not be confidential as defined by any City policy or state or federal law.

F. The City should have permission or rights to any content including, but not limited to, photographs and videos, prior to posting to the City website and/or social media sites.

G. City website content and social media site postings and comments containing any of the following forms of content shall NOT be permitted:

1. Any personal information, except for the name(s) of employee(s) whose job duties include being available for contact by the public.
2. Comments not topically related to the posting, including random or unintelligible comments.
3. Comments in support of, or opposition to, political campaigns, candidates, or ballot measures.
4. Solicitation of signatures to petitions or that include links to a petition.
5. Profane language or content, sexual content, pornography, obscenity, or links to any such content.
6. Content that promotes, fosters or perpetuates discrimination on the basis of race, creed, color, age, religion, gender, disability, sexual orientation/identity, political affiliations, citizenship, marital status, military/veteran status, or national origin.
7. Solicitation of commerce including, but not limited to, advertising of any business or product for sale.
8. Conduct or encouragement of illegal activity.
9. Conduct in violation of any federal, state or local laws, rules or regulations.
10. Information that may tend to compromise the safety or security of the public or public systems.
11. Comments on actual or potential legal claims, issues or lawsuits.
12. Defamatory or personal attacks.
13. Comments which may interfere with, inhibit, or compromise law enforcement investigations, police tactics, police responses to incidents and/or the safety of police staff and officers.
14. Content that violates a legal ownership interest of any other party.
15. Anonymous posts, or comments linked to websites or web addresses which do not include identification of the author or links to individuals.

H. Midway City reserves the right to restrict or remove any content it deems to be in violation of this policy and/or any applicable law, rules, or regulations.

I. A comment posted by a member of the public on any City social media site is the opinion of the commentator or poster only, and publication of a comment does not imply endorsement of, or agreement by the City, nor do such comments necessarily reflect the opinions or policies of the City.

J. Comments posted to City social media sites will be monitored and inappropriate content, as defined above, will be removed as soon as possible and without prior notice.

K. The City reserves the right to implement or remove any functionality of its websites and/or social media sites at any time and without prior notice. This includes, but is not limited to, information, articles, pictures, videos, or any other form of communication contained on a City social media site

## **VI. PRIVACY**

Midway City collects no personally identifiable information from its website or social media sites. The City does not create individual profiles for visitors. Please do not send information to the City or post information on City sites that you would not want a third party to read. The City may disclose information if there is a good faith basis to believe the City is required to do so by law or legal process, to respond to claims, or to protect the rights, property, or safety of Midway City and/or its residents. Please be aware that most email will constitute a public record(s) and be subject to disclosure to the public upon request in accordance with Utah law. Please also be aware that when you link to another website, whether independently or through a City site, you are subject to the privacy policies of the new website or social media site, which may differ from that of Midway City. This policy covers Midway City's treatment of personally identifiable information collected when you visit the City's website or social media sites, only. This policy does not cover information collection on other sites, including those linked to or from the City's website or social media sites.

### **13.12 Policy Statement for Internet Browser(s)**

The internet is to be used to further the City's mission, to provide effective service of the highest quality to the City's customers and staff, and to support other direct position-related purposes. Supervisors should work with employees to determine the appropriateness of using the internet for professional activities and career development. The various modes of internet/intranet access are City resources and are provided as business tools to employees who may use them for research, professional development, and work-related communications.

### **13.13 Employee Liability**

1. Employees may be individually liable for any and all damages incurred as a result of violating City security policy, copyright, and licensing agreements.
2. All City policies and procedures apply to employee's conduct on the internet, especially, but not exclusively, relating to: intellectual property, confidentiality, City information dissemination, standards of conduct, misuse of City resources, anti-harassment, and information and data security.

### **13.14 Employee's Personal Electronic Equipment**

Employees should not bring their own computers or other electronic devices to the workplace or connect them to the City's computer system, network or automation system, unless expressly permitted to do so by the Mayor. Any employee bringing his/her/their computers or other electronic devices onto the City premises thereby gives permission to the City: (a) to inspect the employee's personal computers or other electronic devices at any time as if the computer or other electronic devices were owned by the City, and (b) to analyze any files, other data, or data storage media that may be within or connectable to the employee's computers or other electronic devices. Employees who do not wish such inspections to be done on their personal computers or electronic devices should not bring such items to work at all.

Violation of this policy, or failure to permit an inspection of any device covered by this policy, shall result in disciplinary action, up to and possibly including immediate termination of employment.

### **13.15 Contact with the General Public**

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

### **13.16 Dress and Hygiene Standard**

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.



### 13.17 Government Employee Protection

Pursuant to Utah Statutes Annotated Section 67-27-105, a City employee may request to be relieved from performing a task that conflicts with the employee's sincerely held religious beliefs if the employee complies with the statute and relieving the employee from the task would not impose an undue hardship on the City as such terms are defined by statute.

The request process under this policy is as follows:

1. As soon as practicable, but not more than two (2) days after the day on which the employee receives the assignment to perform the task, the employee submits a written request to his/her/their Supervisor providing an explanation as to why the task would conflict with his/her/their sincerely held religious beliefs or conscience and shall provide the City with a reasonable opportunity to respond and/or address the employee's concerns.
2. The City shall respond to the request as soon as practicable and at least five (5) days before the day on which the task at issue is required to be performed. The City and employee may agree in writing to waive or extend this timeframe.
3. The request will be granted if (i) performing the task would conflict with the employee's sincerely held religious beliefs or conscience; (ii) the employee has complied with all procedural requirements; and (iii) relieving the employee from the task would not impose an undue hardship on the City.
4. For purposes of this provision, "undue hardship" means "a substantial burden, privation, or adversity" on the City that would result from granting an employee's request to be relieved from performing a certain task when considering all relevant factors, including: (i) the practical impact on the City in light of the nature, size and budget of the City; (ii) The disruption to the City's operations; (iii) the nature of the employee's duties; (iv) the number of employees the City will be required to grant a request to if the City grants the request; (v) the type of workplace; and (vi) the number of requests by the employee in the preceding 12 months from the day on which the employee submitted the request.
5. The request may be denied if (i) the task at issue is part of training or safety instruction directly related to the employee's employment; (ii) granting the request would result in a deficit in the amount of work for which the employee is compensated; (iii) granting the request would create a conflict with an existing legal obligation and the City cannot avoid the conflict if the request is granted; (iv) the employee is a first responder and the task at issue involves protecting the safety of the public; or (v) the asserted religious beliefs or conscience is being asserted for an improper purpose.
6. If the request is denied, the City shall include (i) an explanation of the City's decision and why (a) granting the request would impose an undue hardship on the City or (b) the City is not required to grant the request for a reason described above; and (ii)

advising that the employee may appeal the decision in accordance with the City's grievance procedure set forth in Section 12 of this Handbook. Upon exhaustion of the internal grievance procedure, an employee may seek redress in court pursuant to Utah Statutes Annotated Section 63-27-105(6)

## **Section 14. Health and Safety**

### **14.1 Safety**

The health and safety of employees and others on City property are of the utmost concern. It is the policy of Midway City to maintain the highest possible level of safety in all activities and operations. Our goal is to comply with all health and safety laws by encouraging all employees to make every reasonable effort to keep public and work areas free of hazardous conditions.

It is the responsibility of each employee to work safely and do all that is possible to prevent accidents or injuries. Every worker is expected to report unsafe conditions, think before acting, and consciously take care to avoid unnecessary risk.

### **14.2 Traffic Accidents**

Employees involved in a traffic accident while on duty are required to notify the Local Police, County sheriff, or Highway Patrol to secure a formal report of the accident. It is the employee's responsibility to secure the names and addresses of any witnesses in addition to requesting the other party to prepare a statement to be written and delivered to the Human Resources Director. Notification to the supervisor, the proper accident reports and related information, should be expedited to enable the timely filing of insurance claims.

### **14.3 Accidents on City Property**

All accidents on City property resulting in personal injury or property damage involving the general public must be accurately and comprehensively documented. In the event of personal injury, employees on the scene should make every effort to make the injured person comfortable; if deemed necessary, an ambulance should be requested as soon as possible.

### **14.4 Assisting Employees Who Become Ill at Work**

The health and well-being of employees is important to the City of Midway. Employees who become ill at the workplace should be attended to immediately. If the employee's condition requires immediate medical attention, he/she/they should be taken to a physician or hospital of his/her/their choice or call 911 if it is a serious life-threatening situation.

If immediate medical attention is not required, a supervisor should call the employee's emergency telephone number in an attempt to have the employee transported home. If

transportation is not obtained, a supervisor will transport the employee to his/her/their residence.

Employees who become ill at work will not be permitted to operate any equipment or vehicle.

#### **14.5 Use of City Vehicles**

City owned vehicles are to be used for official business purposes only. An employee authorized to drive a City vehicle must have a current Utah driver's license, or in the case of heavy equipment operators, and public works employees, a valid Utah Commercial Driver's License (CDL). The City has the right to require additional endorsements to the CDL as the position may require. Before being authorized to drive a City vehicle, employees must provide their driver's license to the Human Resources Director and undergo a Motor Vehicle Record (MVR) check. No employee under the age of 17 will be allowed to drive a City vehicle or piece of equipment. Employees must be a minimum of 18 years old in order to tow a trailer or operate certain types of equipment. Employees operating City vehicles will be expected to obey Utah state law and City ordinances at all times. Employees who operate City vehicles are required to notify their supervisor within one (1) day if they receive a citation for driving under the influence or have had their driver's license suspended or revoked for whatever reason. Employees must receive approval from their Supervisor before driving a vehicle home.

City employees are normally expected to use a City vehicle for transportation needs while performing City business. If a City car is not available, or if circumstances are such that it is not practical to use a City vehicle, the manager or Mayor may approve the use of a personal vehicle and authorize reimbursement to the individual for such use. Reimbursement shall be at the current IRS mileage reimbursement rate.

Fuel purchased for Midway City vehicles will be done using the vehicle's fleet card at a designated location and the receipt turned into the City offices.

Use of tobacco/smoking/vaping is prohibited in all City vehicles.

#### **14.6 Driver Safety**

To minimize the risk of city vehicular accidents involving city employees, the City strives to improve the quality of driving skill by permitting only those persons with safe driving records who are physically capable to operate vehicles or equipment in the performance of their duties.

Employees who operate a city vehicle/equipment or their personal vehicle as a part of their job duties must be 17 years or older and have a current valid Utah State driver's license required for the type of vehicle to be operated.

A person shall not be allowed to operate any City vehicle if he/she/they has/have:

- a. Had three moving violations or one DUI conviction in the preceding 24-month period. (This includes all driving, i.e., city vehicle, private and other vehicles);

- b. Lost, or loses State of Utah driving privileges by reason of revocation, suspension, withdrawal or denial of license to drive. When the driving license is renewed, the person may again apply for a city operator's permit.

The City's Human Resources Director should be contacted as soon as possible and at least within 72 hours after the incident or as soon as possible. An Accident Report form must be completed.

City employees who witness an accident or who are at an accident site should not speak on behalf of the City regarding responsibility for any loss sustained.

Employees of the City are expected to:

Follow all safety regulations, posted signs, job training and operating procedures established by the City. This includes specific departmental or division safety rules, wearing prescribed safety equipment, safety apparel, and proper work clothing. Immediately report accidents and injuries, regardless of how minor, to a supervisor. Immediately report all unsafe conditions, equipment, unsafe acts, fire or suspicion of fire to a supervisor. Maintain work areas and the facility in which employees work, in a clean, healthful, and sanitary condition and not commit unsanitary or unhealthful acts. Abide by all rules governing the movement of traffic, speed, and parking. Properly display any vehicle I.D. numbers that may be required on City equipment. Smoke only in authorized areas; consume food and beverage in designated areas only.

## **14.7 Fleet Safety Rules**

### **Driver Safety Rules**

1. All employees operating City equipment shall comply with the Utah Motor Vehicle Regulations.
2. Drivers shall carry their State driver's license at all times while operating motor vehicles. Licenses must be proper classification for the vehicle driven.
3. Safety belts shall be worn at all times by all drivers and passengers where seat belts are provided.
4. Drivers shall not consume alcoholic beverages, illegal drugs or medication that may affect driving ability, prior to, or at any time while on duty.
5. When backing vehicles, there must be a clear view of the area immediately to the rear. In vehicles without rear window visibility, the driver shall get out of the vehicle and inspect the area to the rear before backing. If a second employee is available, this person shall serve as a guide to back up the driver.
6. Employees who operate motor vehicles, either regularly or occasionally, are required to report any license revocations or suspensions immediately to their supervisor.
7. Reckless or unsafe operation of City vehicles is not permitted. This rule shall also apply to private vehicles operated on city property.

8. The maximum speed within the shop bay, on lots and at other City properties is 10mph, unless otherwise posted.
9. Vehicle engines shall not be operating when adding any fuel or engine oil to the vehicle.
10. Employees shall not board or alight from any moving vehicle.
11. Employees shall not ride on the running boards of any vehicle.
12. Riding on the side, toolbox, tailgate or roof of any vehicle, or in the back of a truck bed, when a vehicle is in motion are not allowed.
13. In pickup trucks, riders shall always sit in the front cab.
14. During periods of limited visibility, or any time that windshield wipers are in use, headlights shall be turned on. The exception to this is any law enforcement vehicle under specific circumstances.
15. Trailers shall be fastened to hitches, and safety chains shall be secured, as required by state law, before moving vehicles.
16. All items to be transported by truck or trailer, which have the potential to move around during transport, shall be secured.
17. No more than three persons shall ride in the front seat of any vehicle. Where there are only two single seats, there shall be only one person per seat.
18. Except in restricted areas on City property, no City vehicle shall be left unattended with the key in the ignition.
19. All City vehicles, parked on the street, except for emergency vehicles, shall be locked when not in use.
20. Employees are responsible for all traffic citations while operating City vehicles.
21. City vehicles without a handicapped permit shall not be parked in handicapped parking spaces.
22. City employees only can ride in City vehicles. No family members of employees can ride in City vehicles.
23. All repair or damage issues shall be reported immediately to the Department Supervisor or designee.
24. Drivers are responsible for the care and general maintenance of City vehicles under their control or assigned to them. This includes frequent checking of the oil and other fluids, lubrication levels, tire pressure, and prompt reporting of problems.
25. Drivers shall maintain a responsible degree of cleanliness of both the interior and exterior of assigned vehicles. Failure to do so may result in disciplinary action.
26. Each time a City vehicle is refueled using a Fuel Card, the driver/operator will accurately enter odometer/hour meter readings. If an incorrect reading is entered, the driver/operator will notify the Department Supervisor of the correct readings. If no notification is given, a warning will be issued for the first offense. A second or subsequent offense may result in disciplinary action. Fuel Cards are to be left in the

assigned vehicle. Fuel Cards are to be accurately used for City fleet vehicles only. They are not to be used for personal use under any circumstances.

27. Fuel Receipts using Fuel Cards must be turned into the City Treasurer's office daily. If an employee fails to obtain receipt, the City Treasurer and Supervisor must be notified.
28. Drivers will not allow an unattended vehicle to idle excessively, except as required for safety reasons or operation of auxiliary equipment.
29. Unattended City vehicles shall be locked at all times.

## **14.8 Vehicle Emergency Procedures**

When it is necessary to stop on a highway or city street in case of an emergency, use extreme caution:

1. Warning signals and lights shall be used.
2. Rotating beacon(s) shall be used, if the vehicle is so equipped.
3. Emergency flashers shall be used.
4. Flares, fuses, warning flags, reflector triangles or other emergency equipment shall be used to give adequate advance warning, where applicable for commercial vehicles.

## **14.9 Incident Review Board**

### **A. Purpose**

The purpose of this policy is to establish an Incident Review Board (IRB) and to review all vehicle and equipment accidents/incidents that occur in the course and scope of conducting City business. All vehicle and equipment accidents/incidents that involve property damage or personal injury will be reviewed by the IRB to determine the degree of preventability and any disciplinary action to be taken.

### **B. Scope**

This policy applies to all City employees, including part-time employees and temporary employees who drive City vehicles or use City equipment on City business.

### **C. Policy**

The City of Midway shall establish an Incident Review Board (IRB) consisting of the Mayor, Risk Manager, Human Resources Director, and the employee's Supervisor. A quorum of a Board consists of at least 50 percent of its members.

The Risk Manager is responsible for collecting any police reports, accident report

forms, employee statements, witness statements, pictures and diagrams for each of their designated cases, as well as history of previous incidents from Human Resources Director.

The Incident Review Board may request additional information from the employee, the investigator, or the department if, in its opinion, it would be material in the classifying of a particular accident/incident.

#### **D. Procedures**

Rules for reporting and reviewing on the job accidents/incidents:

1. All vehicle accidents and equipment incidents that involve property damage or personal injury will be reviewed by the IRB to determine the degree of preventability and recommended disciplinary action to be taken.
2. Employees who have a vehicle accident while in the course and scope of their employment are required to immediately notify their Supervisor who in turn will contact the following: jurisdictional law enforcement as required by law, the Risk Manager, and Human Resources. The employee shall be responsible for completing the employee statement form.
3. Employees shall provide the Risk Manager a detailed written statement, photos and/or a diagram giving their explanation of the accident. Statements from witnesses to the accident may also be included.
4. On the job vehicle accidents involving a fatality or serious injury involving hospitalization will not be reviewed by the IRB. Accidents of this nature will be reviewed by the City's insurance carrier and City Attorney.
5. The Risk Manager will notify employees in writing, through their Department Supervisors, of the decision regarding classification, points assigned, or disciplinary action recommended up to and including termination.
6. The employee and any witnesses may be required to meet with the Incident Review Board.

#### **E. Voting**

After examination of all required material submitted (police report, employee statement, witness statements, etc.) and full discussion, the IRB will vote to classify the accident/incident. A majority of votes cast shall determine the findings of the IRB and recommended disciplinary action.

#### **F. Appeal procedure for classification or disciplinary action**

The purpose of the Incident Review Board (IRB) appeal process is to allow the employee to appeal a decision of a Department Supervisor.

1. Upon receiving notice of the action of the IRB, employees have ten (10) calendar days to serve notice of appeal of the Board's decision to the Risk Manager in writing. The employee will then be notified of the date and time scheduled for the



appeal.

2. The City Council will act as the Appeal Board and its decision will be final.

### G. Description of Vehicle/Equipment Accidents

Class	Description
Non Preventable	Accidents where it can be determined that the accident/incident was clearly and absolutely beyond the control of the employee.
Preventable/ Mitigating	Accident/incident where preventability can be divided among the employees concerned or where some responsibility rests with persons or things other than the employee, i.e. weather.
Preventable	Accidents where there is doubt as to whether the employee took reasonable action to prevent the accident/incident despite the actions of others or adverse conditions.
Preventable/ Reckless	Includes all accidents in which it is determined that the responsibility rests entirely on the employee. The employee took no action to prevent or avoid the accident/incident and/or the accident/incident resulted in personal injury and/or property damage.
Minor Property Damage	Less than \$750 – may require reimbursement to the City
Property Damage	Between \$750 and \$3250 – may require reimbursement to City
Major Property Damage	More than \$3250 – may require reimbursement to the City

## **Section 15. City Equipment**

### **15.1 General**

As a public employer and as public employees entrusted with the responsibility of administering public funds efficiently, the City of Midway and its employees must ensure that equipment is utilized in a cost effective and responsible manner for the purpose of providing efficient services to the citizens of Midway. Accordingly, all City equipment is subject to management controls as it is used or maintained by employees.

### **15.2 Distribution of Policy**

All Department Supervisors are responsible for creating and distributing any specific procedures to be applied to his/her/their department regarding the duties, functions, and accountability of his/her/their respective departmental employees and their responsibility for City equipment in their care, control, or custody and for properly training all personnel who are entrusted with City equipment.

### **15.3 Definition of Equipment**

For purposes of this policy, *equipment* is defined as any possession owned, maintained or controlled by the City of Midway and entrusted to a City employee. Equipment as defined in this policy does not include real property, nor does it include consumable items. Consumable items are defined as any possession owned, maintained or controlled by the City that does not have an estimated useful life of more than one year and has a replacement value of less than \$250.

### **15.4 Employee Liability for Loss or Damage to Equipment**

In order to manage the City's resources wisely and be fiscally responsible, all employees shall be liable for any loss, damage or destruction of equipment under their care, custody or control if the loss, damage or destruction results from the employee's gross negligence, intentional act or failure to exercise reasonable care to safeguard, maintain and obtain appropriate service for the equipment. The determination of an employee's liability for loss, damage or destruction will be made by the Department Supervisor in conjunction with an appropriate investigation into the actions that resulted in the loss, damage or destruction. Employee liability may be reviewed by the Incident Review Board. No claim for loss, damage or expense shall be allowed unless within 60 days after it is sustained or incurred, and written notice of the claim is served upon the employee by the Human Resources Administrator.

### **15.5 Employee Responsibility**

All employees are responsible for using City equipment exclusively for City purposes and to exercise reasonable care for its safekeeping. The term *reasonable care* means that, at a minimum, steps must be taken to:

1. Maintain the equipment in an acceptable manner;
2. Ensure the security of the equipment; and
3. Ensure that equipment can be located at any time requested;

At no time may equipment be used for personal benefit or personal gain.

### **15.6 Maintenance, Operation and Security of Equipment**

The Department Supervisor shall be responsible for distributing maintenance procedures, schedules or checklists to their respective employees regarding all departmental equipment. Employees shall adhere to and observe all maintenance procedures, schedules and checklists to ensure that such equipment is operated safely and appropriately at all times.

As a precaution, all employees shall ensure that liquids and food items remain a safe distance away from all electrical equipment, including but not limited to personal computers, keyboards, calculators, storage media, and communications equipment.

Small equipment shall not be left unattended, even for short periods of time. If such equipment is not being used, it shall be adequately secured. All materials and equipment shall be put away at the end of each working day or returned to their place of safekeeping.

### **15.7 Duty to Report**

All Midway City employees are required to notify the Department Supervisor or designee immediately upon discovering that any equipment is lost, damaged, or destroyed. The Department Supervisor is to make a written report to Human Resources if a written reprimand is made or reimbursement is required.

### **15.8 Duty to Investigate**

If a Department Supervisor has reasonable cause to believe that any City equipment is missing, damaged, or destroyed through the gross negligence, intentional act or failure to exercise reasonable care by an employee, the Supervisor shall immediately initiate a formal investigation to determine the status of the equipment and submit a written report to Human Resources Administrator. This investigation must include, but is not limited to the following:

1. Request to employees for any information known concerning the equipment;
2. Conduct a search of the department;
3. Identify the person responsible for the equipment;
4. Identify the date and place the equipment was last seen;
5. Identify the manner in which the loss, damage or destruction occurred;
6. Determine if prescribed procedures were adequate to safeguard the equipment;
7. Recommend any revisions in procedures that might be required to assist in preventing future losses, damage, or destruction of the same type; and
8. Recommendation as to whether an individual or individuals should be held financially accountable.

### **15.9 Reimbursement for Equipment**

If an employee is found by the Department Supervisor to have been responsible for loss, damage, or destruction to equipment as a result of the employee's gross negligence, intentional act, or failure to exercise reasonable care to safeguard, maintain and service the equipment, such employee may be required to reimburse the City for the loss, damage, or destruction to the equipment.

The Human Resources Director may recover such reimbursements from the employee via payroll deduction until the employee's reimbursement obligation is fully satisfied, subject to Fair Labor Standards Act which provides a complete exemption from minimum wage and overtime for a nonexempt employee, at a rate not to exceed ten percent of the employee's salary per pay period. The Human Resources Director is further authorized to deduct the full amount of any unpaid reimbursement obligation from the employee's final paycheck if the reimbursement obligation is not fully satisfied on the date of the employee's separation from employment with the City.

### **15.10 Determination of Reimbursement**

To determine the amount of loss, damage, or destruction, factors such as original acquisition value, age, condition, cost of recent repairs, and estimated fair market value prior to loss, damage, or destruction shall be considered. In determining the reimbursement obligation of an employee as a result of loss, damage or destruction to equipment, the Department Supervisor shall factor in the degree of culpability of the employee based on the severity of the employee's actions and whether these actions were the result of an intentional or grossly negligent act. The Department Supervisor shall be required to document in writing all value determinations of equipment, along with the factors utilized in determining the reimbursement obligation of an employee as a result of loss, damage, or destruction to equipment. All value determinations shall be attached to the written request submitted to the Human Resources Director by the Department Supervisor requesting employee reimbursements via payroll deduction.

### **15.11 Appeal Rights**

All findings of the Department Supervisor regarding reimbursement liability may be appealed to the Incident Review Board in writing within five (5) workdays of such departmental notification to the employee.

### **15.12 Disciplinary Action**

All employees shall be subject to disciplinary action in conformance with the provision in this manual for the loss, damage, or destruction to equipment as a result of the employee's gross negligence, intentional act, or failure to exercise reasonable care to safeguard, maintain, and service the equipment.

In addition to any disciplinary action imposed for conduct related to the loss, damage, or destruction to equipment, if the employee does not discharge their reimbursement obligation to the City, such failure shall serve as grounds for disciplinary action.

## Addendum - Definitions

The following definitions shall apply throughout these policies and procedures, unless context clearly requires another meaning.

**Allocation (of position):** The official establishment of a position by an office/department, upon approval of the City Council, to hire an individual to perform a specified job as defined by a job description and assigned to an established pay range.

**Classification or Class:** A group of positions sufficiently similar in respect to duties performed, degree of supervision exercised or required, minimum requirements of training, experience, or skill, and other inherent characteristics that the same title and the tests of fitness may be applied to each position in the group.

**Classification Plan:** A plan for the internal valuation of all positions in the City with an appropriate title, pay grade and pay range.

**Class Specification (also job description):** A description of the duties and responsibilities of each class of position within the City, and minimum qualifications required for the class of position including training and experience and other qualifications.

**Compensation Plan:** An approved salary scale for the City, including initial, intervening and maximum rates of pay for each class of position.

**Compensatory Time:** Time off of work awarded in lieu of pay or time off for hours worked in excess of the 40 hour week.

**Demotion:** A reduction in grade of an employee, for cause such as inefficiency, or for disciplinary reasons, from one position to another, either within the same class or to a different class having a lower entrance salary with a corresponding lowering of the employee's salary.

**Department:** A service area or function of the City established by statute or ordinance which comes under the direct authority and supervision of the Mayor.

**Department Supervisor:** An position of the City to plan, organize, direct and manage a service or function established by statute or ordinance which comes under the direct authority and supervision of the Mayor.

**Discrimination:** Action taken against an employee because of political or religious opinions or affiliations or because of race, national origin, sex, or any other non-merit fact.

**Dismissal:** The termination of employment of an employee.

**Elected Official:** An individual chosen by the public to plan, organize, direct and manage

statutorily established political function of the City.

**Eligible:** An individual who is qualified for a position, benefits or privileges in the City under the provision of these policies and procedures.

**Employee, Exempt:** An employee hired to fill exempt positions serve “at will” of the City Council and may be terminated with or without cause at any time during the duration of their employment.

**Employee, Non-Exempt:** Any person in the employ of the City who is hired in accordance with the provisions of these policies and procedures, and whose status cannot be affected, except for cause or reduction-in-force after achieving regular status and are covered under the Fair Labor Standards Act.

**Job Description:** A written statement describing the duties of a particular position within an office/department and the minimum requirements to perform them.

**Minimum Qualifications:** The requirements for training and experience, and other qualifications, to be measured by written and/or oral examinations, or by performance tests and prescribed for a given class in the job specifications. Applicants with fewer than the stated minimum qualifications are deemed ineligible or unqualified.

**Orientation Period:** An “at will” period of six (6) months of regular employment or equivalent beginning with the date of appointment. The orientation period is considered the final step in the selection process prior to achieving regular employment status.

**Permanent part-time employee:** An employee who is hired to work more than twenty (20) hours per week, but less than thirty-two (32) hours per week for a minimum of 120 days.

**Position:** An office or employment in the City (whether part-time or full-time, temporary or regular, occupied or vacant) composed of specific duties.

**Promotion:** A change in status of an employee from a position in one class to a position in another class having higher entrance salary or pay grade.

**Reassignment:** A change in classification of an employee, for administrative or other reasons not included in the definition of “demotion”, from a position in one class to a position in another class normal having a lower entrance salary which could result in a reduction in salary.

**Reclassification:** A change from one classification to another classification (either higher or lower) having a different job specification without a reduction in salary.

**Regular Employee:** An employee whose continued retention has been approved by the Supervisor and/or Mayor at the completion of an orientation period, either as a full-time or permanent part-time employee.

**Reinstatement:** The resumption of employment of an employee who has been on leave of absence

with or without pay.

**Resignation:** The termination of employment at the request of the employee.

**Retirement:** The status of an individual who has become eligible, applies for, and is entitled to receive an allowance under this Title 49-11-101 of the Utah Code Annotated (known as the "Utah State Retirement and Insurance Benefit Act.")

**Salary Increase:** An increase in salary of one or more steps within a grade of the compensation plan.

**Series:** A group of positions similarly classified as to title and duties, but with graduations in minimum qualifications and salary rates consistent with the degree of responsibilities.

**Suspension:** A forced leave of absence without pay for a period.

**Transfer (Inter-departmental):** A move from one City office/department to another. This should not be confused with managerial functions of moving personnel from one section to another within the same office/department by promotion, demotion or reassignment.

**Worked Hours:** The time spent working. Does not include vacation time or sick days. Holiday hours are considered hours worked.





# Midway

## **Human Resources Policies and Procedures Manual**

Amended and Adopted 07/01/2020

The information in this manual is not intended, nor should it be interpreted, to grant or impose any contractual or other obligation upon any employee, or upon the City of Midway. This handbook as a whole is not all-inclusive and contains only general statements of the employer's policies. All provisions may be modified at the employer's discretion, in accordance with applicable law.

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# MIDWAY CITY

## HUMAN RESOURCES

### POLICIES AND PROCEDURES MANUAL

#### Section 1. Introduction

##### 1.1 Vision Statement

Our vision for the City of Midway is to be a place where citizens, businesses and civic leaders are partners in building a city that is family-oriented, aesthetically pleasing, safe, walkable and visitor friendly. A community that proudly enhances our small town Swiss character and natural environment, as well as remaining fiscally responsible.

##### 1.2 Mission Statement

The mission of the City of Midway is to create a positive lifetime difference, enhance the quality of life, promote the safety and well being of our residents and visitors while honoring our heritage and preparing for the future.

##### 1.3 Core Values

***Integrity*** - actions are based on honor - to create ethical character and a positive reputation.

***Teamwork*** - a process built upon common focus, flexibility, cooperation, communication, and the sharing of risk, responsibility and reward.

***Innovation*** - demonstrating a civic entrepreneurial spirit by generating new ideas and better ways of doing things and engaging in reasonable risk.

***Respect*** - the obligation to treat all with civility by listening, comprehending, empathizing, and valuing opinions and perspectives.

***Responsive Customer Service*** - meeting needs in a timely, courteous, and responsive manner by delivering on promises and commitments while meeting or exceeding expectations.

***Trust*** - actions, information and communication are accurate, consistent, open and honest to maintain credibility.

***Honor*** - respect and preserve our heritage.



## **1.4 Purpose of Manual**

The policies and procedures relative to the human resource activities for Midway City are set forth for a dual purpose:

1. To give Midway City employees clear, concise information as to their rights, privileges, obligations and responsibilities.
2. To provide Midway City management and Midway City Council direction in dealing fairly, consistently and justly with all employees.

The contents of this Manual are for informational purposes only and are not intended to create a contract, nor do they constitute contractual obligation of any kind or a contract of employment between Midway City and its employees. The Manual provisions have been developed at the discretion of the City Council and, except for its policy of employment at will for appointed and elected officials, may be amended or canceled at any time at Midway City's sole discretion.

## **1.5 Assignment of Responsibility**

The Mayor, City Council and employees are responsible for recommending human resources policies and procedures for Council approval.

## **1.6 Applicability of Policies and Procedures**

The policies and procedures, rules and regulations of this document shall apply to all employees of Midway City, except where specifically excluded. These policies and procedures do not apply to persons engaged under contract to supply professional or technical services, or volunteers who receive no or nominal compensation from Midway City except where noted.

## **1.7 Violations**

Violation of any state or federal law, personnel policy, rule or procedure adopted hereunder shall be grounds for disciplinary action up to and including termination following proper procedures. Also any suspicion or knowledge of any violation of state, federal laws, personnel policy, rule or procedure must be reported in a confidential manner to the direct supervisor, Human Resources or Mayor.

## **1.8 Standards**

The human resources standards subscribed to by Midway City shall conform to the following:

1. Recruit, select and advance employees on the basis of their business/professional competencies (current potential, knowledge and skill, commitment and required behaviors).

2. Provide competitive compensation based on Midway City's ability to pay.
3. Provide training to employees to assure high quality performance to justify reasonable performance standards.
4. Retain employees on the basis of prescribed performance standards, correcting unacceptable performance in a timely manner, and terminating employees whose performance continues to not meet Midway City's standards.

Assure non-discrimination for applicants and employees in all aspects of employment.

5. Provide a formal procedure for processing the appeals and grievances of employees without discrimination, coercion, restraint, or reprisal.

## **1.9 Availability and Revision of Manual**

The policies and procedures in this Manual are subject to change at any time by the action of the Midway City Council. Employees will be notified in writing of changes to any and all policies and procedures in this Manual. A copy of the Manual shall be made available to all Midway City employees. If you have a question that cannot be answered by the Manual, we require that you ask Midway City management.

## **1.10 General Conduct**

The very nature of this municipality makes employee relations one of the most important aspects of the job. The quality of our interactions impacts all employees of Midway City and the public perceptions of Midway City as a whole. Employees are to take every opportunity through the course of performing their jobs to create "good will" with the public. Employees are required to be courteous and show understanding in spite of the difficulty of situations that may arise. Management will investigate reports of a negative nature, and disciplinary actions could result.

1. Employees are expected to apply themselves to their assigned duties for which they are being compensated.
2. Employees are expected to make prudent and frugal use of Midway City funds, equipment, buildings and supplies.
3. Employees are expected to observe all work place rules.
4. Employees are to report conditions or circumstances that would prevent them from performing their job effectively or completing assigned tasks to their management.
5. In order to maintain a professional atmosphere and appearance, all employees including those who wear uniforms, shall maintain the following minimum standards:
  - a. Employees must maintain a high standard of personal hygiene. Employees must

- appear neat and clean and have no offensive odors. An employee's hair (including facial hair) must be clean and groomed.
- b. Employees must wear clothing appropriate to their employment. Appropriateness may vary, depending upon the nature of work performed, safety concerns, and the degree of public contact.
  - c. Employees must wear clothing that is clean and neat, and not torn or frayed. Employees must avoid clothing that is unduly revealing, immodest, or otherwise inappropriate for a professional office setting or other work environment.
  - d. In addition to the above, all employees shall meet department dress and appearance policies.
6. All employees in all departments are to treat equipment they use with respect and good common sense, keep equipment in good working order and report any damages or malfunctions to their supervisor.
7. Employees are also expected to have a courteous helping attitude towards each other.

### **1.11 Equal Employment Opportunity and Non-Discrimination Statement**

Based on Midway City's current employment numbers, we are not required to meet certain legal equal employment opportunity requirements. However, we want our employees to understand that we do not conduct our operations in a manner that discriminates against others.

Our commitment to non-discrimination applies to all areas of employment including recruitment, hiring, training, promotion, compensation, benefits, transfer, and social and recreational programs. Non-discrimination applies also gender, race, color, religion, national origin, ancestry, age, physical disability, mental disability, medical condition, pregnancy, childbirth, marital status, sexual orientation. It is the responsibility of each member of Midway City management to consciously and consistently follow this commitment.

### **1.12 Harassment**

#### **1.12.1 Harassment**

Midway City is committed to the belief that all employees have the right to work in an environment that is free from discrimination and harassment. The City strictly prohibits harassment of or by its employees in any form. All employees at all levels of employment with the City must avoid offensive or inappropriate harassing behavior, and the City holds employees responsible for ensuring that the workplace is free from harassment. Employees should at all times treat other employees with respect, with dignity, and in a manner so as not to offend the sensitivity of their co-workers. The City is committed to the vigorous enforcement of its harassment policy at all levels of employment and in all City workplaces.

### 1.12.2 Sexual Harrassment

The City bases its policy on the Equal Employment Opportunity Commissions definition of sexual harassment, which is:

Unwelcome sexual advances, requests for sexual favors, and other verbal or physical conduct of a sexual nature when (1) submission to such conduct is made either explicitly a term or condition of an individual's employment; (2) submission to or rejection of such by an individual is used as the basis for employment or decisions affecting such individuals; or (3) such conduct has the purpose or effect or unreasonably interfering with an individual's work performance or creating an intimidating, hostile, or offensive working environment.

Specifically, the City prohibits conduct that may include, but is not limited to, the following:

1. Unwelcome sexual advances
2. Requests for sexual favors, whether or not accompanied by promises or threats with regard to the employment relationship.
3. Other verbal or physical conduct of a sexual nature made to an employee that may threaten or insinuate, either explicitly or implicitly, that an employee's submission to or rejection of the sexual advances will in any way influence any personal decision regarding that person's employment, evaluation, wages, advancement, assigned duties, shifts, or any other condition of employment or career development.
4. Harassment of women by men, men by women, or same sex harassment.
5. Any verbal or physical contact that has the purpose or effect of creating an intimidating, hostile, or offensive working environment.
6. Other sexually harassing conduct committed in the workplace by supervisors or non-supervisory personnel, whether physical or verbal.
7. Sexually degrading words to describe an individual, offensive comments; off-color language or jokes; innuendoes, and sexually suggestive objects, books, magazines, photographs, cartoons, pictures, emails or faxes.

Such conduct may result in disciplinary action, up to and including termination.

Employees who have complaints of harassment or sexual harassment by anyone in the workplace, including supervisors, co-employees, or visitors, are urged to report such conduct to their supervisors/managers who will report the incident to the Mayor, so that the City may investigate and resolve the problem. If the complaint involves an employee's supervisor or someone in the direct line of supervision, or if the employee for any reason is uncomfortable in dealing with his/her supervisor, the employee may go directly to the Mayor or City Attorney.

The City endeavors to investigate all complaints as expeditiously and professionally as possible. Where investigation confirms allegations of harassment, the City shall take appropriate corrective action, the harassing employee will be subject to disciplinary

action up to and including termination. If the harassment has come from a person outside Midway City, corrective action will be taken after consultation with the Midway City Attorney and the responsible outside party/organization.

If after careful investigation, the City is unable to confirm an allegation of harassment, the City may transfer an employee to a new location where the employee will not have any contact with the alleged harasser.

To the extent possible by regulation or law, employees will be apprised of the investigation process and the conclusion of the investigation.

The City makes every attempt to keep confidential the information provided to it in the complaint and investigation process, to the fullest extent permitted by the circumstances. Retaliation against employees for reporting harassment or for assisting the City in its investigation of a complaint is against the law and is not permitted. Retaliation may include, but is not limited to, such acts as: refusing to recommend the employee for a benefit for which he or she qualifies, spreading rumors about the employee, encouraging hostility from co-workers; and escalating the harassment.

If after investigating any complaint of harassment the City learns that an employee provided false information regarding the complaint, the City may take disciplinary action against the employee.

### **1.13 Political Activities**

It is the policy of Midway City to permit political participation by employees during non-work hours. However, no employee shall be allowed to solicit funds for a political party or candidate from any organization or individual associated with Midway City.

An employee shall not use Midway City time, facilities, or resources to participate in campaign activities or to further the cause of a candidate for political office. Such facilities and resources include, but are not necessarily limited to, computer, use of city's Internet connection, facsimile machine, photocopying machines, typewriters, paper, telephones, stationery, or other staff members' time to compile or distribute campaign materials. Literature or announcements promoting, endorsing, or seeking support for a candidate or slate of candidates for political office may not be distributed on the premises.

Midway City employees shall not participate in any appointment or election process of the City Council or Mayor except to provide substantive public information when requested.

### **1.14 Outside Employment**

Employees are not to engage in any employment, private business, or in the conduct of a profession, or paid or unpaid work, during the hours for which the employee is employed to work for Midway City.

**1.15 Work Product Exclusivity**

Any material or work that the employee was directly assigned to do in conjunction with employment with Midway City shall be the exclusive property of Midway City. According to federal copyright laws (17 USC SEC. 101) such work produced shall be regarded as work made for hire, and Midway City shall be considered the author and shall own all the rights associated with the work. This ownership shall extend to literary, musical, dramatic, pictorial, graphic and sculptural works, motion pictures and other audio/visual works and sound recordings, unless the parties have expressly agreed otherwise in a written instrument signed by both parties. This policy does not supersede any state or federal grant or contract provisions.

**1.16 Confidentiality**

The security of Midway City is a shared responsibility of all employees. Confidential information is any information that is not known generally to the public and would be damaging to the City if communicated to anyone other than authorized individuals. Personnel files, computer records, financial data, etc. would be considered confidential information. Document control and restricting access to confidential information must be strictly observed by all employees. Employee failure to manage confidential information properly will be subject to disciplinary action up to and including termination of employment.

Terminated employees are reminded that they are responsible for returning to Midway City all materials, including any confidential information in their possession. Also, former employees with knowledge of confidential information are expected to maintain the confidentiality of this information.

## **Section 2. Administration**

### **2.1 Administration of Policies:**

The day-to-day management of employee activities and operations within Midway City is the responsibility of the department supervisors, office manger and recorder, who is also responsible for assuring the effective administration of all policies and procedures. The Mayor or designee shall coordinate and manage all aspects of the human resources management system and enforce all policies and procedures subject to existing policies which may include, but not limited to:

1. Administration of the employee performance management process.
2. Staff planning, recruitment and selection processes.
3. Employee relations and training processes.
4. HR administration of all personnel records/files and actions.
2. Make reasonable and practical interpretations of the intent of policies, procedures, etc.
3. Other actions as prescribed by Midway City's rules, regulations, policies and procedures.

### **2.2 Interpretation**

Management should be familiar with policies and procedures set forth in this manual so they are able to address any questions and offer clear, accurate interpretations to any employee asking questions or desiring information of city policy and procedure.

In the event that a supervisor/manager is unable to answer an employee's question, it is his/her responsibility to use this manual to obtain the needed information. Under no circumstances should a supervisor/manager answer any employees questions when he/she is not sure of the accuracy of the answer or interpretation of the policy.

### **2.3 Human Resources Records**

1. It is the policy of Midway City to maintain records for applicants, employees, and past employees in order to document employment-related decisions, evaluate and assess policies, and comply with government record-keeping and reporting requirements.
2. Midway City strives to balance its need to obtain, use and retain employment information with each individual's right to privacy. To this end, it attempts to restrict the personnel information maintained to that which is necessary to conduct Midway City business or which is required by law.
3. The Recorder or designee is responsible for overseeing the record keeping for all personnel information and will specify what information should be collected and how

it should be stored and secured. The Recorder or designee shall maintain the official personnel records. According to the law, all medical files shall be maintained separate from other personnel records.

4. Employees have a responsibility to make sure their personnel records are up-to-date and should notify the Recorder or designee of any changes in at least the following:
  - a. Name.
  - b. Address
  - c. Telephone number.
  - d. Address and telephone numbers of dependants and spouse or former spouse (for insurance purpose only)
  - e. Beneficiary designations for any of Midway City's insurance or retirement plans.
  - f. Persons to be notified in case of emergency.
5. Personnel records shall contain, as appropriate:
  - a. Record of application for employment and employment eligibility certification, resume, letters of reference.
  - b. Reference to transcripts of academic preparation.
  - c. Performance evaluation ratings.
  - d. References to any formal reprimand, corrective action or commendation.
  - e. Records of actions affecting employee salary, status, or standing.
  - b. Leave records. (See Section 9)
  - c. Any other information felt to be pertinent by the Recorder or designee or employee.
6. An employee has the right to review the contents of his or her personnel record as governed by law and may challenge any information contained in the official personnel record, but may not remove any of its contents. All challenges must be in writing and directed to the Mayor.
7. If a disciplinary action is rescinded, disproved upon appeal, or is more than one year since the incident occurred, these forms, documents and records pertaining to the case shall be removed from the personnel record and destroyed.
8. Personnel records are private data and available for review only to the employee and the user authorized by law or as determined by the Recorder or designee to have a legitimate "need to know." A log or record of those reviewing personnel records and information, shall be maintained together with the reasons for access to the records. All reviews of personnel records shall be done in the presence of the Recorder or designee. Midway City will not make copies of personnel files.
9. When providing information of previous employees for a reference check, Midway City's response shall be limited to the former employee's job title and dates of



employment. Only the Recorder or designee is authorized to provide reference information on behalf of Midway City.

10. Requests for information: Information and records management shall be consistent in a manner consistent with state law, Government Records Access & Management Act (GRAMA). When completing request for verification of employment; names, gender, gross compensation, job titles, job descriptions, business addresses, business telephone numbers, numbers of hour worked per pay period, dates of employment, relevant education, previous employment, and similar job qualifications of present employees shall be treated as public information. Such requests or inquiries should be directed to the Recorder or designee. The actual net salary of the employee is confidential information. When providing information of previous employees for a reference check, the City's response shall be limited to the same information as provided for an employment verification. Under no circumstances shall character judgments be issued.
11. Records Retention: All active employee files must be kept up to date and the content of the file must be relevant to current employment and work history. Generally, all records related to inactive and terminated employees shall be retained based on legal records retention requirements.
12. Upon separation from the City, it is the employee's responsibility to provide the City with information regarding a change of address to ensure timely delivery of the employee's tax record and any other materials the City may need to forward to the former employee.

## **2.4 Savings Clause**

If any provision of these policies and procedures or the application thereof are found to be in conflict with any applicable law, the conflicting part of the policy and/or procedure is hereby inoperative to the extent of the conflict, but such conflict shall not affect the operation of the remainder of these policies and procedures or any of its applications.

## **Section 3. Position Management**

### **3.1 Staff Planning/Position Allocation**

The official establishment of a position by a department head/elected official cannot take place without the approval of the City Council. No person shall be hired or appointed, and no regular employee promoted to any position or has a salary change (exception may occur for the occasional seasonal, emergency/temporary, contractual or part-time professional work needs), until it has been properly allocated, as follows:

1. Job description created or revised with a classification assigned.
2. Presentation to the City Council justification as to the need for the position or the promotion and advancement of an employee.
3. Verification, that funds are available to support the position and the source of those funds.
4. Subject to any other requirements outlined in Midway City policies.

### **3.2 Job Description**

Employee job descriptions are prepared according to duties and qualifications required for successful job performance. Job descriptions include a summary of the position purpose and objectives; the supervision received by the employee; the supervision exercised by the employee; essential and secondary job duties; required knowledge, skills and abilities; minimum qualifications; and work environment. All employees will be assigned to employment as provided in an established job description and must be able to meet the requirements for performing the “essential functions” of the position to which assigned. The description shall be used by Midway City as the basis for:

- a. Preparation of work-related testing; for determination as to whether an applicant or employee meets minimum requirements for a particular position.
- b. As a basis for preparation of a position announcement/job posting/employment ad soliciting applications from interested individuals for position vacancies.
- c. The orienting of a new employee to the duties and responsibilities of a position to which hired or promoted by management.
- d. The basis for the development of performance management objectives, work plans and performance evaluations.

### **3.3 Job Evaluation/ Wage**

All positions shall be comparatively evaluated against a set of common factors and are assigned an appropriate job title and classification. All employees hired will receive competitive compensation according to the classification/wage band of the position for which they are hired.

Midway City will ensure that their employees continue to be paid fairly for performance by establishing/ maintaining competitive wage bands that are up-dated annually based on changes in the Consumer Price Index (CPI) and conducting or referencing an applicable compensation survey every two years.

### **3.4 Classification**

All positions shall be comparatively evaluated against a set of common factors and are assigned a class title encompassing a specific salary range on the compensation plan. All employees hired will receive compensation according to the classification of the position for which they are hired. No salary shall be approved for any individual unless it conforms to the approved classification and compensation plan. Most employees will be hired at the entry level and will progress through the salary range based on job knowledge and performance warrant such advancement. Refer to Section VII for further detail regarding advancement through the salary range.

### **3.5 Reclassification**

If the duties and responsibilities of a position change significantly, the supervisor or office manager under the direction of the Mayor shall perform or cause an analysis to be performed of the job to determine reclassification eligibility. Reallocation of a class or reclassification of a position to a class with a different pay range shall not generally decrease an employee's salary. Normally, the employee's pay shall be adjusted to a step within the new pay range which is at least equal to the current salary. If reclassification results in a budget increase or the creation of a new position not previously included in the adopted pay plan, City Council approval is required.

### **3.6 Reorganization**

Should circumstances arise which require Midway City to reorganize its operations and staffing that require the abolition of a position, this shall be treated as a reduction-in-force. In an effort to minimize the effects of a reduction-in-force brought about by reassignment, or reorganization, the following options shall be considered:

1. The employees may be returned to a lesser position.

or

2. The employee may be transferred to another position, depending upon qualifications and available position availability.

Should neither of these options be available to Midway City, the employee(s) would be terminated based on the elimination of their position. Exercise of any of these options is within the City's sole discretion.

## **Section 4. Position Classification Policy**

### **4.1 Position Policy**

The purpose of classifying Midway City positions is to assure compliance with applicable employment law; to establish a basis for an equitable compensation system; and for career development. The position classification plan contains a list of grades and positions supported by written job descriptions detailing duties and responsibilities of each position and the qualifications necessary for appointment to a position.

### **4.2 Grades**

A grade consists of a grouping of positions, which are similar in the basic character of knowledge, skills, and responsibilities, which should be considered of comparable worth to the City.

### **4.3 Administration**

The classification plan and corresponding pay ranges shall be established and maintained through recommendations of the Mayor to the City Council. The classification plan and pay ranges shall be adopted annually by the City Council at the time of the City budget.

### **4.4 Position Classifications**

#### **A. Exempt/ Non-Exempt Status**

Under the Fair Labor Standards Act (FLSA), there are two classes of employees: exempt and non-exempt. Individuals who are deemed “exempt” from the provisions of the FLSA include workers in bona-fide executive, administrative, professional and managerial positions. All others are referred to as “non-exempt” and are covered by FLSA’s minimum wage, minimum hour and other provisions. Each employee at Midway City is clearly identified as either exempt or non-exempt. Employees will be assigned to one of the following types of employment:

Exempt Employees: in general, executive, professional, managerial and specific administrative positions are included in this employment category. Exempt employees are not paid overtime, are normally salaried, and are exempt from provisions of the FLSA. (i.e. public works supervisor, chief building inspector, planner) All benefits as outlined in Section 8 will apply to exempt employees. In order for an exempt employee to receive credit for an eight hour work day (except when on sick leave or paid vacation) they must either report to work at Midway City offices, make contact with a member of their

department to pick up messages or give instructions or conduct business on behalf of Midway City with some other person. Calling in sick does not meet this requirement.

When taking sick leave or vacation, the exempt employee is not to conduct any business on behalf of Midway City. Once sick leave or vacation is taken it cannot be converted back to worked hours.

Non-Exempt Employees: in general, are employees employed as secretarial, clerical or most non-supervisory technical and computer-related occupations and are subject to all the provisions of the FLS. These employees must be paid for all hours worked. When non-exempt employees work in excess of forty-hours (40) in a given workweek, they must be paid overtime at one and one-half times their hourly rate. In case of a holiday, Administrative employees will be paid for eight (8), and Public Works ten (10) hours holiday pay at their hourly rate plus either regular or overtime wages for any hours worked on the holiday. In order to provide equitable compensation, Public Works employees will surrender holiday pay for the Martin Luther King and Swiss Days Friday dates, as well as six (6) additional holiday hours. These holidays and additional hours will be compensated by each employee taking either vacation time, or other compensation time they may currently have banked. The amount of time given an employee for paid vacation, sick leave or holidays during that week will not be included in calculating hours for overtime payment for holiday pay.

#### **B. Regular Full-Time:**

This classification of employees are those who have been competitively selected, worked a minimum of 90 days of fulltime employment, are scheduled to work a minimum of thirty-five (35) hours weekly and are not in a temporary employment status. These employees are eligible for Midway City's full benefit package (subject to terms, conditions, and limitation of each benefit program).

#### **C. Permanent Part-Time//Temporary Positions:**

1. Permanent Part-Time: All employees that have been competitively selected, and are regularly scheduled to work at least 30 hours (but no more than 35 hours a week) for 120 calendar days or longer.

Permanent part-time employees who meet the definition above are eligible for applicable pro-rated benefits. The benefits will be pro-rated on the average number of hours worked a week to be calculated at the beginning of the fiscal year. Other part-time positions of less than 30 hours per week are not eligible for benefits.

2. Temporary/Seasonal Positions: The duration of employment for persons in this category is specified at the time of hire. Temporary positions may work full-time or part-time hours and are generally designed to fill a one-time need to meet a

project goal or fill in for an employee expected to be absent for a significant period of time.

Temporary positions are not expected to exceed one hundred eighty (180) calendar days of service. However, the temporary position may be extended for an additional ninety (90) calendar days with Mayor approval. While they do receive all legally mandated benefits, temporary employees are ineligible for any Midway City's benefits.

3. Interns: There are currently two forms of internships available through Midway City; paid, and/or non-paid academic credit. Intern status is determined prior to their start date. All intern positions are considered temporary appointments.

#### **D. Other Categories of Individuals Not Considered Employees:**

Consultants: a consultant is an individual who is engaged to perform a specified service or produce a specific product, for a specified period, and for a specified dollar amount. Consultants are usually companies, agencies, or subcontractors. Consultants are not employees; current employees are not permitted to enter into any consulting relationship with Midway City. The terms of a consulting engagement is specified in the consulting agreement signed by the Mayor. Consultants are paid in accordance with the terms of the consulting agreement but are not on the Midway City payroll and are not entitled to Midway City benefits.

## **Section 5. Recruitment, Selection & Orientation**

### **5.1 Recruitment**

Leadership of the recruitment process for all vacant or new positions is the responsibility of the Mayor. The Mayor or designee shall be responsible for advertising, recruiting, interviewing, reference checks, and selection of all staff positions.

Once the position to be filled is authorized by the City Council and budgeted, it may be posted immediately by the City Recorder or designee. Posting will take place by e-mail to all staff and/or by placing a notice on a designated bulletin board. The notice will specify the job title, salary range, manager, requisite skills and experience and application deadline. Applications from current staff will be solicited for five working days through posting on the bulletin board or by e-mail prior to advertising the job announcement.

If it is determined, in the City's sole discretion, that there are no qualified internal applicants, then the City Recorder or designee shall post the opening with Work Force Service and where all City employees will be made aware of the opening. The appointing authority shall provide, in all cases where practicable, that vacancies shall be filled based on ascertained merit and qualification.

The department head/supervisor or Mayor or designee will review all applications to see who does or does not meet the qualifications. The department head/supervisor or Mayor or designee will determine which, if any, of the applicants they want to interview by an interviewing board which is set up by the department head, Mayor or designee. Upon choosing a finalist, the name and recommended salary will be sent to the City Council for final approval.

Offices whose appointment and/or removal is governed by State law or existing City ordinances are the City Recorder and City Treasurer; the appointment, removal and demotion of these officials shall be by the Mayor with the advice and consent of the City Council.

Upon hiring, an employee shall complete necessary forms including, but not limited to, proof of citizenship, retirement, W-4 tax forms, and insurance. These items will be kept in a personnel file in the City Recorder's or designee's office.

### **5.2 Applicant Disqualification**

Midway City reserves the right to reject any application that indicates that the applicant does not possess the qualifications required for the position. Applicants and subsequently hired applicants who make false statements or who are found to have engaged in any type

of deception or fraud in the application or testing process shall be rejected or immediately terminated.

### **5.3 Required Testing**

Applicants may be subject to competitive testing which may include, but not limited to: determination of bond ability, rating of education and experience, written, oral, or physical agility tests, essential function demonstration, and/or background investigations, proof of academic attainment, etc. applicants for positions, which the worker to operate city vehicles or equipment on public roadways, must provide a copy of MVR if a job offer is made to the applicant

### **5.4 Physical Examinations and Drug Testing Policy:**

#### Physical Examinations

Public health and safety demands that employees be physically able to perform the duties of the job classification to which hired. The physical requirements of the job constitute bona fide occupational qualifications. The City will also accommodate employees and applicants in compliance with the American With Disabilities Act (ADA) and provide “reasonable accommodation” when the cost of such is deemed “reasonable” within the City’s ability to pay, and where to do so does not impair the City in its business necessities.

1. A physical examination may be required before an applicant is appointed to any City position. The result of the exam will be presented to the department head/elected official, in writing. A disabled applicant may be required to submit to a physical exam only subsequent to a job offer being made and only if all others being hired, are required to do the same.
2. The City may require a medical examination at any time during the employee’s work tenure, if deemed necessary to assure the safety and health of the employee, co-workers and the public. The City will pay the cost of any required medical examination.
3. Employees returning from a disability leave or an absence caused by health problems, may be required to provide a doctor’s certification of their ability to perform their essential job functions satisfactorily without endangering themselves or others.
4. Any employees required to hold a Commercial Driver’s License (CDL) and drive commercial vehicles as a condition of employment will be required to have an annual physical examination which will be paid for by the City.



## Drug Testing

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. The City shall consider as negative all confirmed positive drug and alcohol test results with a medically sufficient explanation.

- A. The City shall require the testing of employees and prospective employees, including management, on a periodic basis, under the following circumstances and purposes:
1. **Pre-Employment Testing.** All prospective employees will 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 results in a confirmed positive and who does not have a medically sufficient explanation (as determined in the sole, but reasonable, discretion of the MRO), may reapply for employment with the City after six months from the date of such test. Applicants who have previously failed the drug test and reapply for employment after six months will be asked to agree to a program of unannounced drug and alcohol testing for a predetermined period of time at the sole discretion of the City.

If an applicant has had three moving violations or one DUI conviction in the preceding 24 month period. (This includes all driving, i.e., private and other vehicles); the City may choose to offer a position to the applicant if the applicant agrees to a program of unannounced drug and alcohol testing for a predetermined period of time to be determined by the City.

An agreement for unannounced drug and/or alcohol testing is not to be considered a contract and Midway City reserves the right to terminate employment at any time following City policy.

If the City hires a prospective employee, he or she must have first successfully passed the above-referenced pre-employment drug and alcohol test, and thereafter he or she will be subject to all the procedures and requirements for drug and alcohol testing as set forth in this policy.

In addition, any employee who has taken an extended leave of absence of six months or longer must be retested under this section before returning to work.

Should the City become aware of a previous drug or alcohol problem after an employee has been hired the City may require that employee to submit to a program of unannounced drug and alcohol testing for a predetermined period of time.

2. **Pre-announced Periodic Testing.** Midway City will conduct pre-announced periodic drug testing three times a year. The testing may involve all employees in all departments or only those of one department. Employees will be notified the morning of the testing.
3. **Reasonable Suspicion (For Cause) Testing.** Certain supervisors will be trained to look for behaviors that 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 contemporaneous 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 at least one supervisor or manager, and the designated Drug Policy Coordinator, 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 contemporaneous, physical, behavioral, and/or performance indicators. Once the authorized supervisors have determined that a reasonable suspicion exists, testing is done immediately.
4. **Return to Duty Testing.** If the City returns to duty an employee after he or she has voluntarily sought rehabilitation for drug or alcohol abuse and has successfully completed rehabilitation, such employee shall be entered into a program of unannounced drug and alcohol testing for a predetermined period at the sole discretion of the City.
5. **Post-Accident Testing.** Post-accident testing will be conducted on employees whose performance either contributed to an accident, or cannot be completely discounted as contributing to the accident. Such testing will occur as soon as possible, but not later than twelve hours after an accident has occurred. The immediate supervisor and the department manager of such employee, in association with the Drug Policy Coordinator, shall determine if the performance of that employee either contributed to the accident or cannot be completely discounted as a contributing factor.
6. **Random Testing.** The City reserves the right to implement a random drug and alcohol testing program consistent with applicable federal, state and local law, for

purposes of maintaining safety and as a deterrent to drug and alcohol abuse, including, but not limited to, tests for employees required to hold a Commercial Driver License (CDL) and drive commercial vehicles as a condition of employment.

- B. 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.
- C. Individuals will be tested on City premises or sent to an outside clinic or testing facility licensed to perform such tests. If an employee is 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 make arrangements or help the employee arrange to get home without driving him/herself.
- D. The City shall pay all costs of testing and transportation associated with a test required by the City.
- E. All sample collection and testing shall be performed under 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 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 of 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 notification of any information that he or she considers relevant to the test, including identification of currently or recently used prescriptions or non-prescription drugs, or other relevant medical information.
  - 4. Sample collection, storage, and transportation to the place of testing shall be performed in a manner that reasonably precludes the probability of sample misidentification, contamination or adulteration.
  - 5. Sample testing shall conform to scientifically accepted analytical methods and procedures.

6. Testing shall include verification or confirmation of any positive initial screening test by gas chromatography, gas chromatography-mass spectroscopy, or other comparably reliable method.
- F. In the case of urine testing, an employee or prospective employee will submit a split urine sample. A split urine sample shall consist of at least 45 ml of urine. The urine shall be divided into two specimen bottles, with at least 30 ml of urine in one bottle and at least 15 ml of urine in the other. If the test results of the 30 ml urine sample indicate the presence of drugs, the donor of the test shall have 72 hours from the time he is so notified to request, at his option that the 15 ml urine sample be tested for the indicated drugs, the expense of which shall be divided equally between the donor and the City. The test results of both samples may be considered at any subsequent disciplinary hearing.
  - G. Drug and alcohol testing will be conducted in compliance with federal, state and local laws, including but not limited to Utah Code Ann. § 34-41-101 *et seq.*

## **5.5 City Action**

Upon receipt of a verified or confirmed positive drug or alcohol test result, which indicates a violation of this policy (and in the case of urine testing after providing the employee or prospective employee notice of the result of the initial test and the option to have the 15ml urine sample tested), 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 not be limited to, the following:

1. Termination of employment.
2. Refusal to hire a prospective employee.
3. Any other disciplinary measures in conformance with the City's practices, policies, or procedures.

## **5.6 Confidentiality**

The information received from the drug testing results shall be the property of the City. Test results information may be released to the person who has been tested upon written request.

## **5.7 Work Place Rules**

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 report that to their supervisor.

Any employee convicted of violating a criminal drug statute must notify the City Administrator within five (5) days of conviction. The City may take appropriate disciplinary or rehabilitative actions as a consequence.

No employee may use or be under the influence of drugs or alcohol on the City's premises, in the City's vehicles, or any time the employee is representing the City on City business, except in cases involving a current prescription prescribed in the United States, or over-the-counter drug, taken as prescribed or directed.

## **5.8 Miscellaneous**

A copy of the City's Drug and Alcohol Testing Policy shall be given to and posted for all employees, and all employees shall be required to acknowledge receiving, reading, and acknowledging the policy. Copies shall be made available to prospective employees.

This policy applies to management as well as other employees.

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.

## **5.9 Acknowledgment of Policy**

The City shall require each employee to read this policy and sign a form, acknowledging they have received and read a copy of this policy and agree to abide by its terms as a condition of continued employment. The signed acknowledgment shall be kept in each employee's personnel file.

## **5.10 Final Appointment**

Department heads/elected officials shall work closely with the City Council and shall make recommendations for final appointments for new hires.

## **5.11 Eligibility and Preference**

Preference will be given to regular full-time and part-time employees in the filling of vacant and available positions. Temporary employees will be considered after regular employees but before non-employee applicants. In all cases, applicants must possess the necessary skills, abilities, and qualifications for consideration.

## **5.12 Selection and Hiring**

### **A. Regular Full & Permanent Part-Time Employees:**

Selection of employees to fill vacant positions and their starting salary will be determined by the Mayor subject to Midway City policies. Selection will be made according to which candidate best meets the total job qualification requirements.

### **B. Temporary Employees/Agencies:**

Temporary hires may also be made with the assistance of temporary hiring agencies designed to fill a particular skill for a specified project or need. In this case, such individuals are employees of the agencies and contracted to Midway City for a specific period of time.

Competitive selection of clerical/administrative temporaries is not generally required. However, a temporary professional and/or semi-professional position will generally require competitive selection at the discretion of the City Council.

### **C. Interns:**

The selection process for interns will be conducted in the same manner as other positions. Requests should include a statement of need and proposed academic value, a position description including tasks to be performed and products to be developed, knowledge and abilities required, proposed duration of internship and type preferred (salaried or academic), and estimated time needed to supervise the intern. Interns may be considered for the opportunity to convert to regular full or part-time status; such decisions will be based on the needs of the city and past work performance during their internship. Interns are not employees and therefore do not receive city benefits.

## **5.13 New Employee Orientation:**

After a new employee is hired, he/she shall promptly receive a general orientation concerning policies and procedures, benefits, and initial employment expectations from the Human Resource Manager. The orientation and following provisions will apply to all new employees whether they are to be permanent full time, permanent part-time or seasonal employees. Seasonal and temporary employees hired for less than ninety days will not receive a ninety-day evaluation.

1. All new employees are required to complete an orientation/probationary period of six months. During this period the supervisor observes and evaluates the work of the employee. The supervisor will conduct a face-to-face verbal evaluation/discussion with the new employee covering his/her performance at ninety (90) days and a second written and verbal evaluation before the completion of their one hundred and eight (180) days of employment. The supervisor will provide a copy of the written evaluation to be placed in the employee's personnel file.

- B. If the performance of an orientation/probationary employee is considered unsatisfactory at any point in the orientation period, the employee may be terminated. However, if the supervisor feels with additional time and coaching the employee could meet the required performance standards the orientation time may be extended. Any extension must be agreed to by the supervisor and the Mayor before it will be approved.; If the rating factors continue to be unsatisfactory, the supervisor should recommend to the Mayor and City Council that the employee be separated from Midway City.
- C. Any employee terminated during the new hire orientation period does not have the right to appeal. No reason for the dismissal will be given by the city nor will any record be entered into his file concerning the termination.
- D. During the new hire orientation period, applicable benefits will be in force and accrue.

#### **5.14 Nepotism**

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

No appointing authority may employ, appoint, vote for, or recommend the appointment of his or her father, mother, husband, wife, son, daughter, sister, brother, uncle, aunt, nephew, niece, first cousin, mother-in-law, father-in-law, sister-in-law, brother-in-law, son-in-law or daughter-in-law, when the salary, wages, pay or compensation of the appointee will be paid from public funds and the appointee will be directly supervised by a relative, except as indicated in Utah Code § 52-3-1.

No public officer (a person who holds a position that is compensated by public funds) may directly supervise an appointee who is a relative when the salary, wages, pay or compensation of the relative will be paid from public funds, except as indicated in Utah Code § 52-3-1.

Appointing Authority shall consist of the Mayor and City Council members.

Midway City will consider employment applications from relatives of current employees whenever openings exist for which they are qualified. Hiring decisions, however, will be made solely on the basis of merit and relatives will not receive preferential treatment. Applicants with relatives in classified or full-time exempt service will not be hired in the same department if the applicant is to be supervised by one of the relatives listed above.

## **Section 6. Personnel Actions**

### **6.1 Promotion**

Promotion is the appointment of an employee to a position in a higher classification and/or salary range. Insofar as it is consistent with the best interest of the City, promotional opportunities within the City's service shall be encouraged, however, vacancies may be advertised outside the City and promotional examinations or tests may be required.

When an employee is promoted to a higher position classification, the employee may be eligible for an increase in pay within the pay range of the higher position classification. The exact percentage of the increase shall be recommended by management or the Mayor with City Council approval. The employee's new pay rate should be within the range for the pay grade assigned to that position. Promoted or transferred employees must complete a six (6) month orientation/probationary period. Personnel promoted into a higher pay grade will receive a pay increase. Management will establish promotion criteria for various job classifications.

### **6.2 Transfer**

A transfer is the appointment of an employee to a new position. When a job vacancy is announced, any City employee may apply to transfer to the position. All qualified applicants will be considered although no City employee is ensured of selection. If the employee successfully applies for transfer during his/her original orientation/probationary period, the employee shall undergo a new and separate orientation/probationary period in the position to which he/she is transferred.

The City reserves the right to transfer its employees, either permanently or temporarily, from one job to another or one department to another, according to need. If employees refuse to be transferred, and the City determines, in its sole discretion, that there is not work for them in their current positions, they may be subject to a reduction in force.

### **6.3 Demotions**

Demotion is the transfer of an employee to a lower classification and/or lower salary range. Upon review of performance, the good of the service or for a disciplinary measure for cause a demotion shall be recommended by the supervisor/manager or Mayor. A change in job title that does not affect the pay and classification of the employee shall not be considered a demotion.



#### **6.4 Layoff (Reduction-in-Force)**

Should it become necessary to undergo a reduction of the work force, brought about by a curtailment of operating revenues, technological innovation, the discontinuance or reduction of services, or other grounds consistent with economic and efficient administration of Midway City, the Mayor with City Council approval, shall utilize the following sequence as far as practicable to achieve the required reduction-in-force:

1. Temporary employees (may be separated or reduced in work hours).
2. Regular part-time employees (may be separated or reduced in work hours).
3. Regular full-time employees (may be separated or reduced in work hours).

In determining which employee(s) shall be separated, the Mayor, with City Council approval, will determine which positions are affected based on such factors as, but not limited to, longevity, performance, and city needs. The City Council shall be notified and approve all layoffs affecting regular fulltime employees.

An employee laid-off as a result of business conditions (mentioned above) will have the right to be recalled to their former position, seniority and pay for up to a period of six (6) calendar months following the date of their lay-off. After that point/date, the former employee has no recall rights.

#### **6.5 Abolishment of Job**

If a circumstance should arise requiring the abolition of a certain position, employment status may be maintained by one of the following:

1. The employee may be returned to a previous position at a salary appropriate for the position, which may entail a reduction in pay.
2. The employee may be promoted based upon performance, qualifications and position available.
3. The affected employee(s) may be transferred to another office/division to fill an open position commanding equal or lesser compensation.
4. The City may, in its sole discretion, choose one of these options or may choose termination of the employee.

#### **6.6 Termination of Employment**

Except as otherwise provided by law, all employees may terminate their employment at will. A written statement of termination shall be delivered to the employee and placed in their personnel file, provided they have completed their orientation/probationary period and are neither seasonal or temporary employees.

## **6.7 Voluntary Termination**

Excessive turnover is costly and, therefore, management shall take all steps necessary to prevent unnecessary misunderstandings and other avoidable causes for an employee's voluntary termination of employment.

1. Whenever an employee voluntarily terminates employment, an exit interview will be conducted by the department head/elected official. If the reason for the resignation is a misunderstanding or mistake by Midway City, an effort shall be made to correct the situation.
2. Employees who voluntarily terminate their employment and desire to leave Midway City in good standing should give a minimum of two (2) weeks notice. Resignations must be in writing and submitted to the Mayor in a timely manner. If it is in the best interest of the city Midway City reserves the right to not agree to a departing employee's 2-week notice, end employment immediately and pay the individual any wages or benefits due to the departing employee.

## **6.8 *Defacto* Voluntary Termination**

Employees who are absent from work for three consecutive days without giving proper notice will be considered as having voluntarily resigned employment with the City. At that time, the resignation and thus termination will be formally noted in the employee's personnel file and the employee will be advised of the action by certified mail to the employee's last known address.

## **6.9 Rehire of Former Employee**

Former employees who left voluntarily, and in good standing, may be considered for rehire based on their qualifications and the needs of Midway City. Credit for previous Midway City experience and service may be given to determine salary and benefits provided the rehire occurs within one (1) year of their termination date.

## **6.10 Reassignment**

Effective Midway City operations may require periodic changes in work assignments to match changing functional needs with employee capabilities. An employee may be reassigned without examination, from one position to a similar position in the same classification and grade within the office/department.

## **6.11 Return to Work After Serious Injury or Illness**

It is the policy of the City of Midway to allow employees who have been seriously injured or seriously ill to return to their full responsibilities as soon as they are able to perform the essential functions of their job.

**A. Purpose**

1. To ensure that employees are able to return to their full responsibilities or a temporary transitional assignment (TTA) as soon as appropriate after a serious injury or illness.
2. To protect the employee from further injury or illness resulting from returning to work too early.
3. To protect the City from potential workers' compensation liability resulting from requiring or allowing an employee to perform functions which should not be performed due to medical limitations.
4. To ensure that reasonable accommodations are made for employees where appropriate.
5. To comply with the Americans with Disabilities Act (ADA).

**B. Guidelines**

1. For the purposes of this policy, "serious injury or illness" shall mean any injury, illness or medical condition, which is serious enough to affect the performance of any essential function of the job, as reasonably determined by the City. The determination shall be made by (1) the Risk Manager in cases of work related serious injury or illness or (2) the Human Resources Manager in all other cases of serious injury or illness in consultation with the employee's Department Manager and the Mayor. Serious injury or illness may also include undergoing major surgery and absences of more than five consecutive working days.
2. When an employee has had a serious injury or illness, whether work related or not, the employee shall not return to work until a physician who has treated or examined the employee releases the employee for a return to full duties or as otherwise provided in Paragraph #7. The release shall specifically address the essential functions of the job and shall unequivocally state that the employee can perform the essential functions. If the City has reason to believe, based on knowledge of the type of injury or illness, observation of the employee, or any other evidence or information that the employee may not be able to perform the essential functions of the job, the City may require the employee to undergo a job-related independent medical examination (IME) by a physician selected by the City. Where required, the City shall pay for the IME.
3. In cases where the physician doing the IME has a different opinion than the employee's treating physician, the employee may request a third opinion, in which case the City and the employee shall mutually agree upon a third physician and shall each pay half of the costs of the examination.
4. Before the employee returns to work, the physician's release, and the employee's return must be approved by the employee's Department Manager and (1) the Risk Manager in work related serious injuries or illnesses or (2) the Human Resources Manager in all other serious injuries or illnesses. The decision to approve the release shall be made based on

all the information available to the City regarding the job and the employee's medical condition. The release shall be included in the employee's personnel file.

5. The City shall allow the employee to return to full duties once the release has been submitted and approved as required by paragraph #4 above. Employees are encouraged to vigorously pursue any recommended therapy in order to accelerate their return to work.
6. Employees returning to work after a serious injury or illness are expected to perform all the required functions and duties of their job.
7. In cases where an employee cannot return to full duty because of limitations caused by the serious injury or illness, the City, at its discretion, may allow the employee to return to a temporary transitional assignment (TTA) up to an equivalent number of hours the employee worked prior to the injury or illness for a period of time not to exceed six months in cases where:
  - a. There is legitimate transitional duty available without displacing another employee;
  - b. The employee is qualified to do the transitional duty;
  - c. The employee's physician releases the employee to perform the transitional duty; and
  - d. There is reasonable likelihood that the employee can return to his/her regular position

If an employee chooses not to accept the temporary transitional assignment, the employee will not be allowed to use their accrued sick leave.

In unusual cases, the transitional assignment may be extended with approval by the Mayor where the employee is undergoing therapy, is an active and committed participant in the therapy and the expectation of recovery allowing the full performance of the essential job functions is verified by the employee's physician. In no case shall the extension of the transitional assignment exceed an additional two months.

8. The Department Manager shall determine the availability of temporary transitional assignment in conjunction with the Human Resources manager, the Risk Manager, and the Mayor. If TTA is available, the following shall be required:
  - a. The employee's supervisor shall either mail or deliver a letter to the employee in person that confirms an offer of a TTA and provides information to the employee concerning the TTA, the work schedule, assignments and date the TTA is available. A copy of this letter shall be included in the employee's personnel file.
  - b. The employee's work restrictions should be observed both on and off the job.

- c. While on TTA, the employee is required to be seen by their treating physician at least once a month and to provide the City with an updated report on his-her condition and prognosis.
9. At the end of the temporary transitional assignment, or in cases where there is no transitional duty available, the City, at its discretion, may make the following options available to the employee:
  - a. Return to work in the same job held previously, performing the full duties of the job, with a physician's release as required above.
  - b. Reassignment to another position available in the City, where the employee possesses the minimum qualifications and ability to perform the essential functions of the position. If the available reassignment is within the same department, the Department Manager must authorize. If the reassignment is to another department, the two Department Managers and the Mayor must authorize.
  - c. Return to the same job held previously with reasonable accommodations to help in the performance of the essential functions, as set forth in paragraph #10 below.
  - d. A medical leave of absence for up to twenty-six weeks using accrued leave or workers' compensation benefits (if the situation involves a work related injury), or taking leave without pay if benefits or accrued leave are not available or applicable or until sick leave benefits are exhausted, whichever is longer.
  - e. Apply on a competitive basis for any open position in the City.
  - f. Retirement or other separation from City employment.
10. The City shall make reasonable accommodations for the performance of essential functions by the employees who have a qualifying disability under the ADA. Reasonable accommodation does not include creating another position or having another employee perform the essential functions of the position, but may include changes in the physical or functional work methods or the work conditions or environment.

## **6.12 Grant/Contract Termination**

All Midway City grant/contract supported staff shall be notified forty-five (45) days prior to the termination of the contract by the department head/elected official that their positions will/will not exist beyond the duration of the project contract. Fourteen working days before contract termination, if no feasible alternative or extensions have been developed or are imminent, written notice of termination will be given to the affected project staff by the department head/elected official.

### **6.13 Payoff of Benefits**

Upon termination of employment, earned but unused vacation benefits will be paid to the terminated employee. However, Sick Leave lump sum payments will be made only to those employees retiring from Midway City. Other terminating employees will not receive any sick leave payments.

### **6.14 On-going Performance Documentation**

It is the responsibility of department head/elected official to properly, and in a timely manner, document noteworthy or critical employee work-related incidents and required work behaviors. Such records will be used to support decisions that affect employee status to include: promotions, rewards and recognition, progressive discipline and employment termination.

### **6.15 Exit Interviews**

All terminating regular employees are encouraged to meet with the Mayor or supervisor for an exit interview. The purpose of this interview is to gather information to assist management in identifying areas that are satisfactory and those that need improvement.

## **Section 7. Compensation**

### **7.1 Compensation Policy**

Midway City is interested in attracting and retaining employees that have high potential, are knowledgeable and skilled, committed and able to meet our required behaviors. As a result, our policy is to offer a total compensation package (salary and benefits) that is competitive, internally equitable and within Midway City's financial capabilities, while enabling employees to progress at a pace commensurate with their own efforts and capabilities. The salary of all employees will be approved by the City Council based on recommendations of the manager/Mayor and within the established compensation structure's wage bands.

Midway City operates within the guidelines of an established Pay Plan. The Pay Plan attempts to insure the uniform and equitable application of pay with due regard to the duties, responsibilities, current year's available market data and requisite qualifications of each position classification. This policy differs from many corporate Pay Plans that traditionally reward longevity (seniority) without regard for performance. The City believes rewarding performance is an equitable way of compensating employees for their contributions to the organization.

### **7.2 Compensation Survey**

The Recorder or designee will periodically conduct and/or subscribe to employee, City Council, and Mayor salary surveys for the purpose of determining prevailing pay rates of comparable municipalities with the state of Utah.

Compensation surveys are not conducted on all positions within the City, but rather on a select number of positions known as benchmarks. A benchmark shall typically be a position common to at least four cities. Every attempt is made to select benchmarks that represent each of the different grades within the Pay Plan. Periodic review of job content and job description will also assist in maintaining internal equity among jobs in the City. (Compensation surveys will include an analysis of total benefits package including insurance, retirement contribution, etc., so the survey is more reflective of total compensation.)

### **7.3 Pay Plan Philosophy and Strategy**

The philosophy of the Pay Plan is based upon four key elements:

1. The City determines its Pay Plan using market data where available.
2. The City will not price its Pay Plan beyond its ability to pay.
3. The City may implement cost containment related to salary increases in an effort to remain fiscally responsible.

3. The City strives to provide equal pay for equal work. Equality of work includes equal skill, equal effort, equal responsibility, and similar working conditions.

The City also seeks to reward individual performance based upon regular performance appraisal.

The strategy of the Pay Plan is to reward exemplary performance without causing a permanent imbalance or disparity between the salaries of employees performing the same kind and level of work. The Pay Plan is structured so that each position has an established pay range. The low end of the pay range represents the minimum an employee performing a particular job would be paid. The top end is known as the “working level” and represents what an employee performing at full competency level for that position should be paid.

The working level is the maximum base salary paid an employee performing in a particular position. Once at the working level salary, an employee who’s performance exceeds expectations continues to be eligible for a discretionary employee performance bonus, but these annual awards are in the form of a lump bonus rather than as additions to the base salary.

#### **7.4 Pay Rates for New Hires**

All newly hired regular status employees are normally paid at the minimum of the pay range unless an exception is authorized by the City Council. The City may grant exceptions and allow appointments above the minimum for such factors as a high level of experience and training or because the demands of the employment market affecting the position being recruited require a higher than minimum pay rate.

#### **7.5 Anniversary Date/Performance Review Process**

The anniversary date is the date the employee began work with Midway City as a regular employee.

However, after the first year of employment annual performance reviews (see Section 11.3, B) and salary adjustments are made in June and July each year respectively. Vacation increases will be given on the anniversary date and will take effect the first payroll following the employee’s anniversary. Promoted employees would be treated as a new employee and receive a six (6) month and one-year review from the start of the new position

#### **7.5 General Wage/Salary Adjustment**

It is the intent of the City to consider prevailing practices related to cost of living and market trends in establishing wage and salaries. On all occasions the amount of salary change will ultimately be based upon the anticipated affects upon the City budget. Final determination and any changes to the salary scale will be made by the City Council.



Where general, across-the-board raises are awarded, the raise will be effective the first full pay period in July. In determining the total compensation value of the position, benefits must be considered. Base salary plus cost of benefits equals total compensation. In comparing benefit packages provided in the labor market, the City may evaluate both level and cost of benefits and other factors as deemed appropriate.

## **7.7 Initial Appointments**

All initial appointments shall be normally be assigned to the starting rate of the pay grade to which the position is classified. Exceptions may be allowed if: 1. An employee cannot be recruited to the position at the beginning rate. 2. The qualifications of the individual selected for the position exceed the minimum requirements and the individual can be expected to perform at a level equal to that of other individuals being paid at the same or higher step.

## **7.8 Changes in Compensation**

Compensation may be changed in three ways:

### **A. Merit Pay Increases**

Performance/compensation evaluations are conducted at least annually by Midway City management. Increases in employee pay are based on work performance/results achieved in the previous year and are considered Merit Pay Increases. Merit pay adjustments are awarded on a basis of: (1) the quality of performance and results achieved during the previous year (or portion thereof for new employees); (2) annual City wage budget; and (3) the position of the employee's pay within their wage band. Merit pay adjustments are reserved for employee continuous measurable performance improvement and/or exceptional performance in the past evaluation period(s). Merit pay increases are normally effective on July 1<sup>st</sup> each year based on the review and approval of the written appraisals by the Mayor.

### **B. Promotion/Promotional Salary Increases**

Promotions and therefore promotional salary increases may occur as a result of an employee's successful achievement of a higher position with greater responsibilities, duties and more complex job assignments that provides greater value to Midway City. Such increases are determined by management based on the employee's length of service, current compensation and appropriate position in their new pay band.

### **C. Cost of Living/Salary Step Increases**

Employee compensation wage bands will be moved based on changes in the Consumer Price Index (CPI) over the past calendar year. All employees may have their current salaries increased by the amount of the change in the wage bands based on the CPI. For example, if the CPI increased by 2.5% in the past calendar year, all employee salaries may be increased by that amount effective the first full pay period in July. Increases

above that point, would be based on exceptional performance under our Merit Pay Increase system (Note: 7.3A above). Any employee who has not completed their orientation/probationary period will not receive any cost of living raise or merit raise approved by the City Council at the beginning of the fiscal year until their orientation/probationary period has been completed. At that time, they may receive the appropriate raise at the beginning of the next payroll period.

#### **D. Discretionary Employee Performance Bonus Program**

Each year the City Council may set aside money in the Midway City budget for the Discretionary Employee Performance Bonus Program. This bonus money is set aside for exceptional performance results that the Mayor determines warrant financial recognition. All employees are eligible for the Program; however only significant achievements/accomplishments will be recognized.

### **7.9 Orientation Period/Performance Review Process**

Upon being hired as a new employee, promoted, or transferred to a new position, employees are assigned a new performance review date approximately six (6) months from the date of hire, promotion or transfer. As an employee in a new position, the employee will be required to complete a minimum of six (6) month orientation/probationary period. A three (3) month extension of the orientation/probationary period may occur based on management's perception that the employee could meet the required performance standards if given additional time. An employee's failure to meet the standards of performance required during the orientation/probationary period /extended orientation/probationary period could result in termination of employment.

Once the orientation /probationary period is completed, the employee's next performance review date would be June of the next year.

### **7.10 Overtime**

Overtime is unavoidable at different times of the year. However, every effort should be made to keep the accumulation of overtime hours to a minimum. Any time worked over forty (40) hours in any defined workweek, or work period, by FLS covered employees, shall qualify as overtime provided the overtime has been requested or approved by the supervisor or Mayor. The amount of time given an employee for paid vacation, sick leave or holidays during that week will not be used to calculate hours for overtime.

Salaried employees do not receive overtime.

### **7.11 Termination Pay**

When employees terminate, they shall be required to return all equipment and to clear all financial obligations involving their equipment with the City prior to receiving their final paycheck. Any such obligation not cleared shall be itemized and deducted from their

final paycheck. Final paycheck, including compensation for hours worked, unused vacation and overtime will be issued on the next regularly scheduled pay period following termination. (Municipalities are exempt from the forty-eight hour ruling) The Recorder or their designee shall confirm the amount of termination pay to which an employee is entitled. In the event of the death of an employee, final payment shall be made to the employee's designated beneficiary.

#### **7.12 Severance Pay**

Employees determined by Midway City and its management to have lost their jobs through no fault of their own may be eligible for severance pay. Severance pay is a discretionary benefit, the amount determined by the City Council not to exceed two weeks pay. Employees dismissed for cause are not eligible for severance pay.

#### **7.13 Pay Date**

Midway City employees will be paid 26-times a year on a bi-weekly basis.

## **Section 8. Fringe Benefits**

### **8.1 Group Health Insurance**

All regular full-time employees and regular part-time employees who work on a year-round basis of 1352 hours or more per fiscal year, may participate in the City's group insurance plan, which provides medical insurance plan choices. These options allow employees to choose a combination of plans to match their needs. The level of participation in the payment premiums by the employees and the City is determined on a year-to-year basis.

### **8.2 Retirement Plan**

The City is a participant in the public employee retirement program of the Utah Retirement Systems (URS). The City endorses the concept that performance and not age should be the standard for retaining qualified employees. There shall not be a set retirement age from City employment. Under provisions of the Utah State Retirement act, some employees may qualify to retire as early as sixty or upon completion of thirty (30) years of accredited service. Contributions into the retirement system shall be made for all full time and permanent part-time employees working twenty (20) hours or more per week and who receive other City benefits. Tier II employees working less than twenty (20) hours, and elected officials for Midway City, which includes the Mayor and City Council, are ineligible for URS benefits. Tier II appointed officials working full-time, which includes the City Treasurer and City Recorder, are eligible for URS benefits.

Employees, at their discretion, may choose to retire anytime after they are eligible under provisions of the Retirement Act.

Employees over retirement age can be retained or hired as long as they are physically and mentally able to satisfactorily discharge the duties of the position.

All state employees participating in the Public Employees' Noncontributory Retirement System receive a percentage of their compensation paid into the URS Retirement Plan by the City. This percentage is determined by the URS at the beginning of each year.

All employees are encouraged to participate in a URS 401(k) plan offered by the City through payroll deduction. Annual employee contributions cannot exceed maximum deferral amount allowable, set by the IRS each year, or 95% of gross salary, whichever is the lesser.

### **8.3 Workers' Compensation**

Midway City employees are covered by worker's compensation. Any injuries, even of minor nature, must be reported immediately to the Recorder or designee.

## 8.4 Unemployment Insurance

Midway City participates in the State Unemployment Insurance Program and any employee whose employment is terminated for other than just cause will be eligible for unemployment benefits in accordance with the rules and provisions as provided by the State.

## 8.5 Life Insurance

Midway City will offer accidental death and dismemberment option to employees for their elective participation. The City provides a life insurance policy for each employee. Employees may also purchase additional insurance for themselves or other immediate family members for a minimal out-of-pocket expense.

## 8.6 Holidays

Midway City observes thirteen (13) paid holidays during the year for full time employees. They are:

New Year's Day	Jan. 1
Martin Luther King's Birthday	Jan (3rd Monday)
President's Day	Feb (3rd Monday)
Memorial Day	May (last Monday)
Independence Day	July 4
Pioneer Day	July 24
Swiss Days	Friday before Labor Day
Labor Day	Sept (1st Monday)
Veteran's Day	November 11
Thanksgiving	Nov (4 <sup>th</sup> Thursday)
Day after Thanksgiving	Friday after Thanksgiving
Christmas Day	Dec 25
Day after Christmas	Dec 26

When a holiday falls on a Saturday, it will be celebrated on the preceding Friday. When a holiday falls on a Sunday, it will be celebrated on the following Monday. Employees on leave without pay before or after a holiday will not be paid for the holiday. When a holiday occurs during an employees' paid leave, the day will be charged as holiday leave.

## 8.7 Vacation Leave

1. Midway City believes that time away from the job is conducive to good health and the well-being of employees, and can have a renewing effect on employees that is to the advantage of Midway City, as well as the employee. It is therefore, the policy of Midway City to grant paid vacations benefits to eligible employees.

2. Full-time and permanent part-time employees are eligible for annual vacation benefits after completing six (6) months of continuous service and are to be used in at least one-hour blocks.
3. All vacation benefits must be earned before being taken and shall require the approval of management.
4. Former employees who are re-hired with reinstatement rights following military service or recall from active layoff status shall be entitled to assume the same eligibility for vacation as enjoyed prior to leave or layoff.

#### **A. Annual Vacation Leave Benefit Schedule**

Each year's employee vacation benefits are earned on the employees' anniversary based on the following schedule: (Permanent part-time employees vacation benefits will be pro-rated based on the average weekly hours worked per year):

<u>Years of Service</u>	<u>Days Earned</u>	<u>Hourly Equivalent</u>
Less than 1 year, more than 6 months	5	40 hours
1 year through 4 years	10	80 hours
5 years through 9 years	15	120 hours
10 years and over	20	160 hours

5. Unused current year vacation benefits may be carried over to the next year; provided the carry-over does not exceed their hourly equivalent for the prior year. For example, an employee with 5-9 years of employment may carry over 120 hours in addition to the 120 hours received on their employment anniversary date.
6. Annual vacation benefits will not be earned during a period or time when a leave of absence without pay is being granted.
  - a. Upon termination of employment from Midway City, an employee will receive his/her current vacation account balance. Salary computations for all terminating employees shall be calculated on a working day basis at the base in effect at the time of termination. Deductions from termination pay may be made where the terminating employee has outstanding obligations to the City. Also, the City may withhold the payment of termination pay if employee fails to return City property in his/her possession.
  - b. Upon termination of employment, the employee shall be entitled to any accrued vacation leave. Upon death of an employee of the City, a lump sum payment for vacation time accrued to his/her credit will be made to the employee's beneficiaries or estate.
  - c. Vacation benefits shall be considered only to be time off with pay. Payment for time accrued in lieu of vacation time will not be allowed (only as mentioned

upon the death or termination of an employee.)

- d. With the approval of the City Council, employees may donate vacation hours to another employee to be used as sick leave in cases of dire need. Before an employee can receive vacation leave from another employee, the receiving employee must have used all of their available sick leave, compensation time and vacation time. There cannot be an excess of donated hours beyond the hours required to cover the emergency. Donations of vacation time will not be counted as hours used in determining the maximum accrual that can be carried forward in any year.
- e. Employees are allowed to accrue a bank of vacation time before they are subject to a “use or lose” situation. This bank will allow eligible employees to take a vacation longer than the number of vacation days they accrue in one year. The size of vacation bank is determined by the length of service of each employee according to the following schedule: (Permanent part-time employees bank of hours will pro-rated according to the number of hours worked)

Less than 1 year more than 6 months	40 hours
1 year through 4 years	80 hours
5 years through 9 years	120 hours
10 years and over	160 hours

Once an employee reaches his/her accrued vacation limit, he/she will then be in a “use or lose” situation. For example, an employee with less than one (1) year is not allowed to carry forward more than 40 hours from one calendar year to the next.

- f. Any employee with a vacation bank balance larger than their years of service allows will lose all excess vacation hours on the employee’s anniversary date.

## **B. Vacation Leave Benefit Requests/Approval**

Department heads/elected official or supervisor must approve requests for vacation leave in advance. For vacation leave of one week or longer, employees should plan on providing one month advance notice for each week of vacation; if the vacation time is less than 16 hours the written request must be submitted one-week prior. Requests must first be approved by the department supervisor who will then present the request to the office manager for approval.

Midway City management reserves the right to not approve a request given specific work requirements of the city. Vacation leave may be utilized in not less than one (1) hour increments. After the first hour, additional time will be rounded to the nearest half-hour. Coming in early, staying late, or taking a shorter lunch break are not to be used to reduce the number of vacation hours which have been taken during a pay period.

## C. Record Keeping

The Recorder or designee keeps the official vacation leave records.

### 8.8 Sick Leave

Compensated sick leave is a Midway City owned benefit afforded to those full time and permanent part-time employees who become ill or injured and cannot perform their normal duties. Paid sick leave is time during which an employee may be excused from work without loss of pay due to:

1. Personal illness; injury or type of disability, or illness in the immediate family;
2. Dental, medical, optical or mental health appointments; and
3. Maternal/paternal leave (limit of six weeks sick leave for maternal leave unless physician prescribes more; limit of one week of sick leave for paternal leave.)

All eligible employees shall be eligible for sick leave benefits upon completion of one (1) month of Midway City service.

Paid sick leave is accrued by fulltime employees at a rate of one eight-hour sick day per month (provided the employee worked 80% of the available work hours in the calendar month). Permanent part-time employees will accrue sick leave at a pro-rated amount equal to the number of hours worked per week. Temporary employees are not eligible for sick leave benefits.

Sick leave will not be earned during a period where a leave of absence without pay is being granted for reasons other than personal or family related illness or conditions as defined by the Family Medical Leave (FML).

Within an hour of the start of work of the same business day, an employee on sick leave shall inform management of the reason why he/she will be unable to attend work. It is the responsibility of the employee to keep management advised regarding continued absence or sick leave. Management may require the employee to submit a doctor's certification of illness before approving sick leave pay.

Sick leave shall be taken in a minimum of one-hour increments. After the first hour, additional time will be rounded to the nearest half-hour. With management approval, earned vacation leave may be used for sick leave purposes once sick leave is exhausted. Coming in early, staying late, or taking a shorter lunch break are not to be used to reduce the number of sick hours which have been taken during a pay period.

Employees who retire from Midway City will be paid their accrued sick leave. There is no cap on the number of sick leave hours an employee may accrue during their employment with the city. This lump sum will be paid at 50% of their wage at the time of



retirement. No sick leave hours will accrue for an employee who is on sick leave, medical leave, short-term disability or long-term disability. The employee may choose to take this amount as a lump-sum one-time payment, or, if the employee is participating in the URS Contributory Accounts (i.e., 401(k), 457, or Roth IRA) may have it deposited directly into their account.

In the event of illness to an immediate family member (means spouse, parent, child, brother, sister, grandparent, spouse's grandparent, grandchild, father-in-law, mother-in-law, brother-in-law, sister-in-law, daughter-in-law, son-in-law, and aunt or uncle), an employee may use up to five (5) days of sick leave per incident upon approval of the department head, elected official or supervisor; if necessary the employee shall be allowed to utilize an additional 55 days of leave-without-pay (for a total of 12 weeks leave, in compliance with FML – 12 weeks per year allowed to qualified employees).

Eligible employees may donate leave to another employee with the approval of the Midway City Council in cases of dire need by another employee. The hours donated by an employee must be from their accrued vacation or compensation time; they cannot be donated from their accrued sick leave hours. Before an employee can receive hours from another employee, the receiving employee must have used all of their available sick leave, compensation time and vacation time. There cannot be an excess of donated hours beyond the hours required to cover the emergency.

All non-emergency, medically necessary surgeries or procedures requiring sick leave beyond 21 consecutive days must be approved in advance. The request must be accompanied by a physician's note, which must specify medical necessity, prognosis, probable return to work date and fitness for duty status. At the end of 21 consecutive sick days due to the employee's illness, employees may use vacation hours.

The Recorder or designee keeps an official record of sick leave records.

## **8.9 Maternity, Paternity, and Family Leave**

Maternity/Paternity and family leave may be taken for the birth of a baby by the employee or spouse/partner, or for the adoption of a child into the immediate family. An employee may use up to 12- weeks of family leave during a 12-month period using annual leave, sick leave, short-term disability (maternity leave only), or leave without pay. During this time, Midway City will continue the medical coverage of the employee on leave. Employees who have exhausted all accumulated sick leave shall be granted leave-without-pay for maternity purposes.

An employee must advise management and receive approval of the possible plan to use maternity/paternity/family leave three (3) months in advance, so as to assure an adequate transition of job duties. An employee on maternity leave may return to employment up to 12-weeks of the date leave was begun without penalty. During this period, Midway City shall not hire a permanent employee to fill the position held by the employee. The employee must give 25-days notice of intention to return to work.

After 21 consecutive days of sick leave due to the illness of a member of the employee's immediate family and being designated by a medical provider or physician as the primary care provider, an employee is allowed leave as designated and regulated by Family Medical Leave (FML). Additional unpaid hours may be granted under FML, and an employee may supplement unpaid time with vacation hours.

## **8.10 Short-Term Disability**

Employees of the City may purchase supplemental short-term disability insurance as an out-of-pocket expense through a carrier approved and contracted by the City. The City will contract with only one insurance company to supply any and all supplemental policies of any kind to active, eligible employees.

### **Scope**

This policy refers to all active regular full-time and permanent part-time staff who work at least 50% equivalent annual working hours determined by the National Division of Labor Standards.

### **Policy Elements**

Short-term disability applies to employees who are unable to work because of a medically certified illness or injury that is not work related. This refers to the inability of the employee to carry out their substantial job duties. It doesn't refer to those who have, for example, sustained minor injuries (e.g., a sprained ankle) and may still be able to fulfill their responsibilities. Short-term disability has a maximum length of 90 days. Employees must be released to return to work, or have authorization from their physician for continuation onto long-term disability as of Day 91.

### **Eligibility Criteria**

To be eligible for a short-term disability leave, employees must meet the following basic criteria:

1. Be unable to perform their regular jobs or any work appropriate to the disability that may be offered;
2. Be disabled for at least seven full consecutive calendar days as certified by a licensed health care provider. If an employee does not have accrued sick leave to use during the waiting period, then accrued vacation must be used, otherwise, the waiting period is unpaid;
3. Be under the care of an appropriate licensed health care provider for the presenting condition who certified the limitation that prohibits employee from working and provides the treatment plan and schedule for recovery and return to work;
4. Be following the treatment plan as provided by their health care provider;
5. Complete and submit the Application for Temporary Disability Benefits to the Human Resources office.

An employee is eligible for short term disability on the first day of the month following their hire date. An employee must be an active employee of the City on the effective date of coverage.

The monthly earnings benefit of short term insurance is equal to 60% of the employees' gross monthly earnings (excluding bonuses, commissions, expense accounts, and any other extra compensation).

### **Continuation of Benefits**

Once an employee qualifies for short term disability and begins receiving benefits, the following actions occur regarding their employment:

1. Sick and vacation time do not accrue;
2. The employee does not receive holiday pay;
3. Monthly insurance premium payments for benefits not provided by the City are the responsibility of the employee; any insurance benefits provided by the City to all employees will continue to be paid on the employees' behalf, until such time as a return to work release from the employee's physician is received by Human Resources, or the employee becomes eligible for long-term disability.
4. Employee accounts with the Utah Retirement Services Office will be temporarily suspended until such time as the employee returns to work. This includes retirement accounts, 401(k), 457, Roth IRA, and loan accounts. Once the employee returns to work, accounts are re-activated.

### **Confidentiality of Records**

In all cases, the office of Human Resources will work with the supervisor and the employee to ensure that appropriate procedures are followed while maintaining the confidentiality of the employee's medical information.

## **8.11 (RESERVED FOR LONG TERM DISABILITY)**

### **8.12 Military Leave**

Employees are entitled to fifteen (15) calendar days' military leave per year without loss of benefits. The employee shall be entitled to all military compensation with the City paying any difference in the employee's regular salary and the military paying for eleven (11) working days (88 working hours). A copy of the military paycheck shall be provided by the employee to the Recorder.

Any employee requesting such leave must provide a copy of the military orders placing him/her on active duty status to his/her supervisor. Employees requesting military leave shall notify their supervisor at least four (4) weeks in advance of the request leave date.

### **8.13 Jury Duty/Court Leave**

The employer shall grant paid time off when an employee is subpoenaed for any Court or

jury duty at a time the employee would have normally been scheduled to work. Such compensation shall not exceed an employee's normal wages and shall not exceed eight (8) hours for any given day. All compensation received for Court or jury duty from such agencies is to be remitted by the employee to the general fund of Midway City, unless such duty is performed outside of normal working hours.

Such Court leave shall not apply when appearing in court for criminal or civil cases being heard in connection with the employee's personal matters, such as traffic court, divorce proceedings, custody, appearing as directed with juvenile, or as a witness in a case not involving Midway City, etc. These absences would be leave without pay, personal days or vacation leave.

#### **8.14 Bereavement Leave**

Full time employees shall be entitled up to three (3) working days paid bereavement leave to attend the services or funeral of an immediate family member. Immediate family for this purpose shall be defined to be: mother, father, husband, wife, partner, children, brother or sister (including blood, step or adopted), grandparents, current stepmother, current stepfather, brother-in-law, sister-in-law, or grandchildren, mother-in-law or father-in-law.

For other family relations and friends, requests for bereavement time off may be taken when agreed upon by the department head and the Mayor, or employees may use compensatory time, vacation time or leave without pay.

In the case of the death of an employee's parent, spouse or child, the employee may request and be granted up to five (5) working days with pay to manage the family issues related to the loss. Requests should be made to the supervisor/manager or Mayor who will approve the request based on the specific needs of the employee, balanced with the needs of the city. If additional time off beyond this allowance is required regular vacation or sick leave must be used. Time off under this policy will not count as time worked in computation of overtime for that week.

#### **8.15 Administrative Leave**

A classified or exempt service employee may upon approval of the Mayor, be granted leave with pay to perform legitimate duties in connection with City business, to attend trade or professional meetings, which relate to official duties, or to participate in recognized and authorized training programs.

Expenses relating to administrative leaves must be within the budget and authorized by the Recorder.

All higher educational training courses must be pre-approved by the Mayor.

### 8.16 Leave Without Pay

An employee may be granted leave without pay, upon showing pressing need or other extraordinary circumstances. The length of time approved will be determined on a case-by-case basis and the circumstances that caused the request. All employee leave without pay requests need to be in writing and approved in writing by the Mayor.

### 8.16 Employee Birthdays

Each employee will be given one (1) hour off with pay at the end of the business day on their birthday. Should the birthday fall on a Saturday the employee will be given one (1) hour off on Friday, if the birthday is on Sunday the employee will be give one (1) hour off on Monday.

### 8.18 Clothing Allowance

Public works employees will receive a yearly allowance to be used to purchase the following. During the orientation/probation period new employee will be entitled to one-half (½) of the yearly clothing allowance.

5	Pair of jeans		\$125.00	yr max.
5	Work shirts with logo		\$100.00	yr max.
1	Pair of work boots		\$200.00	yr max.
1	Pair of muck boots		\$160.00	yr. max
1	Pair of gloves		\$ 20.00	yr max.
1	Light weight coat with logo		\$ 75.00	yr max.
1	Heavy weight coat with logo		\$150.00	yr. max.
1	Bib Overall – heavy weight		\$150.00	yr. max

#### Building Safety Inspectors

5	Shirts with logo	\$19.00	\$ 95.00	yr max.
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## **Section 9. Work Hours**

### **9.1 General Policy**

All staff members are expected to report each day, and on time (based on individual schedules that have been pre-approved by management). Each non-exempt employee is responsible for providing management with an accurate bi-weekly time sheet. Falsification of an employee's time sheet is grounds for termination of employment.

### **9.2 Work Week and Paydays**

#### **A. Normal Operating Hours**

Normal operating office hours are 7:30am to 5:30pm Monday through Thursday, and 8:00am to 12:00pm on Friday. A regular pay period is normally defined as bi-weekly with all full-time employees to work forty (40) hours per week, with each work week beginning at 12:00 a.m. on Sunday and ending at midnight on Saturday. Due to seasonal public works department schedules, variation in the hours worked per week may occur which shall be managed according to the overtime provisions of the Fair Labor Standards (FLS). Paydays are Thursdays following pay periods.

#### **B. On Call Hours**

Public Works employees will be required to be on call on a rotation basis. Employees must be within 30 minutes drive time from Midway while on call. Each rotation will be for a one week period of time. The employee will receive eight hours of wages for being on call (four hours paid for Saturdays and four hours paid for Sundays). Should the employee be called out on an emergency they will be paid regular or over time wages whichever applies, with a one-hour minimum. If the emergency requires more than one person, it will be the responsibility of the "on-call" person to call out additional help. If the "on-call" employee is unable to work their on-call shift, they will make arrangements for someone to cover it for them.

### **9.3 Lunch Break**

All regular full-time employees are provided with one meal period of sixty (60) minutes in length each workday. Employees will be relieved of all active responsibilities and restrictions during meal periods and will not be compensated for that time. Such period should be taken between 11:00am and 2:00pm. Actual hours will be flexible with approval of management. Reduction of the lunch period cannot be used to reduce the normal workday without the prior management approval.

## **9.4 Rest Periods**

Two optional ten-minute rest periods may be allowed at the approval of the supervisor. One break may be used in the middle of the first four-hour block of the work day and one may be used in the middle of the second four-hour block, the last half of the work day. No unused ten-minute period may be used to shorten the work day. Rest periods are to be taken on premises of where you will be working for the period of time when the rest period is allowed to be taken.

## **9.5 Unforeseen Work Interruptions**

It is the policy of the City that on those days when there is an interruption of work for causes outside the control of the City, employees shall be compensated for the entire day of the occurrence, regardless of the time released from work.

On the day immediately following the occurrence, employees shall be expected to report to work at their regularly scheduled start time, unless otherwise notified by the department head, elected official or supervisor. Such notification shall be initiated no later than one hour prior to the regular start time. Reasonable diligence to make contact is the responsibility of both the department head, elected official, supervisor and employees. If such notification is made, there will be no compensation for that work-day. If no such contact is made, employees are to report to their regular work stations at their appointed time. The decision to terminate work shall be made by the individual department head, elected official on the day of the occurrence. Extended work termination beyond the day of occurrence, shall be determined by the City Council, and such decision will be communicated to each department head.

## **9.6 Flexible Work Schedules**

Employees may propose to management a permanent Flexible Work Schedule based on their personal and family needs. For management to consider/approve an employee's request, a Personal Action form must be completed and presented to management addressing the following issues:

1. Why are you requesting the Flexible work Schedule?
2. What will be the positive/negative impact on the City and staff? and
3. How will the work schedule be monitored to ensure you work the agreed upon hours and job responsibilities are being met?

Based on your written request, your overall work record and management's view of the effects of the Flexible Work Schedule on City operations, the Mayor will provide the employee a written decision regarding the request in five (5) working days. It is the sole discretion of the Mayor whether to approve or deny any request. The arrangement will be reviewed every 90 days to ensure it is working in the best interest of the City.

Non-permanent Flexible Work Schedules enables non-exempt employees to either come in late or leave early the following work day due to working beyond normal work hours the previous day. Management must be notified and approve in advance any non-permanent flexible work schedule arrangements.

Employees are expected to work their full shift (8 hours). If they need to leave for family reasons they are expected to make up that time by coming in early, taking a shorter lunch period, etc. If an employee needs to make up time/hours, the missed time/hours must be made up during the work week in which the time/hours were missed.

## **9.7 Time Keeping**

Any non-exempt employee who works during a biweekly pay period is required to submit a time sheet. Public Works employees are required each day to clock in when they report to work and clock out at the end of their shift. They are not to hand write their time on the time card unless they are the on-call employee, and a call will take less than one hour. In this instance, with prior approval of the Mayor or the Operations Crew Chief Leader, time can be hand-written in. Employees are not to clock in or out for another employee. When working in more than one department, employees must identify how much time is spent in each department and list their activities. Employees are not permitted to save up time sheets or submit multiple time sheets. Employees who submit time sheets later than noon on Monday may not be paid until the following pay period. Violation of time keeping policies or falsification of time sheets may result in disciplinary action up to and including termination. The time sheets must show time taken for federally mandated lunch hours. All time sheets need to be signed by the employee and their supervisor. If there is a discrepancy on the time card the supervisor is to take the time card to the Human Resources Manager for disposition.

## **9.8 Overtime and Compensatory Time**

### **A. Exempt Employees**

Exempt employees are not paid overtime.

### **B. Non-Exempt Employees**

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

If an employee needs to make up time/hours, the missed time/hours must be made up during the work week in which the time/hours were missed. An employee will not be compensated for hours not made up during that work week; i.e., an employee cannot work thirty (30) hours one week and fifty (50) the next and average the two weeks together. The number of hours worked over two or more work weeks cannot be



averaged to avoid payment of overtime. An employee cannot take time off without pay if the employee has vacation time or sick leave available (whichever is applicable).

In emergency situations only, supervisors or the Mayor may request an employee to accept extra work on an overtime basis. Overtime is intended to be used in emergency situations, or under very unusual circumstances and shall be kept conservative commensurate with the best interests of the City.

The amount of time given an employee for paid vacation, sick leave or holidays will not be included in calculating hours for overtime payment. Employees may choose either regular pay or compensatory time when called out on an emergency during scheduled vacation time when the total hours exceed 40 worked hours in that work week.

Employees have the option of either receiving pay or compensatory time for work in excess of forty (40) hours in any given work week. An employee must indicate which choice they prefer when time sheets are turned in for each pay period applicable. Employees may not change the option once the time sheet has been submitted

Compensatory time will be calculated the same way regular or overtime hours are calculated. One hour of regular paid wages will equal one hour of compensatory time. One hour of overtime will equal one and one-half (1 ½) hours of compensatory time.

Employees may accrue compensatory time not to exceed 30 hours. Employees shall be permitted to use compensatory time within the fiscal year it is accrued. If an employee accrues compensatory time in excess of 30 hours, that excess amount will be paid out on the next payday. Any employee with a balance of compensatory time at the end of the fiscal year, shall be paid for those hours, and will begin each new fiscal year with a zero balance of hours. Use of compensatory time must be approved by the supervisor or Mayor and not unduly disrupt department operations.

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

## **9.9 Absences and Tardiness**

Employees are expected to report to work on time. Tardiness is expensive, disrupts workflow, compromises customer service and will not be tolerated. Unauthorized or excessive absences or tardiness may result in disciplinary action, up to and including termination. An absence is considered to be unauthorized if the employee has not followed proper notification procedures or the absence has not been properly approved. Unsatisfactory attendance may also have an adverse effect on any promotional opportunities.

If an employee is going to be late or absent for any reason, he/she shall contact his/her supervisor or their designee within one (1) hour prior to their regular starting time. It is the employee's responsibility to ensure that proper notification is given. Leaving voice mail messages is considered proper notice; asking another employee, friend or relative to give this notification is acceptable only under emergency circumstances.

Employees who know they will be absent on three or more consecutive days (i.e. surgery) are required to notify their supervisor in advance of their absence. Employees who are absent on consecutive days as a result of day-to-day illnesses are required to notify their supervisor each day. Employees who are absent on three or more consecutive days or who have a pattern of absences will be required to furnish a doctor's note verifying each occurrence of illness.

Employees who are absent from work for three consecutive days without giving proper notice will be considered as having voluntarily resigned employment with the City. At that time, the resignation and thus termination will be formally noted in the employee's personnel file and the employee will be advised of the action by certified mail to the employee's last known address.

## **Section 10. Reimbursement of Travel and Related Expenses**

### **10.1 Travel**

Travel expense associated with authorized trips on City business, for City business, for attendance at conventions, conferences, field trips, educational courses or meetings, etc. will be paid by the City based on a per diem schedule set by the Mayor and City Council. Receipts will be required for any unavoidable expenses that exceed the per diem schedule. Actual costs for materials required for the seminar, training courses, etc., will be paid for or reimbursed by the City. The employee will provide receipts/ledger for all materials purchased to the City upon completion of the trip, but not later than one week after return to normal duties. An employee may be accompanied by a spouse, family member, partner or friend on approved City business trips with the understanding that the City will not pay any of the costs incurred by the spouse or be responsible for any liability associated therewith. All absences from work to attend various meetings, training, seminars, conventions, etc., must be approved by the department head or supervisor prior to attendance. Travel expenses must be included in an annual budget for each department anticipating travel as a part of the budget process. Any travel expenses in excess of the amount budgeted must have the approval of the City Council.

### **10.2 Use of Personal Cars**

Personal cars may be used for City business if adjudged advantageous to the City. When a personal car is used for City business, the City's reimbursement for the car shall be at the rate allowed by the IRS. The distance will be computed from a standard mileage chart or vehicle odometer readings. Travelers receiving mileage reimbursement are required to maintain their driver's license number and personal auto liability insurance company name and policy number on file with Midway City. Mileage is paid on the most reasonable direct route. Authorized Midway City travelers driving their personal vehicle shall report all accidents occurring while on Midway City business to the Recorder or designee. Authorized Midway City travelers are required to meet all automobile insurance regulations for the state of Utah that must include liability and property damage coverage.

### **10.3 Authorized Expenses**

1. Air Transportation: Any authorized Midway City traveler using air transportation, shall be reimbursed for their travel expense at coach airfare rates. Exceptions require approval of the Mayor. Receipts for air tickets purchased by the traveler are required. Whenever possible, all airline tickets must be purchased using the lowest available advance booking fare.

2. Public Transportation – Reimbursement will be authorized for taxis, bus, limousine or shuttle service when conducting Midway City business and no private vehicle is available. The actual cost and a fifteen percent gratuity will be reimbursed. Receipts are required.
3. Lodging Expense:
  - a. Midway City will reimburse lodging expenses at the single accommodation rate, except in instances where accommodations are shared by persons conducting Midway City businesses, in which case reimbursement will reflect the party's actual costs. Receipts are required.
  - b. Charges for lodging will be reimbursed for only the night prior to the formal start of the conference, seminar, meeting, etc., and those nights when the event is actually being conducted, including the night of the last day, unless there is a savings available to Midway City through extending the stay.
4. Meal Expense:
  - a. When meals are part of a registration or tuition fee, additional per diem charges for those meals cannot be claimed. Subsistence, which consists of meals (excluding alcoholic beverages) and lodging, is limited to actual costs as approved or per diem, as allowed by the IRS.
5. Other Authorized Expenses:

Reimbursement for miscellaneous types of expenses, are authorized for Midway City business (e.g. luggage handler's gratuity, toll fees, parking, other gratuities, etc.)

#### **10.4 Travel Advances**

Authorized Midway City travelers are able to draw travel advances by submitting a written request to the Recorder or designee for approval no sooner than two (2) weeks before the occurrence of the function necessitating the travel. The travel advance will be given to the employee or official in the form of a check made out to the individual not to exceed 50% of the anticipated travel expenses.

No later than two (2) weeks after returning from the function, the Midway City traveler must make an accounting of the travel advance. The Midway City traveler must be able to substantiate any claims as specified within the expense reimbursement policy. The unused portion of the travel advance must be repaid to Midway City within two weeks.

The Midway City traveler must claim actual expenses. If the meeting that necessitates the travel advance is canceled, or the traveler elects not to attend, the Midway City traveler will return the amount advanced within the time frame stated above.

## **10.5 Expenses for Spouses, Other Family Members, or Non-Midway City Employees**

Expenses for spouses, other family members or non-Midway City employees will not be paid by the City. Family members may accompany City employees on City-assigned trips requiring an overnight stay but travel, food, lodging or any other expenses will not be paid by the City.

## **Section 11. Performance Evaluation**

### **11.1 Policy**

Once the orientation period is completed, it is the policy of Midway City to evaluate each employee's performance annually. This is done to assure that performance expectations are clear, to identify employee's strengths and areas in need of development, to develop plans to address performance issues, and for the purpose of recognizing contributions/results made by employees in the achievement of the City's goals and objectives.

### **11.2 Responsibility**

1. The Mayor or supervisor will provide:
  - a. Assistance to the employees by explaining the objectives and provisions of the performance evaluation plan; and
  - b. Training and coaching to supervisors so that they can effectively carry out their responsibilities for communicating with and evaluating employees.
2. The Mayor or supervisor are responsible for:
  - a. Keeping their employees informed of the expectations used in evaluating their performance;
  - b. Taking action to improve aspects of performance identified as in need of improvement in the evaluation discussion; and
  - c. Recommending compensation adjustments based on performance to the City Council.

### **11.3 Evaluation Process**

#### **A. Informal Evaluation:**

Informal evaluation goes on at all times and for a variety of purposes: appraisal of performance in the current position; determination of career potential; appraisal for promotion to a specific position; determination of training and development needs; and consideration of merit increases.

**B. Formal Evaluation:**

An informal evaluation of the orientation/probationary new employees should be conducted by management at three months and a formal evaluation will be conducted before completion of the six months orientation/probation. The purpose of these evaluations is to determine whether the employee is able to perform the responsibilities of the position and to provide opportunities for constructive feedback.

Formal annual appraisals of all other employees should be completed within thirty (30) days of the end of the fiscal year, in June. The purposes of these appraisals are to provide performance feedback, set new performance objectives, and provide the basis for merit pay determination. Copies of all performance appraisals shall be forwarded to the Mayor for review prior to their being placed in the employee's personnel file. Management proposing merit increases or bonuses for staff shall provide the recommendation along with the performance appraisal to the City Council.

The performance evaluation consists of a written employee self evaluation, a written evaluation by the Mayor or supervisor, a confidential interview to discuss the employee's performance, and an opportunity for the employee to offer his/her written comments to the review.

Prior to the performance evaluation, the employee will provide the Mayor or supervisor with his/her self-evaluation. As part of the self-evaluation, an employee should identify goals he/she would like to accomplish during the next review period. The employees should identify the goal, the means by which to measure whether it has been accomplished, and the time frame in which it will be accomplished.

The Mayor or supervisor should go through a similar process with his/her evaluation of the employee. First, reviewing and evaluating the accomplishments of previously set goals; second, identifying any additional accomplishments; third, establishing goals for the future that are measurable; and fourth, identifying areas needing improvement. These areas of development may enhance the employee's ability to do his/her current job, or prepare him/her for upward mobility.

The interview is intended to be an open dialogue between the employee and the Mayor or supervisor to discuss the evaluation openly and set future goals.

If, at the end of the interview, the employee and the Mayor or supervisor agree that items should be changed, added or deleted from the written review, the evaluation may be rewritten. Once the written performance evaluation is finalized, the employee will be asked to sign it, acknowledging that he/she has read the review and has been given the opportunity to discuss it. Signing the written evaluation shall not be construed to mean that the employee agrees or disagrees with the contents of the evaluation.

## **Section 12. Disciplinary Procedures**

**12.1 General Policy** – It is the responsibility of all employees to observe rules of conduct necessary for the proper operation of City government. Administrative procedures have been established for the handling of disciplinary measures when required. Discipline is necessary to enable the city and employees to fulfill our obligations to each other. Discipline is not necessarily a form of “punishment” but represents the systematic approach to help maintain order and harmony within the Midway City and thereby enable us to function at peak performance.

Like any city, Midway City has developed rules and regulations to help it operate efficiently and effectively towards projected goals. Midway City is a collection of people, all working for the success and progress of our community. Each of us owes it to our fellow employees to establish and promote good discipline. When discipline breaks down, operations break down and employees, as well as the city, suffer for it. That is why Midway City has established a reasonable and fair set of rules and a disciplinary procedure for the administration of these rules.

Midway City realizes that certain types of misconduct, such as excessive absenteeism and /or tardiness may arise from personal problems. Employees are encouraged to discuss problems with management before misconduct occurs so that possible assistance might be rendered or questions resolved to help avoid the need for disciplinary action.

Midway City policies must be enforced to maintain standards of conduct and high levels of productivity. Management may administer or recommend disciplinary policies within their department. If an employee violates a rule or policy, disciplinary action may be necessary up to and including termination.

It is the responsibility of all employees to observe regulations necessary for the proper operation of Midway City functions. Administrative measures have been established for the handling of disciplinary measures taken against all employees such as dismissal, reprimand, and suspension. All such disciplinary measures shall follow findings of fact, the presentation of charges to the employee, and an opportunity for the employee to be heard. Circumstances may warrant bypassing some or all of the above types of discipline. There is no intention to guarantee a “progressive” scheme of discipline.

**12.2 Causes for Disciplinary Action** – Causes for disciplinary action, up to and including termination, may include, but are not limited to the following:

- a. Violation of the laws of the United States, the State of Utah, or ordinances of the City of Midway or any other jurisdiction determined to be job related.
- b. Violation of the code of conduct
- c. Conduct which endangers the peace and safety of others or poses a threat to the public interest.
- d. Any behavior by an employee deemed inappropriate or disruptive to the work



environment which may affect the ability of other employees to perform effectively.

- e. Misconduct.
- f. Malfeasance. (The performance of an act which is legally unjustified or conflicts with the law or City policy).
- g. Misfeasance. (The wrongful performance of a normally lawful act).
- h. Nonfeasance. (The omission of some act which ought to have been performed.)
- i. Incompetence.
- j. Negligence.
- k. Insubordination.
- l. Failure to maintain skills.
- m. Inadequate performance of duties.
- n. Unauthorized or excessive absence or tardiness.
- o. Falsification or unauthorized alteration of records.
- p. Violation of City or department policies including, but not limited to:
  - i. Failing or delaying to report accident/incident; loss, damage or destruction of equipment; personal injury
  - ii. Violation of General Conduct rules, see Section 1.10
  - iii. City driver was not wearing a seat belt
  - iv. Leaving the job or premises to which employee was assigned at any time during working hours without permission
  - v. Failure to observe precautions for personal safety, posted rules, signs, safety instructions, accepted safe practices or failure to use protective clothing or equipment resulting in injury or property damage
  - vi. Violating traffic regulations, reckless driving or improper operation of a motor vehicle while operating a City vehicle
  - vii. Loading, wasting time, sleeping or inattention to duty
  - viii. Carelessness resulting in spoiling or waste of materials or delay in productivity
  - ix. Unexcused failure to report, tardiness or abuse of leave privileges
  - x. Failure or delay in carrying out orders, work assignments, or instructions
  - xi. Unauthorized possession or damage to City property or property of others or endangering the same through carelessness
  - xii. Disorderly conduct, fighting, threatening or attempting to inflict bodily injury to another; engaging in dangerous horseplay while on City time or property; or resisting competent authority
  - xiii. Unlawful distribution of alcohol or drugs on City property
  - xiv. Revealing or releasing confidential information without proper authorization or use of such information for personal gain
  - xv. Unauthorized removal or use of City's equipment, machines or tools
  - xvi. Disrespectful conduct; use of insulting, abusive, or obscene(profane) language in connection with City duties
  - xvii. Falsifying attendance records for oneself or another employee
  - xviii. Disobedience to constituted authorities, or deliberate refusal to carry out a proper order from any supervisor having responsibility for the work of the employee; insubordination
  - xix. Failure to immediately notify employee's department supervisor of the loss of a valid Utah driver's license through revocation, suspension, or other

- ineligibility, if such license is required in the performance of job duties
- xx. Careless or negligent use of City property
  - xxi. Theft, misplacement, malicious damage or misuse of City equipment, material, property or money of the City, the public, or of other employees
  - xxii. Misuse of electronic resources by use of resources for personal gain or political purpose; pornography; soliciting; or illegal or immoral activity
  - xxiii. Engaging in any actions which are determined by the department supervisor to be sufficient cause for disciplinary action
- q. Falsification of employment application.
  - r. Discrimination.
  - s. Sexual harassment or prohibited sexual conduct.
  - t. Retaliation.
  - u. Misrepresentation (making false statement or knowingly allowing false statements or false impressions to be accepted as valid in the course of the employee's job related duties).
  - v. Theft or removal of any City property, or the property of any employee from the work premises without proper authorization.
  - w. Gambling or engaging in a lottery on City property.
  - x. Inability perform essential job duties, with or without reasonable accommodation.
  - y. Any other action or behavior contrary to the best interests of the City.

No written or verbal warning of any type are necessary or promised prior to any type of discipline, up to and including immediate suspension or termination of employment.

### **12.3 Immediate Suspension With or Without Pay**

The employee may be subjected to immediate suspension with or without pay and dismissal pending the results of a formal investigation. A written letter stating reasons for disciplinary action must be sent by certified mail or be hand delivered to the employee by the Mayor. The Mayor shall schedule and conduct an investigation hearing with the employee within five (5) working days of such action. Failure of the employee to appear, without good cause, constitutes a waiver of further appeal by the employee through Midway City grievance procedures. The City Council will act as the grievance board.

### **12.4 Just Cause for Disciplinary Action**

Midway City employees are subject to disciplinary action for failing to fulfill their work related duties and responsibilities, or for other reasons, as determined by the City in its sole discretion. No full-time, permanent employee covered by Utah Code Sections 10-3-1105 and 10-3-1106, may be discharged, suspended without pay, or involuntarily transferred to a position with less remuneration because of the employee's politics or religious belief or incident to or through changes in the elective officers, governing body, or heads of departments of the City. The employee has the right to a review through the grievance procedure of any disciplinary action.

Pre-Disciplinary Hearing. Whenever a full-time employee, who is not an appointed, at-will, or a probationary employee, is subject to possible suspension without pay for more than two days (16 hours), involuntary transfer from one position to another with less compensation, or termination, a pre-disciplinary hearing shall be held prior to imposing disciplinary action.

- A. The employee shall be given written notice of the hearing, prior to the hearing, which will include an explanation of the charges against the employee and notice that discipline, up to and including termination, will be considered.
- B. The pre-disciplinary hearing shall be conducted by the employee's supervisor or designee for the purpose of allowing the employee to respond to the charges and present information the employee believes is relevant to the decision.
- C. A decision as to the disciplinary action to be taken, if any, shall be made by the applicable supervisor or designee, and the employee shall be notified in writing within five working days after the hearing. This written notification shall include:
  - i. The grounds for disciplinary action.
  - ii. Any disciplinary action to be imposed.
  - iii. The effective date and duration of the disciplinary action.
  - iv. Any required corrective action necessary for the employee to avoid further disciplinary action.
  - v. Notice and a copy of the post-disciplinary hearing process outlined in 12.5(6) if the imposed disciplinary action is termination, a suspension of more than two days (16 hours), or involuntary transfer from one position to another with less compensation.
- D. Employees whose conduct constitutes grounds for discipline may be subject to one or more of the foregoing disciplinary actions depending on the severity of the improper conduct. The City reserves the right to impose disciplinary action, up to and including termination on a first offense, depending on the nature and severity of the improper conduct.

## **12.5 Initiation of Disciplinary Action**

Disciplinary action may only be initiated by Midway City management, the Mayor or the City Council.

## **12.6 Steps of Disciplinary Action**

The following describes the types of disciplinary action that may be taken by management in order of severity. No employee is guaranteed to receive any of the following types of action. Generally, first time problems result in verbal reprimands. Failure by the employee to correct the behavior or performance problem may result in more serious disciplinary action. Except in the most serious disciplinary cases, employees will normally receive progressive discipline before termination will occur.

1. **Step 1 - Corrective Action**: When an employee's performance does not meet established standards for reasons other than willful misconduct, managers may document in writing and take appropriate corrective action in accordance with the following rules:
  - a. Management may discuss the substandard performance with the employee in an attempt to discover the reasons for such performance and to plan an appropriate solution.
  - b. Appropriate corrective actions include closer supervision, training, referral for personal counseling, reassignment or transfer, use of appropriate level career counseling, or separation.
  - c. During the implementation of corrective action, Management may regularly evaluate and document the employee's progress (good and bad).
2. **Step 2 - Verbal Reprimand**: Whenever grounds for disciplinary action exist, and Management determines that more severe action is not required, Management may verbally communicate to the employee the observed deficiency. Written documentation of the verbal reprimand will be kept for the record of discipline in the employee personnel file. Sufficient time for improvement should be given before more formal disciplinary action is taken unless extenuating circumstances dictate otherwise. A written Verbal Reprimand will be removed from the employee's personnel file one-year from the date of issuance, provided that there have not been subsequent occurrence(s) of the same or similar offense.
3. **Step 3 - Written Reprimand**: This is an action which may be taken in which Management writes out the action or behavior which the employee must change/stop. The written reprimand will describe in detail the behavior to be corrected, will give a clear statement of performance expectations for the future, and will point out the consequences of repeating the actions which brought about the written reprimand. The written reprimand will be signed and presented to the offending employee by Management. The employee will sign all copies to acknowledge receipt; if he/she refuses, the presenter shall note this refusal on the form. A copy of the written reprimand shall be placed in the employee's personnel file for one-year provided that there has not been subsequent occurrence(s) of the same or similar offense.

If an employee receives three (3) Written Reprimands for the same or different offenses within a twelve (12) month period, the employee may be placed on forty (40) hours of leave without pay or may be terminated at the time of issuance of the third notice.

4. **Step 4 - Suspension With/Without Pay**: This is an action which may be taken by Management which removes the employee from the work site for a period not to exceed ten (10) workdays unless extended for good cause by the Mayor. Based on

the level of the violation of Midway City work rules and consideration of all the facts surrounding the suspension will determine whether the time-off is with or without pay. A written record of suspension is kept in the employee's personnel file.

At the end of a suspension, if the employee is returned to work the employee will be returned to the Midway City payroll at the same classification and salary as when the employee was suspended. If suspension is without pay, benefits will not accrue during the suspension period. If through the appeal process the suspension is found to be without cause, any lost wages and benefits may be reinstated.

5. **Step 5 – Demotion**: An employee may be demoted to a lower grade position with or without a reduction in pay or reduced in pay within the employee's grade by a Department Supervisor. If the demotion is also an involuntary transfer to a position with less remuneration, the City shall first conduct a pre-disciplinary hearing as outlined in (12.3), except for appointed, at-will, and probationary employees or is the result of a layoff or reorganization.
6. **Step 6 – Termination**: This is an action that may be taken by Management if: (1) through the progressive disciplinary process the employee failed to correct the violation of work rules and/or standards; (2) three or more written reprimands for the same or different violations in 12 months occurred; (3) employee failed to report to work without notice for three consecutive days; (4) the incident/violation of Midway City work rules and standards is considered by Management to be at such a high level that termination is the only option for the good of the city; or (5) the City, in its sole discretion, determines that termination is otherwise necessary.

A full-time employee may be terminated by the Mayor after consultation with the Department Supervisor and/or the Human Resource Manager or designee, and the Legal Office. The City shall first conduct a pre-disciplinary hearing as outlined in (12.3), except for appointed, at-will and probationary employees or is the result of a layoff or reorganization. All other employees may be terminated at the discretion of the Mayor. A hearing is not required.

Termination is an action taken by the Mayor that permanently removes an employee from Midway City employment. Prior to terminating an employee, the Mayor shall notify the employee in writing of the reason(s) for the discharge and the effective date thereof. Termination is subject to the grievance procedure as outlined in these policy guidelines.

7. Appeal Board:
  - a. A full-time employee, who is not an appointed, at-will, or probationary employee, may use the post-disciplinary hearing process. Appeals to the Appeal Board shall be taken by filing written notice of the appeal with the City Recorder within ten calendar days of receipt of the notice of the imposition of the suspension of more than two days (16 hours), demotion or involuntary transfer from one position to another with less remuneration, or termination, except if the

action is the result of a layoff or reorganization.

- b. The Appeal Board shall consist of all members of the City Council. The Mayor, at his or her discretion, may appoint his or her self as a member.
- c. Exhaustion of Internal Grievance Procedures

The City designates the Appeal Board as the only internal post-disciplinary appeal procedure for terminations, suspensions without pay for more than two days (16 hours), demotions or an involuntary transfer from one position to another with less remuneration.

- d. If through the appeals process of any disciplinary action under Section 13 the action is reversed, the disciplinary action is expunged from the employee's record.

#### 8. Appeal Hearing Process (post-disciplinary)

- a. The employee shall be entitled to appear in person before the Appeals Board and to be represented by counsel (at the employee's expense), to have a hearing open to the public, to confront the witnesses whose testimony is to be considered, and to examine the evidence to be considered by the Appeals Board.
- b. An employee or the City may request the hearing be open to the public.
- c. The Appeals Board determines the admissibility of evidence and its use. Further, the Appeals Board is not bound by the rules of evidence and may consider any evidence it determines relevant to the matter.
- d. The City Recorder records and takes minutes of each session, except for the Appeal Board's deliberations.
- e. The City Attorney or designee represents the City's interests.
- f. The standard of review is an administrative standard of whether the evidence shows that it is more likely than not that the findings and action taken by the Department Supervisor are supported.
- g. The Appeals Board may establish hearing procedures consistent with 10-3-1106, UCA, and may modify those procedures at the hearing as may be equitable and conducive to a determination of the issues.

#### 9. Decision of Appeals Board Hearing

- a. Each decision of the Appeal Board shall be by secret ballot.
- b. Each decision of the Appeals Board shall be certified to the City Recorder no later than 15 days after the day on which the hearing is held; however, for good cause, the Appeals Board may extend the 15 day period to a maximum of 60 calendar days, if the employee and the City both consent.
- c. Upon reaching a decision, the Board shall issue the decision. A decision is issued when it is signed and dated by all members of the Board, and certified with the City Recorder. The City Recorder shall distribute the certified decision to the

employee, Mayor, and Department Supervisor.

- d. If the Board does not uphold the suspension, demotion or termination, the Board shall provide in its order:
    - i) The employee shall receive the employee's salary for the period of time during which the employee was discharged or suspended without pay less any amounts the employee earned from other employment during this period of time, or
    - ii) That the employee be paid any deficiency in salary for the period during which the employee was demoted or involuntarily transferred to a position of less remuneration.
  - e. Any final action or order of the Board may be submitted for review by either the employee or the City to the Utah Court of Appeals by filing a petition for review no later than 30 days from the date of the issuance of the final action or order of the Appeals Board by filing with that court a petition for review.
10. Requests to Purge Disciplinary Records – An employee may submit a written request to have prior disciplinary records purged to the Mayor.
- a. The employee must wait a minimum of two years before a request will be considered. Requests will only be considered if there have been no intervening disciplinary actions.
  - b. The Mayor shall consider the request within 10 working days of receipt.
  - c. All decisions shall be at the sole discretion of the Mayor or designee.

## **Section 13. Communications/ Grievance and Appeal Procedures**

### **13.1 Midway City Communication Policy**

Midway City seeks to maintain with its staff good working relationships that affirm the importance of each individual and his/her contribution to the work being done, encourage mutual trust and respect of all staff and management, provide prompt answers to questions, minimize misunderstandings and seek resolution to workplace differences as quickly as possible. It is Midway City's policy to facilitate the development of open channels of communication among all levels of the city. Employees are encouraged to take the initiative in seeking answers to their work related problems through immediate discussion with Management. While Management is the normal avenue through which staff raises concerns, other channels are available (i.e. Mayor and City Council) to employees to discuss concerns with someone outside of the immediate working situation in order to check information, clarify personnel policies, or obtain guidance. When a serious disagreement arises and reaches impasse, or when an employee disagrees with disciplinary action taken against him/her, the employee may initiate the grievance procedure.

### **13.2 Coverage of Grievance Procedure**

All employees are covered by the grievance procedure except temporary employees and new fulltime/orientation employees. Exceptions require approval of the Mayor and City Council. The grievance procedure covers matters subject to the control of management such as an employee's claiming unresolved issues concerning working conditions, application of discipline and application, enforcement, or interpretation of policies and procedures.

### **13.3 Grievance Procedure**

To assure promptness and equity in answering employee's concerns and to achieve early resolution of their work-related problems, employees are encouraged to take the following sequential steps:

#### **Step 1-Discuss with Management/Mayor:**

An employee is expected to first consult with the person with whom he/she has the problem or grievance and then with his/her immediate management representative. Consultation with management must occur within five (5) working days of the occurrence in order to initiate the grievance procedure. The problem may be regarding any occurrence or attitude, either expressed or implied, on the job that is perceived as unfair, inequitable, or in violation of any policy or procedure. Management is responsible for seeking resolution of problems through open discussions with those involved.



## **Step 2 – Appeal to City Council**

In those cases where solution to a problem has not been worked out in discussion with Management or the Mayor, or if no reply or reason for the delay has been received within ten (10) working days of the initial discussion with management, the employee may appeal to the City Council through the Mayor. The appeal should include a written statement of the problem or grievance with the desired outcome and/or satisfactory resolution. Upon receipt of the written grievance the City Council will have ten (10) working days to schedule a hearing. The decision of the City Council shall be by secret ballot. The City Council shall render a written decision to the employee and to Management within five (5) working days after the conclusion of the hearing. All decisions by the City Council are final.

### **13.4 Discharge and Pre-Termination Hearing**

Only the Mayor or their designee may discharge a permanent full time employee with the consent of the City Council. Prior to being discharged, an employee shall have the right to know the reason for his/her discharge and have the opportunity to discuss the discharge with his/her supervisor if he/she wished to do so.

### **13.5 ETDAB Appeal Rights and Procedure**

Except as otherwise provided, in cases of involuntary transfer to a position with less remuneration, suspension without pay for more than two days, or discharge, employees shall have the right to appeal to the Employee Transfer and Discharge Appeal Board (ETDAB) (the City Council) as set forth in Utah Code Annotated Sections 10-3-1105 and -1106 as amended.

Pursuant to the Utah Code Annotated Section 10-3-1105, the ETDAB appeal rights provided herein do not apply to: (1) an officer appointed by the Mayor or City Council, (2) a head of a municipal department or deputy head (all managers are considered department head or deputy manager), (3) orientation/probationary employees; (4) part-time employees; and (5) seasonal employees.

An employee to which ETDAB appeal rights apply may not be discharged, suspended without pay, or involuntarily transferred to a position with less remuneration because of the employee's politics or religious belief, or incident to, or through changes, either in the elective officers, governing body, or heads of department. Any employee or officer who is discharged, suspended without pay for more than two days, or involuntarily transferred to a position with less remuneration, for any reason, shall have the right to appeal the discharge, suspension without pay, or involuntary transfer to the ETDAB. Appeals to the ETDAB shall be taken by filing written notice of the appeal with the Human Resource Manager within ten (10) days of the discharge, suspension without pay, or involuntary transfer.

The City Council shall act as the ETDAB.

### **13.6 Hearing Procedures**

1. Management and employee's representative may briefly summarize their case in an opening statement.
2. At the conclusion of the opening statements, witness or material evidence may be introduced in support of Management's position.
3. The appellant, and then the hearing officer, may ask questions of each witness of the Management after said witness has testified.
4. The appellant presents material evidence, call witnesses, etc. following the same process as previously mentioned.
5. After presentation of appellant's case, the Management shall be allowed to present rebuttal evidence.
6. Before closing the hearing the hearing officer(s) shall allow the appellant and the Management in turn to make closing statements.

### **13.7 Documentation**

Any documentation made of disciplinary actions should be signed by both the employee and the Mayor. A copy of this documentation will be kept with the employee's file.

### **13.8 Exit Interview**

All terminating regular employees are encouraged to meet with the Mayor for an exit interview. The purpose of this interview is to gather information to assist management in identifying areas that are satisfactory and those that need improvement.

## **Section 14. Creating a Positive Work Environment**

### **14.1 Non-Smoking Policy**

It is the policy of Midway City to comply with all applicable federal, state, and local regulations regarding the use of tobacco products in the work place and to provide a work environment that promotes productivity and the well being of its employees.

1. Midway City recognizes that smoking in the work place could adversely affect employees. Accordingly, smoking is restricted at all of its facilities.
2. Smoking is prohibited inside all Midway City facilities, parks, Town Square and within one hundred (100) feet of any Midway City facility. Management is responsible for implementing and monitoring smoking regulations, and Management is expected to enforce such regulations. The smoking policy applies to employees during working time and to customers and visitors while on Midway City premises.
3. Employees are expected to exercise common courtesy and to respect the needs and sensitivities of co-workers with regard to the smoking policy. Complaints about smoking issues should be resolved at the lowest level possible, but may proceed through Midway City's grievance procedures. Employees who violate the policy will be subject to disciplinary action.
4. Midway City does not discriminate against individuals on the basis of their use of legal products, such as tobacco, if the use occurs during non-working time and not on Midway City premises.

### **14.2 Drug Free Workplace Policy**

Midway City finds that a healthy and productive work force, safe working conditions free from the effects of drugs and alcohol, and maintenance of the quality of service provided by Midway City are important to Midway City as an employer, Midway City employees, and the general public. Midway City further finds that the abuse of drugs and alcohol creates a variety of workplace problems, including increased injuries on the job, increased absenteeism, increased financial burden on health and benefit programs, increased workplace theft, decreased employee morale, decreased productivity, and a decline in the quality of services provided.

For these reasons, it is the policy of Midway City to prohibit employees from unlawful manufacture, distribution, dispensing, possession, or use of a controlled substance on premises, owned, leased, or under the control of or while participating in any official capacity as a Midway City employee or volunteer representative is strictly prohibited.

All employees are prohibited from use/consumption of alcohol or other controlled substance during working hours. Random drug testing may be required. For purposes of this policy, Controlled Substance is defined as those substances identified as “Controlled Substances” pursuant to the Utah Revised Code.

Employment with Midway City is contingent upon the employees:

1. Abiding by the terms of the above policy. Violations of this Policy subject the violating employee to disciplinary action up to and including termination for a first offence.
2. Notifying the Mayor of any criminal drug statute conviction for a violation occurring in the workplace or while in any official capacity as a Midway City employee/representative. The notification must be given to the Mayor no later than one (1) business day after such a conviction.

Midway City will take one of the following actions within 30 days of receiving notice of an employee conviction for violation of any criminal drug statute occurring in the work place:

1. Terminate the employee, or
2. Require such an employee to participate satisfactorily in drug abuse assistance or rehabilitation program approved for such purposed by a Federal, State or Local Health, law enforcement, or other appropriate agency.

Midway City will make a good faith effort to continue to maintain a drug-free workplace through the implementation of the above procedure.

**Post-accident Investigation:** In any circumstances in which an employee or volunteer causes or contributes to the cause of an accident in which damage exceeds one thousand dollars (\$1,000) or in the case of a motor vehicle accident, a reportable amount, and/or in which a third party is involved or in which personal injury results, he/she shall be given a drug screening test as part of the accident investigation. The presence of drugs or other metabolites discovered in the drug screening test, or the employee or volunteer’s refusal to submit to the drug screening test, shall result in appropriate disciplinary action.

### **14.3 Safety/Housekeeping**

Employees spend a large portion of their time on the job. Midway City does its best to provide a pleasant, clean and safe place to work. As a result, we adhere to all local, state and federal safety laws and principles required of safe working environment.

We require our employees to notify Management if you discover any unsafe work conditions or malfunction in building equipment/operations. Midway City is committed to correcting any unsafe working conditions as quickly as possible.

Employee on the job safety is a concern to everyone. We ask that Midway City employees help avoid safety hazards, fires and other safety issues by keeping the following in mind:

- Report any/all unsafe work conditions.
- Be particularly careful/ safety conscience around machinery and power equipment.
- Place trash, scraps and waste paper in proper receptacles.
- Help prevent fires. Know the location of the nearest fire extinguisher and how to operate it effectively.
- First person into the office each morning should turn on the office lights and the copiers. The last person to leave the office should make sure that lights, copiers, space heaters, fans and coffee pots are turned off and the doors locked.
- Should emergency care for an employee be needed call #911; for any first aid needs use the office first aid supplies. Report any employee on-the-job medical needs to management.
- Report to management any injuries occurring on the job within 24-hours and complete an injury report form.

In addition to safety, it is quite important that employees maintain a clean, organized workplace. This is important based on the impression we give our visitors and the need to maintain the quality of our facilities and equipment and overall work environment. We ask all employees to:

- Be sure to clean up after yourself both in your work area and common work areas.
- Use recycling containers whenever possible.
- Do not consume beverages and/or food near computer keyboard, telephone or other sensitive equipment. If you do spill something that will affect the performance of the piece of equipment notify management as soon as possible.
- Take the initiative to refill coffee pots, empty trash and clean tabletops and dishes.
- Do your part to keep the kitchen area cleaned-up at all times. Clean out your refrigerator items daily.

#### **14.4 Equipment Use/ Voice Mail, Email, Fax, Copiers, Computer Systems, Phones**

Midway City's voicemail, email, fax, copiers, computer and electronic mail systems/equipment are designed to assist us to provide better service, enhance our internal communications, reduce unnecessary paperwork and overall improve our collective efficiency. The following policies and procedures govern employee use of this equipment, as follows:

1. Midway City Voicemail System is the property of the city and is not for the private use of our employees. As such, Midway City may access the voicemail system at any time, for any reason and without notice. The systems manager (the Human Resource Manager) will be provided all access codes or passwords used by employees that will allow access in case of absences or emergencies. No one other than the systems manager is permitted to access an Midway City employee's voicemail. Employees have no right to expect that any data, files or electronic messages are private. Any

electronic mail messages sent and received using City equipment are not private and may be viewed, downloaded, inspected, released or archived by the City at any time. The City has the right to inspect any and all files stored in private areas of the network or on individual computers or storage media.

2. Email, fax, copiers, computer systems and Internet are to be used for Midway City business purposes only; unless permission by management is given to the contrary. Confidential information (i.e. member financial/health information, social security numbers, etc.) should not be sent, transmitted without taking precautions to ensure this information remains confidential. Double check fax numbers, email addresses, etc. prior to sending information to ensure the correct contact information is being used. All copyright laws, ethical rules and other applicable laws must be abided to by Midway City employees.

#### **14.5 Personal Use of Automated Systems**

1. Brief and occasional personal use of the electronic mail system or the internet is acceptable as long as it is not excessive or inappropriate, occurs during personal time (lunch or other breaks), and does not result in expense to the City. Use is defined as “excessive” if it interferes with normal job functions, responsiveness, or the ability to perform daily job activities. Electronic communication, including telephones, should not be used to solicit or sell products or services that are unrelated to the City’s business; distract, intimidate, or harass coworkers or third parties; or disrupt the workplace.
2. Personal use of the City’s computers, networks, and internet access is a privilege granted by management and may be revoked at any time due to inappropriate conduct carried out on such systems.

#### **14.6 Automated Systems Prohibited Activities**

1. Using the City’s automation systems to access, create, view, transmit, or receive data that is racist, sexist, sexual materials, threatening, or otherwise objectionable or illegal is strictly prohibited. Such use violates City policy and is subject to disciplinary action up to and including termination.
2. The City’s electronic mail system, internet access, and computer systems must not be used to violate the laws and regulations of the United States or any other nation or any state, city province, or other local jurisdiction in any way. Use of City resources for illegal activity will lead to disciplinary action, up to and including termination and criminal prosecution.
3. It is a violation of City policy for any employee, including system administrators and supervisors, to access electronic mail and computer systems files, including customer records, to satisfy curiosity about the affairs of others. Employees found to have engaged in such activities will be subject to disciplinary action.

## **14.7 Cell Phones**

1. Care and security of assigned cellular phones will become the responsibility of the employee.
2. The employee may be held financially responsible for any damage/loss due to misuse, abuse or lack of reasonable care.
3. Upon separation from employment any cellular phones that have been issued to an employee shall be returned to Human Resources before or at the time the separated employee receives his/her last paycheck.
4. City cellular phones will not be used for personal phones calls, texting or any other unauthorized communication. City employees using City cellular phones are limited to 400 minutes per month (exceptions may be considered upon justification). In such cases, the employee will be responsible for reimbursing the City on a per minute basis determined by the per minute charge plus applicable toll charges.
5. Personal cell phones will be turned off during Midway City work hours and use should be reserved for emergencies only. Personal calls during Midway City work hours should be limited.

## **14.8 Software Licensing**

The City has licensed the use of certain commercial software application programs for business purposes. Third parties retain the ownership and distribution rights to such software. No employee may create, use, or distribute copies of such software that are not in compliance with the license agreements for the software. Violation of this policy can lead to disciplinary action, up to an including termination.

## **14.9 Confidentiality of Electronic Mail**

As noted above, electronic mail is subject at all times to monitoring; and the release of specific information is subject to applicable state and federal laws and City rules, policies, and procedures on confidentiality. Existing rules, policies, and procedures governing the sharing of confidential information also apply to the sharing of information via commercial software.

## **14.10 Electronic Mail Tampering**

Electronic mail messages received should not be altered without the sender's permission; nor should electronic mail be altered and forwarded to another user and/or unauthorized attachments be placed on another's electronic mail message.

## **14.11 Policy Statement for Internet/Intranet Browser(s)**

The internet is to be used to further the City's mission, to provide effective service of the highest quality to the City's customers and staff, and to support other direct position-related purposes. Supervisors should work with employees to determine the appropriateness of using the internet for professional activities and career development. The various modes of internet/intranet access are City resources and are provided as

business tools to employees who may use them for research, professional development, and work-related communications.

#### **14.12 Employee Liability**

1. Employees are individually liable for any and all damages incurred as a result of violating City security policy, copyright, and licensing agreements.
2. All City policies and procedures apply to employee's conduct on the internet, especially, but not exclusively, relating to: intellectual property, confidentiality, City information dissemination, standards of conduct, misuse of City resources, anti-harassment, and information and data security.

#### **14.13 Employee's Personal Electronic Equipment**

1. Employees should not bring their own computers or other electronic devices to the workplace or connect them to the City's computer system, network or automation system, unless expressly permitted to do so by the Mayor. Any employee bringing their own computers or other electronic devices onto the City premises thereby gives permission to the City: (a) to inspect the employee's personal computers or other electronic devices at any time as if the computer or other electronic devices were owned by the City, and (b) to analyze any files, other data, or data storage media that may be within or connectable to the employee's computers or other electronic devices. Employees who do not wish such inspections to be done on their personal computers or electronic devices should not bring such items to work at all.
2. Violation of this policy, or failure to permit an inspection of any device covered by this policy, shall result in disciplinary action, up to and possibly including immediate termination of employment.

#### **14.14 Contact with the General Public**

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



#### **14.15 Dress and Hygiene Standard**

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.

## **Section 15. Health and Safety**

### **15.1 Safety**

The health and safety of employees and others on City property are of the utmost concern. It is the policy of Midway City to maintain the highest possible level of safety in all activities and operations. Our goal is to comply with all health and safety laws by encouraging all employees to make every reasonable effort to keep public and work areas free of hazardous conditions.

It is the responsibility of each employee to work safely and do all that is possible to prevent accidents or injuries. Every worker is expected to report unsafe conditions, think before acting, and consciously take care to avoid unnecessary risk.

### **15.2 Traffic Accidents**

Employees involved in a traffic accident while on duty are required to notify the City Recorder, Local Police, County sheriff, or Highway Patrol to secure a formal report of the accident. It is the employee's responsibility to secure the names and addresses of any witnesses in addition to requesting the other party to prepare a statement to be written and delivered to the City Recorder. Notification to the supervisor, the proper accident reports and related information, should be expedited to enable the timely filing of insurance claims.

### **15.3 Accidents on City Property**

All accidents on City property resulting in personal injury or property damage involving the general public must be accurately and comprehensively documented. In the event of personal injury, employees on the scene should make every effort to make the injured person comfortable; if deemed necessary, an ambulance should be requested as soon as possible.

### **15.4 Assisting Employees Who Become Ill at Work**

The health and well-being of employees is important to the City of Midway. Employees who become ill at the workplace should be attended to immediately. If the employee's condition requires immediate medical attention, he/she should be taken to the physician or hospital of his/her choice or call 911 if it is a serious life-threatening situation.

If immediate medical attention is not required, a supervisor should call the employee's emergency telephone number in an attempt to have the employee transported home. If

transportation is not obtained, a supervisor will transport the employee to his/her residence.

Employees who become ill at work will not be permitted to operate any equipment or vehicle.

### **15.5 Use of City Vehicles**

City owned vehicles are to be used for official business purposes only. An employee authorized to drive a City vehicle must have a current Utah driver's license, or in the case of heavy equipment operators and bus drivers, a valid Utah Commercial Driver's License (CDL). The City reserves the right to require additional endorsements to the CDL as the position may require. All employees must provide a copy of their driver's license and a current MVR to the Human Resources Manager before they are authorized to drive a City vehicle. No employee under the age of 17 will be allowed to drive a City vehicle or piece of equipment. Employees must be a minimum of 18 years old in order to tow a trailer or operate certain types of equipment. Employees operating City vehicles will be expected to obey Utah state law and City ordinances at all times. Employees who operate City vehicles are required to notify their supervisor within one day if they receive a citation for driving under the influence or have had their driver's license suspended or revoked for whatever reason.

City employees are normally expected to use a City vehicle for transportation needs while performing City business. If a City car is not available, or if circumstances are such that it is not practical to use a City vehicle, the manager or Mayor may approve the use of a personal vehicle thereby authorized reimbursement to the individual for such use. Reimbursement shall be at the current IRS mileage reimbursement rate. Fuel purchased for Midway City vehicles will be done using the vehicle's fleet card at a designated location and the receipt turned into the City offices.

Smoking is prohibited in all City vehicles.

### **15.6 Driver Safety**

To minimize the risk of city vehicular accidents involving city employees, the City strives to improve the quality of driving skill by permitting only those persons with safe driving records who are physically capable to operate vehicles or equipment in the performance of their duties.

Employees who operate a city vehicle/equipment or their personal vehicle as a part of their job duties must be 17 years or older and have a current valid Utah State driver's license required for the type of vehicle to be operated.

A person shall not be allowed to operate any City vehicle if he/she has:

- a. Had three moving violations or one DUI conviction in the preceding 24 month period. (This includes all driving, i.e., city vehicle, private and other vehicles);

- b. Lost, or loses State of Utah driving privileges by reason of revocation, suspension, withdrawal or denial of license to drive. When the driving license is renewed, the person may again apply for a city operator's permit.

The City's Recorder should be contacted as soon as possible and at least within 72 hours after the incident or as soon as possible. An Accident Report form must be completed .

City employees who witness an accident or who are at an accident site should not speak on behalf of the City regarding responsibility for any loss sustained.

Employees of the City are expected to:

Follow all safety regulations, posted signs, job training and operating procedures established by the City. This includes specific departmental or division safety rules, wearing prescribed safety equipment, safety apparel, and proper work clothing. Immediately report accidents and injuries, regardless of how minor, to a supervisor. Immediately report all unsafe conditions, equipment, unsafe acts, fire or suspicion of fire to a supervisor. Maintain work areas and the facility in which employees work, in a clean, healthful, and sanitary condition and not commit unsanitary or unhealthful acts. Abide by all rules governing the movement of traffic, speed, and parking. Properly display any vehicle I.D. numbers that may be required on City equipment. Smoke only in authorized areas; consume food and beverage in designated areas only.

## **15.7 Fleet Safety Rules**

### **Driver Safety Rules**

1. All employees operating City equipment shall comply with the Utah Motor Vehicle Regulations.
2. Drivers shall carry their State drivers license at all times while operating motor vehicles. Licenses must be proper classification for the vehicle driven.
3. Safety belts shall be worn at all times by all drivers and passengers where seat belts are provided.
4. Drivers shall not consume alcoholic beverages, illegal drugs or medication that may affect driving ability, prior to, or at any time while on duty.
5. When backing vehicles, there must be a clear view of the area immediately to the rear. In vehicles without rear window visibility, the driver shall get out of the vehicle and inspect the area to the rear before backing. If a second employee is available, this person shall serve as a guide to back up the driver.
6. Employees who operate motor vehicles, either regularly or occasionally are required to report any license revocations or suspensions immediately to their supervisor.
7. Reckless or unsafe operation of City vehicles is not permitted. This rule shall also apply to private vehicles operated on city property.
8. The maximum speed within the shop bay, on lots and at other City properties is 10mph, unless otherwise posted.
9. Vehicle engines shall not be operating when adding any fuel or engine oil to the vehicle.

10. Employees shall not board or alight from any moving vehicle.
11. Employees shall not ride on the running boards of any vehicle.
12. Riding on the side, tool box, tailgate or roof of any vehicle, or in the back of a truck bed, when a vehicle is in motion are not allowed.
13. In pickup trucks, riders shall always sit in the front cab.
14. During periods of limited visibility, or any time that windshield wipers are in use, headlights shall be turned on. The exception to this is any law enforcement vehicle under specific circumstances.
15. Trailers shall be fastened to hitches, and safety chains shall be secured, as required by state law, before moving vehicles.
16. All items to be transported by truck or trailer, which have the potential to move around during transport, shall be secured.
17. No more than three persons shall ride in the front seat of any vehicle. Where there are only two single seats, there shall be only one person per seat.
18. Except in restricted areas on City property, no City vehicle shall be left unattended with the key in the ignition.
19. All City vehicles, parked on the street, except for emergency vehicles, shall be locked when not in use.
20. Employees are responsible for all traffic citations while operating City vehicles.
21. City vehicles without a handicapped permit shall not be parked in handicapped parking spaces.
22. City employees only can ride in City vehicles. No family members of employees can ride in City vehicles.
23. All repair or damage issues shall be reported immediately to the Department Head or designee.
24. Drivers are responsible for the care and general maintenance of City vehicles under their control or assigned to them. This includes frequent checking of the oil and other fluids, lubrication levels, tire pressure, and prompt reporting of problems.
25. Drivers shall maintain a responsible degree of cleanliness of both the interior and exterior of assigned vehicles. Failure to do so may result in disciplinary action.
26. Each time a City vehicle is refueled using a Gascard, the driver/operator will accurately enter odometer/hour meter readings. If an incorrect reading is entered, the driver/operator will notify the Department Head of the correct readings. If no notification is given, a warning will be issued for the first offense. A second or subsequent offense may result in disciplinary action. Gascards are to be left in the assigned vehicle. Gascards are to be accurately used for City fleet vehicles only. They are not to be used for personal use under any circumstances.
27. Drivers will not allow an unattended vehicle to idle excessively, except as required for safety reasons or operation of auxiliary equipment.
28. Unattended City vehicles shall be locked at all times.

### **Special Equipment**

29. Special equipment such as tractors, fork lifts, graders, plows or equipment with special devices or usage, require instructions prior to use by the operator. Training should include the following:
  - a. Familiarization with the owner's/operator's manual.

- b. Explanation and demonstration of control devices and safety equipment.
  - c. Knowledge of maintenance items such as fuel, water, oil, and other minimum operating needs of the equipment.
  - d. Demonstration of operation.
  - e. New driver operation with supervision and testing.
  - f. Training of new operators by the supervisor, or an experienced operator.
30. Passengers shall ride only in seats so designed for passengers on special equipment.

## **15.8 Vehicle Emergency Procedures**

When it is absolutely necessary to stop on a highway or city street in case of an emergency, use extreme caution:

1. Warning signals and lights shall be used.
2. Rotating beacon(s) shall be used, if the vehicle is so equipped.
3. Emergency flashers shall be used.
4. Flares, fuses, warning flags, reflector triangles or other emergency equipment shall be used to give adequate advance warning, where applicable for commercial vehicles.

## **15.9 Incident Review Board**

### **A. Purpose**

The purpose of this policy is to establish an Incident Review Board (IRB), and to review all vehicle and equipment accidents/incidents that occur in the course and scope of conducting City business. All vehicle and equipment accidents/incidents that involve property damage or personal injury will be reviewed by the IRB to determine the degree of preventability and any disciplinary action to be taken.

### **B. Scope**

This policy applies to all City employees, including part time employees and temporary employees who drive City vehicles or use City equipment on City business.

### **C. Policy**

The City of Midway shall establish an Incident Review Board (IRB) consisting of the employees from the department from which the offense occurred. Departments with two or fewer employees shall be reviewed by the Mayor, Risk Manager, Office Manager and the employee's supervisor. A quorum of a Board consists of at least 50 percent of its members.

The Risk Manager is responsible for collecting any police reports, accident report forms, employee statements, witness statements, pictures and diagrams for each of

their designated cases, as well as previously accumulated points from Human Resources.

The Incident Review Board may request additional information from the employee, the investigator, or the department if, in its opinion, it would be material in the classifying of a particular accident/incident.

#### **D. Procedures**

Rules for reporting and reviewing on the job accidents/incidents:

1. All vehicle accidents and equipment incidents that involve property damage or personal injury will be reviewed by the IRB to determine the degree of preventability and recommended disciplinary action to be taken.
2. Employees who have a vehicle accident while in the course and scope of their employment are required to immediately notify their supervisor who in turn will contact the following: jurisdictional law enforcement as required by law, the Risk Manager, and Human Resources. The employee shall be responsible for completing the employee statement form.
3. Employees shall provide to the Risk Manager a detailed written statement, photos and/or a diagram giving their explanation of the accident. Statements from witnesses to the accident may also be included.
4. On the job vehicle accidents involving a fatality or serious injury involving hospitalization will not be reviewed by the IRB. Accidents of this nature will be reviewed by the City's insurance carrier and City Attorney.
5. The Risk Manager will notify an employee in writing, through their Department Supervisor, of the decision regarding classification, points assigned or disciplinary action recommended up to and including termination.
6. The employee and any witnesses may be required to meet with the Incident Review Board.

#### **E. Voting**

After examination of all required material submitted (police report, employee statement, witness statements, etc.) and full discussion, the IRB will vote to classify the accident/incident. A majority of votes cast shall determine the finds of the IRB and recommended disciplinary action.

#### **F. Appeal procedure for classification or disciplinary action**

The purpose of the Incident Review Board (IRB) appeal process is to allow the employee to present his or her case to the IRB.

1. Upon receiving notice of the action of the IRB, employees have ten calendar days to serve notice of appeal of the Board's decision to the Risk Manager in writing. They will then be notified of the date and time scheduled for the appeal.
2. The City Council will act as the Appeal Board and their decision will be final.

**G. Description of Vehicle/Equipment Accidents**

<b>Class</b>	<b>Description</b>
Non Preventable	Accidents where it can be determined that the accident/incident was clearly and absolutely beyond the control of the employee.
Preventable/ Mitigating	Accident/incident where preventability can be divided among the employees concerned or where some responsibility rests with persons or things other than the employee, i.e. weather.
Preventable	Accidents where there is doubt as to whether the employee took reasonable action to prevent the accident/incident despite the actions of others or adverse conditions.
Preventable/ Reckless	Includes all accidents in which it is determined that the responsibility rests entirely on the employee. The employee took no action to prevent or avoid the accident/incident and/or the accident/incident resulted in personal injury and/or property damage.
Minor Property Damage	Less than \$750 – may require reimbursement to the City
Property Damage	Between \$750 and \$3250 – may require reimbursement to City
Major Property Damage	More than \$3250 – may require reimbursement to the City



## **Section 16. City Equipment**

### **16.1 General**

As a public employer and as public employees entrusted with the responsibility of administering public funds efficiently, the City of Midway and its employees must ensure that equipment is utilized in a cost effective and responsible manner for the purpose of providing efficient services to the citizens of Midway. Accordingly, all City equipment is subject to management controls as it is used or maintained by employees.

### **16.2 Distribution of Policy**

All Department Heads are responsible for creating and distributing any specific procedures to be applied to his/her department regarding the duties, functions, and accountability of his/her respective departmental employees and their responsibility for City equipment in their care, control, or custody and for properly training all personnel who are entrusted with City equipment.

### **16.3 Definition of Equipment**

For purposes of this policy, *equipment* is defined as any possession owned, maintained or controlled by the City of Midway and entrusted to a City employee. Equipment as defined in this policy does not include real property, nor does it include consumable items. Consumable items are defined as any possession owned, maintained or controlled by the City that does not have an estimated useful life of more than one year and has a replacement value of less than \$250.

### **16.4 Employee Liability for Loss or Damage to Equipment**

In order to manage the City's resources wisely and be fiscally responsible, all employees shall be liable for any loss, damage or destruction of equipment under their care, custody or control if the loss, damage or destruction results from the employee's gross negligence, intentional act or failure to exercise reasonable care to safeguard, maintain and obtain appropriate service for the equipment. The determination of an employee's liability for loss, damage or destruction will be made by the Department Head in conjunction with an appropriate investigation into the actions that resulted in the loss, damage or destruction. Employee liability may be reviewed by the Incident Review Board. No claim for loss, damage or expense shall be allowed unless within 60 days after it is sustained or incurred, and written notice of the claim is served upon the employee by Human Resources.

## **16.5 Employee Responsibility**

All employees are responsible for using City equipment exclusively for City purposes and to exercise reasonable care for its safekeeping. The term *reasonable care* means that, at a minimum, steps must be taken to:

1. Maintain the equipment in an acceptable manner;
2. Ensure the security of the equipment; and
3. Ensure that equipment can be located at any time requested;

At no time may equipment be used for personal benefit or personal gain.

## **16.6 Maintenance, Operation and Security of Equipment**

The Department Head shall be responsible for distributing maintenance procedures, schedules or checklists to their respective employees regarding all departmental equipment. Employees shall adhere to and observe all maintenance procedures, schedules and checklists to ensure that such equipment is operated safely and appropriately at all times.

As a precaution, all employees shall ensure that liquids and food items remain a safe distance away from all electrical equipment, including but not limited to personal computers, typewriters, calculators, storage media, and communications equipment.

Small equipment shall not be left unattended, even for short periods of time. If such equipment is not being used, it shall be adequately secured. All materials and equipment shall be put away at the end of each working day, or returned to their place of safekeeping.

## **16.7 Duty to Report**

All Midway City employees are required to notify the Department Head or designee immediately upon discovering that any equipment is lost, damaged, or destroyed. The Department Head is to make a written report to Human Resource if a written reprimand is made or reimbursement is required.

## **16.8 Duty to Investigate**

If a Department Head has reasonable cause to believe that any City equipment is missing, damaged, or destroyed through the gross negligence, intentional act or failure to exercise reasonable care by an employee, the Department Head shall immediately initiate a formal investigation to determine the status of the equipment and submit a written report to Human Resources. This investigation must include, but is not limited to the following:

1. Request to employees for any information known concerning the equipment;
2. Conduct a search of the department;

3. Identify the person responsible for the equipment;
4. Identify the date and place the equipment was last seen;
5. Identify the manner in which the loss, damage or destruction occurred;
6. Determine if prescribed procedures were adequate to safeguard the equipment;
7. Recommend any revisions in procedures that might be required to assist in preventing future losses, damage, or destruction of the same type; and
8. Recommendation as to whether an individual or individuals should be held financially accountable.

### **16.9 Reimbursement for Equipment**

If an employee is found by the Department Head to have been responsible for loss, damage, or destruction to equipment as a result of the employee's gross negligence, intentional act, or failure to exercise reasonable care to safeguard, maintain and service the equipment, such employee may be required to reimburse the City for the loss, damage, or destruction to the equipment.

The Payroll Officer may recover such reimbursements from the employee via payroll deduction until the employee's reimbursement obligation is fully satisfied, subject to Fair Labor Standards Act which provides a complete exemption from minimum wage and overtime for a nonexempt employee, at a rate not to exceed ten percent of the employee's salary per pay period. The Payroll Officer is further authorized to deduct the full amount of any unpaid reimbursement obligation from the employee's final paycheck if the reimbursement obligation is not fully satisfied on the date of the employee's separation from employment with the City.

### **16.10 Determination of Reimbursement**

To determine the amount of loss, damage, or destruction, factors such as original acquisition value, age, condition, cost of recent repairs, and estimated fair market value prior to loss, damage, or destruction shall be considered. In determining the reimbursement obligation of an employee as a result of loss, damage or destruction to equipment, the Department Head shall factor in the degree of culpability of the employee based on the severity of the employee's actions and whether these actions were the result of an intentional or grossly negligent act. The Department Head shall be required to document in writing all value determinations of equipment, along with the factors utilized in determining the reimbursement obligation of an employee as a result of loss, damage, or destruction to equipment. All value determinations shall be attached to the written request submitted to the Payroll Officer by the Department Head requesting employee reimbursements via payroll deduction.

### **16.11 Appeal Rights**

All findings of the Department Head regarding reimbursement liability may be appealed to the Incident Review Board in writing within five work days of such departmental notification to the employee.

**16.12 Disciplinary Action**

All employees shall be subject to disciplinary action in conformance with the provision in this manual for the loss, damage, or destruction to equipment as a result of the employee's gross negligence, intentional act, or failure to exercise reasonable care to safeguard, maintain, and service the equipment.

In addition to any disciplinary action imposed for conduct related to the loss, damage, or destruction to equipment, if the employee does not discharge their reimbursement obligation to the City to the satisfaction of the Payroll Officer, such failure shall serve as grounds for disciplinary action.

## Section 17. Job Descriptions

All job descriptions are available by request at the Human Resource Department.

### Addendum - Definitions

The following definitions shall apply throughout these policies and procedures, unless context clearly requires another meaning.

**Allocation (of position):** The official establishment of a position by an office/department, upon approval of the City Council, to hire an individual to perform a specified job as defined by a job description and assigned to an established pay range.

**Classification or Class:** A group of positions sufficiently similar in respect to duties performed, degree of supervision exercised or required, minimum requirements of training, experience, or skill, and other inherent characteristics that the same title and the tests of fitness may be applied to each position in the group.

**Classification Plan:** A plan for the internal valuation of all positions in the City with an appropriate title, pay grade and pay range.

**Class Specification (also job description):** A description of the duties and responsibilities of each class of position within the County, and minimum qualifications required for the class of position including training and experience and other qualifications.

**Compensation Plan:** An approved salary scale for the City, including initial, intervening and maximum rates of pay for each class of position.

**Compensatory Time:** Time off of work awarded in-lieu of cash for hours worked in excess of the 40 hour week.

**Demotion:** A reduction in grade of an employee, for cause such as inefficiency, or for disciplinary reasons, from one position to another, either within the same class or to a difference class having a lower entrance salary with a corresponding lowering of the employee's salary.

**Department:** A service area or function of the City established by statute or ordinance which comes under the direct authority and supervision of the City Council.

**Department Head:** An appointed position of the City to plan, organize, direct and manage a service or function established by statute or ordinance which comes under the direct authority and supervision of the City Council.

**Discrimination:** Action taken against and employee because of political or religious opinions or affiliations or because of race, national origin, sex, or any other non-merit fact.

**Dismissal:** The termination of employment of an employee.

**Elected Official:** An individual chosen by the public to plan, organize, direct and manage statutorily established political function of the City.

**Eligible:** An individual who is qualified for a position, benefits or privileges in the City under the provision of these policies and procedures.

**Employee, Exempt:** An employee hired to fill exempt positions serve “at will” of the City Council or department head and may be terminated with or without cause at any time during the duration of their employment.

**Employee, Non-Exempt:** Any person in the employ of the City who is hired in accordance with the provisions of these policies and procedures, and whose status cannot be affected, except for cause or reduction-in-force after achieving regular status and are covered under the Fair Labor Standards Act.

**Job Description:** A written statement describing the duties of a particular position within an office/department and the minimum requirements to perform them.

**Minimum Qualifications:** The requirements for training and experience, and other qualifications, to be measured by written and/or oral examinations, or by performance tests and prescribed for a given class in the job specifications. Applicants with fewer than stated minimum qualifications are deemed ineligible or unqualified.

**Orientation Period:** An “at will” period of at least six (6) months of regular employment or equivalent beginning with the date of appointment. The orientation period is considered the final step in the selection process prior to achieving regular employment status.

**Permanent part-time employee:** An employee who is hired to work more than twenty (20) hours per week, but less than thirty-five (35) hours per week for a minimum of 120 days.

**Position:** An office or employment in the City (whether part-time or full-time, temporary or regular, occupied or vacant) composed of specific duties.

**Promotion:** A change in status of an employee from a position in one class to a position in another class having higher entrance salary or pay grade.

**Reassignment:** A change in classification of an employee, for administrative or other reasons not included in the definition of “demotion”, from a position in one class to a position in another class normal having a lower entrance salary which could result in a reduction in salary.

**Reclassification:** A change from one classification to another classification (either higher or lower) having a different job specification without a reduction in salary.

**Regular Employee:** An employee whose continued retention has been approved by the department head, City Council at the completion of an orientation period, either as a full-time or **permanent** part-time employee.

**Reinstatement:** The resumption of employment of an employee who has been on leave of absence with or without pay.

**Resignation:** The termination of employment at the request of the employee.

**Salary Increase:** An increase in salary of one or more steps within a grade of the compensation plan.

**Series:** A group of positions similarly classified as to title and duties, but with graduations in minimum qualifications and salary rates consistent with the degree of responsibilities.

**Suspension:** A forced leave of absence without pay for a period.

**Transfer (Inter-departmental):** A move from one City office/department to another. This should not be confused with managerial functions of moving personnel from one section to another within the same office/department by promotion, demotion or reassignment.

**Worked Hours:** The time spent actually at your desk working. Does not include vacation time or sick days. Holiday hours are considered hours worked.