

**KAYSVILLE CITY
PERSONNEL RULES AND REGULATIONS**



KAYSVILLE CITY PERSONNEL RULES AND REGULATIONS

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SECTION 1

GENERAL

1.01 ADOPTION OF RULES AND REGULATIONS

The following Rules and Regulations have been approved by the City Council in order to establish an equitable and uniform procedure for dealing with personnel matters so that the most qualified available people may be brought into and retained in the City service.

1.02 ADMINISTRATION OF THE PERSONNEL SYSTEM

The City Manager is the Personnel Officer and shall administer the Personnel System except for the hiring and discharge of department heads, which shall require City Council confirmation. He shall have power to exercise general control and supervision over employees subject to these Rules and Regulations. The City Manager may delegate any of the powers and duties conferred upon him as the Personnel Officer to any other officer or employee of the City.

1.03 PURPOSE

The purposes of these Rules and Regulations are to facilitate effective and economical services to the public and to provide for a fair and equitable system of personnel management. These Rules and Regulations set forth in detail those procedures which ensure equal treatment for applicants and employees, and define the obligations, rights, privileges, benefits and prohibitions placed upon all employees in City employment. It is the intent of the City to comply with all Federal and State laws and regulations applicable to the City and/or its employees, whether mentioned herein or not.

1.04 PERSONNEL POLICY

The intent of the personnel policy of Kaysville City is that:

- a. Employment and promotion by Kaysville City shall be based on merit qualifications, free of personal and political considerations, and in no way shall be discriminatory because of race, sex, color, national origin, religion, age, disability, or any other class protected under State or Federal Law.
- b. It is the intent of the City Administration to assist employees in maintaining qualifications and skill levels. Employees are encouraged to pursue training and development. Upon proper approval, time and monies, up to the amount allocated in the budget, may be used for training and development activities.
- c. Tenure of employees covered by these Rules and Regulations shall be subject to good behavior, satisfactory work performance, necessity for improved performance of work and the availability of funds.

1.05 EMPLOYMENT CONSTITUTES ACCEPTANCE OF RULES

In accepting employment with Kaysville City, each employee agrees to be governed by and to comply with the Personnel Rules and Regulations, administrative rules and procedures established by the City Manager pursuant thereto, and rules, regulations, and directives of the department in which he or she is employed.

All employees holding a position in City service on the REVISED date of these Rules and Regulations shall thereafter be subject in all aspects to the provisions herein. Reasonable effort will be made by City Administration to distribute this document to all employees.

Personnel Policies are applied at the discretion of Kaysville City. Kaysville City reserves the right to change, withdraw, apply, or amend any of our policies or benefits, including those covered in these Regulations at any time. Kaysville City may notify you of such changes via email, posting on the City's Intranet, or via a printed memo, but may in its discretion make such changes at any time, with or without notice and without a written revision of these Regulations.

1.06 DEPARTMENT POLICIES AND PROCEDURES

When Departments adopt regulations, policies, or procedures, the more restrictive provisions shall govern.

If any provision or part of these Policies and Procedures or the application thereof is found to be in conflict with any State or Federal law or City Ordinance, the conflicting provision or part is hereby declared 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 their application.

1.07 JOB DESCRIPTIONS

The City provides and maintains a current job description for each employee position available within the City. Each job description should include the scope of responsibility, supervisory duties, typical duties, qualifications, knowledge, skills and abilities, essential functions, and physical demands and job 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 (with or without a reasonable accommodation to the extent required under the Americans with Disabilities Act). Recruitment and hiring of new employees is based on the requirements and duties listed in the relevant job description.

1.08 CLASSIFICATION PLAN

The City shall establish and adopt a Classification Plan setting forth the positions and corresponding job descriptions of City employees.

1.09 PERSONNEL RECORDS

(a) Personnel Records. Federal and State law requires employers to keep detailed data about their employees. It is the policy of the City to maintain personnel records concerning its employees in accordance with applicable Federal and State law. Such records may include, but are not limited to, records regarding hiring, compensation, leave, awards, grievances, disciplinary action, education, training and other relevant records.

(b) Updates. Each employee is responsible for keeping the City notified of any changes in employee information such as name, address, telephone number, tax exemptions and related information so that the employee's personnel records may be accurately maintained.

(c) Maintenance. Personnel records shall be maintained, classified and accessed in accordance with the Government Records Access and Management Act, as set forth in *Utah Code* and the Utah Municipal Records Retention Schedule, as adopted and amended by the City.

(d) Access. Pursuant to *Utah Code* employees of the City have the right to examine and make copies of documents in their own personnel files. Upon written request from an employee, the City shall produce the employee's personnel file for inspection and copying during regular business hours. Such inspection and copying shall be under the direct supervision of the Human Resources Specialist, or his or her designee. Access and examination of personnel records by persons other than the employee must provide a written request and is subject to the provisions of the Government Records Access and Management Act, as set forth in *Utah Code* as adopted and

amended by the City. Access and examination of personnel records by the City Manager and/or the employee's direct Department Head, or his/her designee, will be provided upon written request which will be kept with the personnel file and is not subject to the provisions of the Government Records Access and Management Act. Requests by a Department Head to access and examine personnel records of an employee that he/she does not directly supervise must have approval by the City Manager.

1.10 EMPLOYEE INQUIRIES AND REFERENCES

All inquiries from outside parties regarding current and former employees shall be directed to the Human Resources. For purposes of extensive background investigations on current and former Police Officers a liability release form signed by the employee is required and the Police Chief in cooperation with the Human Resource Specialist may respond to questions with factual information. Pursuant to the Employer Reference Immunity provisions of Utah law, as set forth in *Utah Code*, an employer who in good faith provides information about the job performance, professional conduct, or evaluation of a former or current employee to a prospective employer of that employee, at the request of the prospective employer of that employee, may not be held civilly liable for the disclosure or the consequences of providing the information. Notwithstanding statutory protection, the City reserves the right to require a written reference and liability release form from former employees regarding requested references. Reference and liability release forms may also be filled out by employees upon termination of employment with the City.

SECTION 2
EMPLOYMENT

2.01 EQUAL EMPLOYMENT OPPORTUNITY STATEMENT

It is the policy of Kaysville City to provide equal employment opportunity. Personnel will be compensated on a fair and equitable basis. Kaysville City will hire, promote, classify, transfer, discipline, and discharge all persons concerned without reference to race, color, religion, sex, age, disability, national origin, political affiliation, pregnancy, childbirth or pregnancy-related condition, disability, status as a veteran, or genetic information, in accordance with applicable Federal and State laws. It is the policy and commitment of the City to protect the civil rights of all employees and applicants for employment with the City and to provide a work environment free from discrimination and harassment.

The City expressly prohibits any form of unlawful employees harassment. Improper interference with the ability of City's employees to perform their expected job duties is not tolerated. With respect to sexual harassment, the City prohibits:

1. Unwelcome sexual advances; requests for sexual favors; and all other verbal or physical conduct of a sexual or otherwise offensive nature, especially where:
 - Submission to such conduct is made either explicitly or implicitly a term or condition of employment;
 - Submission to or rejection of such conduct is used as the basis for decisions affecting an individual's employment; or
 - Such conduct has the purpose or effect of creating an intimidating, hostile, or offensive working environment.
2. Offensive comments, jokes, innuendos, pictures, cartoons and other sexually oriented statements.

Complaint Procedure

Each member of management is responsible for creating an atmosphere free of discrimination and harassment, sexual or otherwise. Further, employees are responsible for respecting the rights of their co-workers.

If you experience any job-related harassment based on your sex, your race, or another factor, or believe you have been treated in an unlawful, discriminatory manner, promptly report the incident to your supervisor, who will investigate the matter and take appropriate action, including reporting it to the City Manager. If you believe it would be inappropriate to discuss the matter with your supervisor, report it directly to the City Manager, who will undertake an investigation. Your complaint will be kept confidential to the maximum extent possible.

If the City determines that an employee is guilty of harassing another employee, appropriate disciplinary action will be taken against the offending employee.

The City prohibits any form of retaliation against any employee for filing a bona fide complaint under this policy or for assisting in a complaint investigation. However, if, after investigating any complaint of harassment or unlawful discrimination, the City determines that the complaint is not bona fide or that an employee has provided false information regarding the complaint, disciplinary action may be taken against the individual who filed the complaint or who gave the false information.

2.02 RECRUITMENT AND SELECTION CRITERIA

Recruitment for qualified applicants will be carried on as necessary in order to insure that the City will have available applicants of interested, qualified persons for possible employment. In general, all new and vacant Council approved positions will be posted externally on the Kaysville City Website and through the Utah Department of Workforce Services. Other media, including newspapers, social media, and professional publications, may be used.

The City shall attempt to fill all vacant positions with qualified applicants from its existing work force. The selection of individuals to fill vacant positions shall be based upon specific knowledge, job-related skills and abilities, character, general competence (past performance), ability to work and relate with co-workers, and the ability to relate to the goals and objectives of the City in a cooperative and productive manner.

2.03 APPLICATION

All candidates for employment shall file an application on an official City application form.

2.04 SELECTION PROCESS

The selection and placement process for any position opening in the City is as follows:

1. Update the position description including position title; description of duties and responsibilities; required knowledge and skills; essential physical duties; minimum qualifications of education and experience required.
2. Advertise the opening.
3. Receive initial applications according to the deadlines established for the available position.
4. Conduct examinations using any of the following recognized techniques:
 - achievement tests
 - aptitude tests
 - work samples
 - finger printing
 - evaluation of work performance
 - review and investigation of personal background and references
 - evaluation of personality and background through personal interviews
 - oral board examination

or any other selection technique that will adequately and fairly indicate the relative ability and quality of the candidates under consideration to execute the essential duties and responsibilities of the position to which they seek to be appointed. The City recognizes that it may not discriminate in the selection process because of a disability and will evaluate the positions based upon reasonable accommodation where necessary.

5. Select a candidate for the available position.
6. Notify the candidate and complete the appropriate employment records.

7. Administer oath if applicable.

2.05 INELIGIBILITY OR DISQUALIFICATION

The Personnel Officer may withdraw anyone from consideration whose appointment will be deemed contrary to the best interest of the City. Reasons for disqualification may include, but shall not be limited to, the following deficiencies:

- a. Lack of any of the requirements established for the examination or position for which she or he applies.
- b. Physical or mental disability such as to render the applicant unfit to perform the essential job functions of the position to which appointment is sought with reasonable accommodation.
- c. Current use of unlawful habit-forming drugs.
- d. Conviction of a felony, or conviction of a misdemeanor involving moral turpitude.
- e. Infamous or notoriously disgraceful conduct.
- f. Dismissal from former employment for any cause which would be cause for dismissal by the City.
- g. Resignation from any position to avoid dismissal.
- h. Deception or fraud in making the application.
- i. Request by applicant that his or her name be withdrawn from consideration.
- j. Failure to reply within a reasonable time, as specified by the Personnel Officer, concerning availability of employment.
- k. Disqualification or unsuitability for employment as specified in any City or pertinent department rules or regulations.
- l. Non satisfactory Vehicle Use Record.

2.06 MEDICAL EXAMINATIONS

As part of City's employment procedures after a conditional offer of employment is extended, an applicant is required to undergo a pre-employment alcohol and drug screening that is conducted by an agency designated by the City. Any offer of employment that an applicant receives from the City is contingent upon, among other things, satisfactory completion of examinations and a determination by the City and its examining physicians that the applicant is capable of performing the responsibilities of the position that has been offered. Questions about the City required medical examinations should be directed to the City Manager or his designee.

2.07 ORIENTATION PROGRAM

During your first few days of employment, you will participate in an orientation program conducted by the City Manager or designee and various members of the City, including your supervisor. During this program, you will receive important information regarding the performance requirements of your position, basic City policies, your compensation, and benefit

programs, plus other information necessary to acquaint you with your job and the City. You will also be asked to complete all necessary paperwork at this time, such as medical benefit plan enrollment forms, beneficiary designation forms, and appropriate federal, state, and local tax forms. At this time, you will be required to present the City with information establishing your identity and your eligibility to work in the United States in accordance with applicable federal law.

Please use this orientation program to familiarize yourself with the City and our policies and benefits and this City Personnel Rules & Regulations document. We encourage you to ask any questions you may have during this program so that you will understand all the guidelines that affect and govern your employment relationship with us.

2.08 EMPLOYMENT STATUS

Classification of Employment

For purposes of salary administration and eligibility for overtime payments and employment benefits, the City classifies its employees as follows:

Council Approved Positions

Full-Time Regular Employees - Employees hired to work the City's normal, full-time forty hour workweek on a regular basis and police employees (post certified) hired to work 171 hours in a 28 day work period and fire employees hired to work 212 hours in a 28 day work period. Such employees may be "exempt" or "nonexempt" as defined below.

Part-Time Regular Employees – Same as full-time employees, but works less than 40 hours per week and usually more than 20 hours a week.

Part-Time employees may be eligible for some benefits normally provided by the City. These benefits may include retirement, insurance and accrual of vacation and sick leave at a rate proportionate to the hours worked unless otherwise required by law.

Introductory Period- All new hires shall have a six month introductory period. During this period, the employee may be discharged or laid off at the sole discretion of the City. Upon completion of the six month period, a performance review will be completed to determine if the employee status will be designated regular, permanent status. The granting of regular permanent status does not grant any additional employment status.

Non-exempt Employees - Employees who are required to be paid overtime at the rate of time and one half (i.e., one and one-half times) their regular rate of pay for all hours worked beyond forty hours in a workweek, (police employees beyond 171 hours in a 28 day period and fire employees hired to work 212 hours in a 28 day period) in accordance with applicable federal wage and hour laws.

Exempt Employees - Employees who are not required to be paid overtime, in accordance with applicable federal wage and hour laws, for work performed beyond forty hours in a workweek. (Police employees beyond 171 hours in a 28 day period and fire employees hired to work 212 hours in a 28 day period) Executive, professional employees, managers, and certain employees in administrative positions are typically exempt.

You will be informed of your initial employment classification and of your status as an exempt or nonexempt employee during your orientation session. If you change positions during your employment as a result of a promotion, transfer, of otherwise, you will be informed by the City Manager or his designee of any change in your exemption status.

Administratively Approved Positions

Light Duty Status- Employees that incur a medical condition and are recommended by a medical doctor to only be involved in “light duty” activity may be assigned work in accordance with light duty operations and functions as approved by human resources in cooperation with the Department Head. Light duty assignments will be temporary and short term in nature, usually not exceeding thirty (30) work days. Each case will be reviewed independently and will only be extenuating circumstances. Light duty assignments over thirty (30) days will be approved by the City Manager.

Paid On-Call Firefighter- An employee hired to work as needed at an hourly wage. A paid-on-call firefighter (1) shall work less than an average of 30 hours per week calculated on an annual basis; (2) shall be an at-will employee and may be terminated at any time with or without notice or cause; and (3) is generally not eligible for benefits.

Temporary Employees-

Seasonal Employee- All employees hired on a temporary, seasonal, provisional or emergency basis. Seasonal employees are not eligible for benefits unless required by law. Seasonal employees are at-will employees and may be terminated at any time with or without notice or cause. Seasonal employees may be employed up to 40 hours per week for up to but not including 9 months. Any exceptions must be approved in writing by the City Manager. A seasonal employee may be re-hired as a seasonal employee after at least a three month break.

Limited Part-Time Employees- Employees who usually work an average of 20 hours or less per week calculated on an annual basis. Limited part-time employees are not eligible for benefits unless required by law. Limited part-time employees are at-will employees and may be terminated at any time with or without notice or cause.

Volunteers- Volunteers are persons who donate services as authorized by the City without pay or other compensation other than expenses actually and reasonably incurred as approved by the City. The City Manager may establish volunteer programs and develop guidelines for the use of volunteers. Volunteer programs and guidelines proposed by the City Manager that are either outside of the current adopted budget or involves an exceptional amount of risk would require approval from the City Council. All volunteers providing services for the City shall sign an agreement defining the nature and terms of the volunteer services. A volunteer may not donate any service to the City unless the volunteer’s services are approved by the City manager and the volunteer has submitted a signed volunteer form to the City as required herein.

Volunteers may be provided protections under the Volunteer Government Workers Act, as set forth in *Utah Code* which provides volunteers may be deemed an employee of the City for purposes of workers’ compensation benefits, operation of motor vehicles, and liability protection and indemnification normally afforded paid government employees.

Please direct any questions regarding your employment classification or exemption status to the City Manager or designee.

2.09 INITIAL APPOINTMENT

All initial appointees are assigned to the salary range or grade outlined for their position as specified in the Classification and Compensation Plans.

2.10 PERFORMANCE EVALUATION

On or near the beginning of each fiscal year, each employee will be evaluated by his or her supervisor in accordance with the standards of Kaysville City. These evaluations shall be used in determining each employee's step and movement to steps of the Compensation Plan, and other personnel actions based on performance.

2.11 PROMOTION

Because it is the policy of Kaysville City to encourage the advancement of personnel within the organization, promotional examinations for vacancies will be conducted as the needs of the City require. An employee receiving a promotion be eligible for the corresponding merit increases of that range. If the present pay level is equal to or exceeds the class to which she or he is promoted the employee shall be promoted to the next step which guarantees the employee at least a five (5) percent increase in pay.

2.12 TRANSFER

Any employee may be transferred from one department or division to another for which she or he is qualified as the structure of the work force is changed, at the discretion of the City Manager. A transferred employee shall retain all accumulated sick leave and annual leave.

2.13 REASSIGNMENT

Employees who are reassigned shall be paid at the same salary that they received prior to reassignment. If such salary exceeds the maximum of the range for the class to which they are assigned, they shall receive the maximum for the class.

2.14 REAPPOINTMENT

Reappointment after termination will be considered as new employment.

2.15 REINSTATEMENT

The City Manager may reinstate any suspended employee for good cause, and may, upon such reinstatement, compensate, in whole or in part, such employee for the time lost.

2.16 TERMINATION

Employees may not be dismissed from service as a result of a change in elected administration.

- a. **RESIGNATION** - An employee wishing to leave the service of the City in good standing either by resignation or retirement shall give the Personnel Officer at least two (2) weeks notice.
- b. **ABSENCE WITHOUT LEAVE** - Absence without leave for more than three (3) consecutive workdays or shifts may be deemed to be a resignation and may result in automatic termination.
- c. **LACK OF WORK OR FUNDS** - An Employee may be terminated by the Personnel Officer because of changes in duties or organization, abolishment of position, shortage of work or funds, or completion of work. In cases involving full-time employees only, notice of such termination will be given to the employee at least two (2) weeks prior to the effective date of termination. In any such reduction in personnel caused by lack of work or funds, employment status, length of service, and performance rating will be the criteria used in determining the order of the layoff. In all lack of work or funds layoffs, the City Administration will make reasonable efforts to transfer the employee, if feasible, rather than layoff the employee. Full-time employees terminated by the Personnel Officer for cause or for the convenience of the City shall be given a

written statement of the reasons for such termination and may appeal such action by the established procedure (Section 5.03). Such cause shall be other than cause for disciplinary action set forth in the disciplinary action section contained herein.

- d. NON-DISCIPLINARY ACTION - Part-time, and temporary employees may be terminated by the Personnel Officer at any time, with or without notice, for cause or for the convenience of the City.
- e. DISCIPLINARY ACTION - An employee may be terminated at any time as a disciplinary action as provided in these Rules and Regulations and pursuant to current Utah Code.

2.17 RETIREMENT

Retirement from City service shall be subject to the terms and conditions of the City's Retirement Systems. Employees may retire at any time following eligibility after the two (2) weeks notice is given to the Personnel Officer.

2.18 WORKER'S COMPENSATION

Kaysville City operates under the provisions of the State of Utah Worker's Compensation Act which provides that - "any employee injured, or the dependents of any employee killed during the course of his or her duty, shall receive compensation for loss sustained on account of such injury or death, and for medical, nurse and hospital services, medicines, and funeral expenses."

The size of the awards and the conditions connected with these claims are contained in the State Laws covering Worker's Compensation cases. Any injury occurring on the job must be reported to the supervisor immediately and submitted to human resources within seven (7) days of the injury.

2.19 SAFETY

It is the intent of the City to comply with all applicable rules and regulations pertaining to the Occupational Safety and Health Act as established under federal or state law.

The City employees are expected to be safety conscious and to assist in keeping the City a safe workplace. The following general safety rules will apply in all City work places. Each work unit may prepare separate safety rules applicable to the specific nature of work in their area to promote safety.

Each department head or supervisor shall post, in a conspicuous place, a list of telephone numbers or addresses as may be applicable so that necessary help can be obtained in case of emergency. The list shall include: doctor, hospital, fire department, police or sheriff, ambulance, and responsible supervisor.

Employees shall be required to participate in safety training programs. The City will provide safety equipment.

General Safety Rules

The following general safety rules will apply in all City work places. Each Department may prepare separate safety rules applicable to the specific nature of work in their area but not in conflict with these rules.

- Extreme caution should be exercised by employees operating any type of power equipment.
- Employees will use safety equipment appropriate to the job, such as safety glasses, gloves, toe guards, and hard hats, if required or appropriate to the work performed.

- Employees will avoid wearing loose clothing and jewelry while working on or near equipment and machines.
- All accidents, regardless of severity, personal or vehicular, are to be reported immediately to the supervisor.
- Defective equipment should be reported immediately to the supervisor.
- Employees will not operate equipment or use tools for which training or orientation has not been received.
- In all work situations, safeguards as required by State and Federal Safety Orders will be provided.
- All supervisors and workers shall be required to insure clean work areas. An excessively littered or dirty work area constitutes an unsafe, hazardous condition of employment and should be remedied within a reasonable amount of time. When no other method or combination of remedies exist to minimize hazards due to toxic dust, fumes, gases, flying objects, dangerous rays, or burns from heat, acid, caustics or any hazard of a similar nature, the City shall provide each worker with the necessary personal protection equipment, such as respirators, goggles, gas masks, certain types of protective clothing, etc. Provision shall also be made to keep all such equipment in good, sanitary working condition at all times.
- Report of any on-the-job injury resulting in disability or compensable lost time shall be submitted by the department head or other designated official to the Industrial Commission and to the affected employee within seven (7) calendar days on the "First Report of Injury" form. Should any sudden or unusual occurrence or change of conditions occur (such as the appearance of toxic or unusual fumes or gases, major equipment failure, explosion, fires, etc.) that might affect the safety or health of City employees or tend to increase the hazards thereof, the department head or other designated authority shall notify the Industrial Commission of Utah. Such notification MUST be made whether or not any actual injuries result from the above occurrences or changes of conditions.
- All fatal, potentially fatal, and serious accidents shall be reported immediately to the appropriate Utah State agency over Labor.
- No person shall remove, displace, destroy, or carry away any safety device or safeguard provided for use in place of City employment or interfere with the use of any method or process adopted for the protection of employees. No employees shall refuse or neglect to follow and obey reasonable orders that are issued for the protection of health, life, safety, or welfare of employees.
- No person shall remove, displace, destroy, or carry away any safety device or safeguard provided for use in place of City employment or interfere with the use of any method or process adopted for the protection of employees. No employees shall refuse or neglect to follow and obey reasonable orders that are issued for the protection of health, life, safety, or welfare of employees.
- In addition to the rules and regulations specified above, the following shall apply:
 1. Employees who do not understand or speak the English language shall not be assigned to any duty or place where the lack or partial lack of understanding or speaking of English might adversely affect their safety or that of other employees.
 2. Where there is a risk of injury from hair entanglement in moving parts of machinery, employees shall confine their hair to eliminate the hazard.

3. Loose sleeves, tails, ties, lapels, cuffs, or similar garments which can become entangled in moving machinery shall not be worn where an entanglement hazard exists.
4. Wrist watches, rings, or other jewelry shall not be worn on the job where they constitute a safety hazard.
5. No employee shall carry liquor into a place of employment.
6. No intoxicated person shall be allowed to go into, or loiter around, any operation where workers are employed.

Additional information relative to the Occupational Safety and Health Act can be obtained from www.osha.gov.

SECTION 3
COMPENSATION

3.01 COMPENSATION PLAN

Pay rates for all authorized City positions are set forth annually as part of the budget process and established by City Council action. Payroll amounts shall be computed on the number of base hours of the calendar year (2080) that are covered by the pay period.

The Compensation Plan may also include salary administration guidelines, position pay grade schedule, and salary schedule, reimbursement, and other forms of Compensation as adopted by the City. Salaries shall be evaluated on an annual basis and linked to the position classification plan and may take into consideration the following prevailing practices and factors: ranges of pay for other positions; prevailing rates of pay for similar employment in both public and private organizations; cost of living; market trends, other benefits; and financial policy and economic conditions of the City. Independent market studies may be authorized at the discretion of the City Council when deemed necessary.

3.02 CLASSIFICATION

Council authorized positions shall have an approved job description and are assigned a salary grade. Each grade has been assigned a corresponding salary range. Periodically, the City may revise its job descriptions, evaluate individual jobs to ensure that they are rated and paid appropriately, and review job specifications to ensure that they are directly job related.

3.03 RECLASSIFICATION

If the duties and responsibilities of a position change significantly, the department head should submit a request for reclassification to the Personnel Officer. The Personnel Officer shall perform an analysis of the position and make the final recommendation for reclassification to the City Council.

No employee shall be removed from employment by means of reclassification or have the job function changed where the action is primarily for the purpose of dismissing the employee.

If the circumstance should arise requiring the abolition of a position, job security shall be maintained by:

1. Returning the employee to a previous position.
2. Promoting the employee based on merit and qualifications.
3. Transferring the employee to another department to fill a position of equal pay.

or

4. Terminating the employee if none of the above alternatives are available.

3.04 WORK PERIODS

The standard work period for the City, except the Police and Fire Departments, are seven consecutive days beginning each Saturday at 12:01 a.m. and ending each Friday at 12:00 midnight.

The standard work period for the Police and Fire Departments (Post certified) is twenty-eight consecutive days.

The work shifts for each department are as determined by the department head with the approval of the City Manager. All employees are to be working on City matters during their work shift.

The Public Works and Power Department will have one member of each department on-call at all times to respond to emergency situations as deemed necessary by the City Manager and Department Head.

The Police and Fire Departments will provide continuous coverage through shift schedules.

3.05 RECORDING WORK HOURS

It is the policy of the City to comply with applicable laws that require records to be maintained of the hours worked by our employees. To ensure that accurate records are kept of the hours actually worked (including overtime hours where applicable) and of the accrued leave time taken, and to ensure payment in a timely manner, all Non-Exempt employees will be required to record their time worked and absences on City's official time period form. This form should be completed daily, signed, and forwarded to your supervisor at the conclusion of each pay period. After reviewing the form and resolving any discrepancies, the supervisor will sign the form and forward it to payroll for processing.

Exempt employees are expected to work at least 40 hours in a work week. As needed an exempt employee may be required to work more than 40 depending on circumstance and work load. Exempt employees, while not required to "clock in", should submit vacation, sick, comp, and any other "non-worked" hours used in a work week to come to a minimum of 40 hours. These hours should be reported to payroll on a bi-weekly basis with the transmission of all other department time cards.

All employees should ensure that actual hours worked and leave time taken are recorded accurately. Falsification of a time record is a breach of City policy and is grounds for disciplinary action, including the possibility of immediate dismissal. All questions about recording work hours should be directed to an employee's immediate supervisor.

3.06 BREAKS

One (1) paid break during each four (4) hour work period is authorized. Breaks are scheduled by the supervisor to best meet work conditions. Breaks are not to exceed fifteen (15) minutes.

3.07 EXCEPTIONS TO WORK PERIODS

The City Manager is hereby authorized to designate other work periods and working hours for employees when, in his opinion, the best interest of the City may be served by such adjustments of the work periods and hours and in accordance with Fair Labor Standards Act (FLSA) laws.

3.08 ATTENDANCE

An employee unable to report to duty on a workday shall notify his immediate supervisor of that fact with reasonable notice

3.09 OVERTIME

In case of disaster, state of extreme emergency, or local peril, as declared by the Mayor or City Manager, the overtime procedures herein established shall not be in effect and compensation procedures will be determined at that time for such conditions.

Your supervisor will attempt to provide you with reasonable notice when the need for overtime work arises. Please remember, however, that advance notice may not always be possible.

Overtime may be authorized only when it is not possible to adjust staffing and/or employee work schedules to perform essential work assignments during regular hours. Overtime should be authorized by the Department Head. No employee may authorize overtime for himself or herself.

Employees may elect to receive compensatory time or payment in the pay period following the period in which such overtime is worked, providing that the time record form has been properly prepared, approved by the supervisor, and forwarded to payroll for processing in a timely manner.

Non-exempt Employee except Public Safety

If you are classified as a nonexempt employee, you will receive compensation for approved overtime work as follows:

1. You will be paid at straight time (i.e., your regular hourly rate of pay) for all hours accumulated and worked through the fortieth hour in any given workweek.
2. You will be paid one and one-half times your regular hourly rate of pay for all hours accumulated and worked beyond the fortieth hour in any given workweek.
3. Overtime is calculated by adding the hours worked. Any amount over 40 hours per week qualifies as overtime. (You are paid for non-working hours, i.e. sick leave, vacation leave, etc. at straight time and these non-working hours are not used to calculate overtime.) Approved City holidays are calculated as hours worked.

Any un-scheduled hours worked in response to an emergency as determined by the City Manager (water leak, snow plowing/salting, flooding, power outages, natural disaster etc.) outside normal shift hours will be paid at an overtime rate regardless of non-working hours during the week.

4. For the purpose of calculating overtime, the workweek normally begins at 12:01 a.m. Saturday and ends at midnight of the following Friday, unless designated otherwise because of varying shifts.
5. You may elect to receive compensatory leave in lieu of overtime pay. You will receive compensatory leave at the rate of one and one-half times your overtime worked in any given work week. If you elect to receive compensatory leave in lieu of overtime pay, you will be allowed to accumulate up to 80 hours.
6. Required Overtime work that falls on a holiday and outside of current job schedule and assignment will be paid at a rate designated by the City Manager.

Non-exempt Public Safety Employee

If you are classified as a non-exempt public safety employee, (non-administrative) you will receive compensation for approved overtime work as follows:

1. You will be paid at straight time (i.e. your regularly hourly rate of pay) for all hours accumulated through the one hundred and sixtieth (171) for police and two hundred and twelve (212) for fire in any given twenty eight day work period.
2. You will be paid one and one-half times your regular hourly rate of pay for all hours accumulated beyond the one hundred and sixtieth (171) for police and two hundred and twelve (212) for fire in any given twenty eight day work period. The City Manager may determine a work period more liberal for public safety employees in the calculation of overtime not to exceed the accrual rate of non-public safety employees.
3. Overtime is calculated by adding the hours worked. Any amount over 160 hours for police and 212 for fire per 28 day work period qualifies as overtime. (You are paid for non-working hours, i.e., sick leave, vacation leave, etc., at straight time and these non-hours are not used to calculate overtime.) Approved city holidays are calculated as hours worked. For all contract work billed at a rate of 1 ½ rate officers will be compensated commensurately.

Any un-scheduled hours worked in response to an emergency as determined by the City Manager (water leak, snow plowing/salting, flooding, power outages, natural disaster etc.) outside normal shift hours will be paid at an overtime rate regardless of non-working hours during the week.

4. You may elect to receive compensatory leave in lieu of overtime pay. You will receive compensatory leave at the rate of one and one-half times your overtime worked in any given work week. If you elect to receive compensatory leave in lieu of overtime pay, you will be allowed to accumulate up to 80 hours and 112 hours for fire personnel.
5. Required Overtime work that falls on a holiday and outside of current job schedule and assignment will be paid at a rate designated by the City Manager

3.10 EXEMPTIONS FROM OVERTIME

All executive, administrative, and professional employees are exempt from overtime pay. The Police Chief shall be compensated at straight time for working additional shifts of other officers or for time when he is otherwise required to work.

3.11 SEPARATION PAY

When employees terminate, they shall be required to return all tools, safety helmets, and other property of the City and to clear all financial obligations prior to receiving their final paycheck. Any obligations not cleared shall be deducted from their final paycheck. Final paychecks shall include compensation for unused annual leave up to the maximum of thirty (30) days allowed and compensatory time up to the allowed carryover limit.

3.12 SEVERANCE PAY

When a full-time employee is separated from City employment due to a reduction in force through no fault of the employee, and when such a separation requires immediate action thereby not permitting a two (2) week notice, the employee shall be paid two (2) weeks severance pay in lieu of the two (2) weeks' notice. Other severance packages above two (2) weeks may be authorized by the City Manager on a case by case basis.

3.13 ON-CALL PAY

Employees who are required to be on-call shall be compensated at the rate as established in the City Compensation Plan as approved by the City Council annually.

3.14 PAY PERIODS AND PAYDAYS

The pay period for all employees shall be the two week period, ending on alternate Fridays. Paydays, shall be the Friday following the end of each pay period.

It is the City policy that all employees are paid by direct deposit to their respective checking or savings account. Accordingly, the City has established an automatic payroll deposit program, which provides automatic transfers of an employee's pay directly to the employee's bank account(s) (checking or savings) on each payday.

Except for employees terminating, the City will only pay on paydays. Employees leaving City service will normally be paid on the regular payday following the date of termination and upon written clearance by the department head concerned that the employee has returned all City property.

The City will not make pay advances to employees.

The method of distributing payroll information shall be established by the City Manager.

3.15 OFF DUTY COURT TIME

Police Officers on official duty attending court trials or hearings on their off duty time will be paid for two (2) hours at one and one-half (1 1/2) of the officer's base rate. If the officer is required to stay beyond two (2) hours, he or she will be paid at one and one-half the base rate for the time attended. The time will begin upon arrival at the court and end when the officer is released by the prosecutor.

To be eligible for payment, the subpoena or court notice must reflect that the employee's appearance was required at least one hour before actually reporting on regular duty. For instance, if an employee is scheduled to report on duty at 1500 hours on any given date, the subpoena or court notice must reflect that the employee reported, according to the subpoena or court notice, prior to 1400 hours to be eligible for compensation. If the subpoena or court notice reflects that the employee reported after 1400 hours, it is assumed that the officer's appearance was in connection with regular duty. If an officer is in court when his regular shift terminates and he is required to remain to give testimony or as a witness in excess of one hour's time, then the employee is eligible to receive compensation.

On the occasions where an employee receives two subpoenas or court notices on the same day, compensation will be received on each subpoena. However, the time lapse between subpoena or court notices must be in excess of two hours.

In the event a trial or hearing is cancelled, the employee will not be compensated unless the employee received notification less than one hour before the trial or hearing. In that event, the employee will be compensated for two hours.

3.16 HOLIDAYS

The following days have been designated by the City Council as paid holidays:

New Years Day	January 1 st
Civil Rights Day	3 rd Monday in January
Presidents Day	3 rd Monday of February
Memorial Day	Last Monday of May
Independence Day	July 4 th
Pioneer Day	July 24 th
Labor Day	1 st Monday of September
Columbus Day	2 nd Monday in October
Veteran's Day	November 11
Thanksgiving Day	4 th Thursday of November
Friday after Thanksgiving	Friday following Thanksgiving
Christmas Day	December 25 th

When a holiday falls on a Saturday, it shall be observed on the preceding workday. When it falls on Sunday, it shall be observed the following workday.

Holidays may be rescheduled by a department head for the Department in special circumstances with the approval of the City Manager.

In lieu of receiving the above designated paid holidays public safety and fire personnel will be granted holiday time annually to be used at their discretion. If the employee leaves service during the calendar year, the holiday leave will be reconciled to the date of termination.

3.17 BENEFITS ADMINISTRATION

FULL-TIME AND PART-TIME EMPLOYEES:

- a. **RETIREMENT PLAN** - Full-time employees are covered by retirement plans. Part-time regular employees working 20 hours or more per week may be eligible to be members of the Utah State Retirement System. In an effort to be as fair as possible and to recruit and retain the best employees, the City may choose to compensate employees differently under certain retirement plans to make up for deficiencies from one plan to another. This determination will be made on a case by case basis by the City Manager.
- b. **HEALTH INSURANCE** - The City pays a contribution towards the premium for medical and dental coverage on full-time employees. Health insurance is available to part time employees who work an average of 30 or more hours per week calculated on an annual basis at a rate proportionate to the hours worked unless otherwise required by law. The health insurance contribution is established as part of the Compensation Plan. All full-time employees are required to maintain health insurance at the single (employee) level of coverage. Dependent coverage is optional as part of the group plan.
- c. **LIFE INSURANCE** - Life insurance coverage on full-time employees and paid on-call firefighters is provided for by the City as established as part of the compensation plan. Additional coverage for full-time employees is available upon payment of the premium at group rates by the employee.
- d. **LONG TERM DISABILITY INSURANCE AND ACCIDENTAL DEATH/ DISMEMBERMENT**- Long term disability insurance and accidental death/dismemberment is provided for by the City as established as part of the compensation plan.

ALL EMPLOYEES:

- a. SOCIAL SECURITY - All paid employees of the City contribute to the F.I.C.A., or Social Security program, as administered by the Federal Government. This is a system of retirement benefits based on equal employer and employee contribution to public insurance reserves.
- b. WORKER'S COMPENSATION - Coverage is maintained in accordance with law.

Details on all Benefits Administration can be obtained from the Finance Director.

3.18 TRAVEL REIMBURSEMENT

Travel expenses on duly authorized trips on City business for attendance at conventions, conferences, or meetings will be reimbursed by the City. All out-of-state travel requires approval by the City Manager. Whenever possible City vehicles will be used for City business.

Travel expenses must be included in an annual budget for each department anticipating travel, as part of the budget process. Any travel expenses in excess of the amount budgeted must have the approval of the City Council.

The following expenses will be considered for reimbursement upon completion of the Travel Expense Report Form and accompanied by the required receipts as listed.

TRANSPORTATION COSTS

If a commercial airline is used, tourist or economy fare MUST be requested and used if available. First class fare will be allowable only on the basis that tourist or economy space was not available between specified points.

If railway or bus is used, first class fare, plus necessary lower berth or roomette is allowable. However, coach facilities, when considered reasonable and satisfactory, should be used whenever possible.

Personal cars may be used if adjudged economical, or advantageous to the City. When a personal car is used for long trips, the City's reimbursement for the use of the car shall be established by the City's Compensation Plan.

When possible, employees shall choose lodging at the conference sponsored hotel that offers a government rate. Traveling employees may elect to stay with friend, relatives, use their personal campers or trailer homes instead of staying in a motel/hotel. The City will compensate the employee fifty percent (50%) of the lowest total cost of the conference sponsored hotel price.

OTHER COSTS

Toll road charges, parking fees, storage charges, emergency repairs and like items may be reimbursed when such toll is necessary for arrival to associated approved travel event.

Charges for car rental or similar services shall be preapproved by the department head.

Conference registration fees and extraordinary expenses, such as purchase of incidental supplies or publications, shall be eligible for reimbursement when accompanied by a receipt.

PER DIEM (receipts not required for reimbursements)

Charges for meals will be paid based upon departure and arrival times on a per-diem basis.

Reimbursement for any expenses not provided herein shall require the approval of the City Manager.

Money may be advanced for anticipated expenses upon request to the City Manager.

3.19 EDUCATIONAL ASSISTANCE

Kaysville City recognizes the importance of educational growth of employees in advancing their technical and managerial skills. Through the Educational Assistance Program the City may provide assistance to an employee who undertakes a course of study which leads to a graduate or undergraduate degree and which is mutually advantageous to the City and the employee. In some cases, irregular work schedules may be considered as a means of accommodating class schedules.

For courses approved by the department head and the City Manager and completed successfully, the City will reimburse employees up to one-half the tuition and required fees for employees accepted for participation in an accredited program. Application for educational assistance shall not normally be approved for reimbursement of courses taken in excess of six (6) hours per semester or quarter.

If the employee is entitled to Veterans or other educational benefits she or he must use such benefits in lieu of City reimbursement. The City reimbursement will be reduced by the amount of reimbursement the employee is eligible for from the Veterans Administration or any other source.

Those accepting this program will be required to sign a statement committing themselves to one (1) year of employment with Kaysville City upon completion of the course work. If the employees are terminated (voluntarily or involuntarily, except reduction in force), they will be required to refund the City monies received under the program during the preceding one (1) year period. The closing date of the quarter or semester will be the date used to determine the parameters of such period.

All approved applicants must be working a minimum of the equivalent of forty (40) hours per week and reimbursements must be included in the current budget.

3.20 UNIFORM CLEANING ALLOWANCE

Police Officers, Reserve Officers shall receive a uniform cleaning allowance as part of the compensation plan. Such allowances are to be used to maintain the department uniform in a neat and proper manner.

SECTION 4
LEAVE POLICIES

4.01 ANNUAL LEAVE

All full-time employees will be granted a paid vacation to be computed on a calendar year basis. Part-time Employees will receive annual leave proportionate to hour worked at the same benefit granted to Full-time Employees. No vacation shall be granted or pay made for vacation credit extended during a six month introductory period, but if full-time status is obtained, vacation shall then be allowed for time served in such introductory status.

- a. Full-time employees will be credited with .833 of a working day per calendar month of employment. (10 days per year or 80 hours.) Full-time fire employees will be credited with 2.166 of a working day per calendar month of employment. (26 days per year or 208 hours.)
- b. After five (5) years of continuous employment each full-time employee shall be granted one working day per calendar month of employment (12 days per year or 96 hours) and full-time fire employees will be granted 2.71 working days per calendar month of employment (32.5 days per year or 260 hours).
- c. After ten (10) years of continuous employment, each full-time employee shall be entitled to 1.25 working days per calendar month of employment (15 days a year or 120 hours) and full-time fire employees will be granted 3.25 working days per calendar month of employment (39 days a year or 312 hours).
- d. After fifteen (15) years of continuous employment, each full-time employee shall be granted 1.66 working days per month (20 days per year or 160 hours) and full-time fire employees will be granted 4.00 working days per month (48 days per year or 384 hours).
- e. Full-time employees annual leave may accrue to a maximum of 30 days (240 hours) and full-time fire employees may accrue to a maximum of 42 days (336 hours). Personnel may only carry over one-half of their yearly accumulated annual leave per calendar year to accumulate the maximum days. Once the maximum leave has been accrued, annual leave earned thereafter must be used within the year that it is earned.
- f. In the event an employee terminates for any reason, all unused vacation credit up to a maximum of 30 days (240 hours) for full-time employees, and 42 days (336 hours) for full-time fire employees will be paid by the City.
- g. All vacation must have the prior approval of the appropriate supervisor. Vacation leave must be authorized in advance, and before it is started, by the supervisor. Employees are required to ask their supervisor for vacation leave in advance to allow him or her to make necessary arrangements concerning the workload.
- h. At times in order to recruit and retain executive level staff, additional vacation leave may be given to acknowledge previous experience with a similar outside organization as approved by the City Manager.

4.02 ADMINISTRATIVE OR TRAINING LEAVE

A full-time employee or employee in their introductory phase of employment may, upon the approval of the City Manager, 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.

4.03 FUNERAL LEAVE

When death occurs in the family of an employee, the City shall allow up to three days of Funeral Leave with pay. The family shall be construed to mean father, mother, father-in-law, mother-in-law, wife, husband, brother, sister, children, grandchildren, or grandparents.

4.04 JURY AND COURT LEAVE

An employee who, in obedience to a subpoena or direction by proper authority, appears as a witness for the Federal Government or State Government, or a political subdivision thereof, or serves on a jury, shall be entitled to the difference between his or her regular compensation and the compensation of fees received (in excess of traveling expenses).

Time absent by reason of subpoena in private litigation or by some party other than the Federal Government or State Government or a political subdivision thereof, to testify not in official capacity, but as an individual shall be taken as annual leave or without pay.

4.05 FAMILY AND MEDICAL LEAVE

It is the purpose of the City to grant leave in accordance with the Family and Medical Leave Act of 1993, as amended (FMLA or Act). The provisions set forth herein are intended to comply with such Act, and if any conflict arises or if an issue or definition is not addressed herein, the Act shall control.

Employees who are eligible for family or medical leave must have been employed with the City for at least 12 months and worked a minimum of 1250 hours during the last year of employment.

An employee may take up to 12 workweeks of leave when the employee or a member of the employee's immediate family (i.e. spouse, son, and daughter) has a serious health condition.

Serious health condition is interpreted to mean illness, injury, impairment, or physical or mental condition that involves inpatient care in a hospital or continuing treatment by a health care provider.

Leave is not to be taken intermittently unless otherwise agreed upon by both the City and employee or when medically necessary.

If you expect to be absent for more than five consecutive work days as a result of an illness, injury, or disability (including pregnancy), you must submit a written request for medical leave to your supervisor and the City Manager as far in advance of your anticipated leave date as practicable. If your absence is due to an emergency, you or a member of your immediate family must inform your supervisor or head of your department as soon as is practicable. This should be followed up with a written leave request, normally submitted within three days of the beginning of your leave. All medical leave requests must be accompanied by appropriate medical certification from your physician, indicating the condition necessitating your leave request and your projected date of return to work.

If your leave request is granted, you are required to provide the City with additional physician's statements at least once every thirty days or more frequently if requested attesting to your continued disability and inability to work. If there is reason to doubt the validity of the physician's statement the City may require a second opinion. A third opinion may also be requested by the City but such opinion is considered final and binding. You may also be required to provide the City access to your medical records.

Before being permitted to return from medical leave, you are required to present the City with a note from your physician indicating that you are capable of returning to work.

Leave is considered to be without compensation. However, all City benefits that operate on an accrual basis (e.g., vacation and paid sick days) continue to accrue only during the first thirty days of your medical leave. All City group health benefits (e.g., hospitalization and major medical insurance) continue during leave on the same terms as if the employee had continued to work. Employees may take accrued sick, personal, or vacation time and apply it as paid leave during any part of their absence. In the event that an employee fails to return after taking leave the City may recover premiums paid to maintain medical coverage during the term of the leave.

The City endeavors to place employees returning from leave in their former positions or positions comparable in status and pay, subject to budgetary restrictions, the City's need to fill vacancies, and the ability of the City to find qualified temporary replacements.

4.06 MILITARY LEAVE

Military leave is authorized for full-time City employees pursuant to the following conditions:

- a. Employees who are members of the organized reserve of the United States armed forces shall be compensated up to 120 hours per year of additional leave to be spent on duty at annual encampment or rifle competition or other duties in connection with the reserve training and instruction requirements of the armed forces of the United States, including the National Guard of this state. This leave shall be in addition to annual vacation leave with pay. Employees who are members of reserve units for the military shall notify their immediate supervisor at least four (4) weeks in advance and shall indicate in writing their intention and anticipation with regard to participating in periods of active duty. Such written notification shall be made part of the individual employee's personnel file.
- b. Employees who enlist or are called or inducted into and enter active service in the State Militia or any branch of the United States armed forces shall be entitled to absent himself from his or her duties or service while engaged in the performance of active duty and while going to and returning from such duty in accordance with the provisions of state or federal law.

4.07 LEAVES OF ABSENCE

Leaves of absence without pay may be granted for periods not to exceed one (1) year to City employees because of illness, for educational purposes, and for other reasons, provided that leaves granted to enable an employee to take an office in the service of the City shall be for the duration of such employee's service therein. Such leaves shall not be regarded as an acquired right by employees and shall be granted only when the service will not be adversely affected thereby. Requests for leave shall be made in writing and, if approved by the City Manager, shall be placed in the employee's personnel files.

Leaves granted to employees who accept regular or full-time employment outside the City's service shall be subject to the approval of the City Council and shall be denied unless the request thereof is accompanied by satisfactory proof that such employment is temporary and that the experience gained thereby will be for the betterment of the City's services.

A leave of absence without pay granted to an employee may be terminated prior to the expiration date thereof with the consent of the appointing authority and the City Council. Failure of an employee to report for duty promptly at the expiration of his or her leave or violation of an agreement or understanding entered into by him or her relative thereto shall be just cause for discharge and the removal of his or her name from any eligible list or lists on which it may appear.

4.08 LEAVE FOR ATTENDANCE AT INDUSTRIAL ACCIDENT COMMISSION HEARINGS OR RELATED PHYSICAL EXAMINATIONS OR LEAVE AS A RESULT OF AN INDUSTRIAL ACCIDENT

Employees who have been injured in the course and scope of their employment with the City and who are required, as a result of such injury, to be absent from duty to take physical examinations required by the City's Worker's Compensation Insurer or the Industrial Accident Commission or to attend hearings of the Industrial Accident Commission may be granted leave with pay for such absences by the department head when she or he determines such absences are in the best interest of the City and only if the employee is in pay status at the time of the scheduled examination or hearing.

Employees who have been injured in the course and scope of their employment with the City are entitled to receive compensation according to the City's Worker's Compensation Insurance. If the employee elects to use sick leave as a result of a work-related injury, the employee shall reimburse the City the amount of the Worker's Compensation payment. The City, in turn, will credit the employee's sick leave accrual by the number of hours, based on the employee's hourly rate that such payment represents.

4.09 SICK LEAVE

Sick leave shall not be considered as a privilege that employees may use at their discretion, but shall be allowed only in case of necessity and actual sickness or disability of the employee or an immediate family member of the employee.

All full-time employees will be granted sick leave benefits on a calendar year basis. Part-time regular Employees will receive sick leave proportionate to hour worked at the same benefit granted to full-time employees.

- a. Sick leave with pay at the rate of one working day shall accumulate to the credit of each employee of the City for each calendar month of satisfactory employment, except that an employee will not receive pay for any sick leave taken during his or her six month introductory period.
- b. Any employee who shall claim sick leave benefits for a period in excess of three days, may be required to furnish proof of illness or hospitalization to the department supervisor.
- c. Upon extended use of sick leave the City Manager may require additional proof of illness or hospitalization. The City Manager may determine if leave is to be granted.
- d. Sick leave may be donated from one employee to another in the extreme case of grave illness and after all other sick leave on the part of the ill individual has been exhausted. Determinations of the ability of a person to donate or receive donated sick leave are to be made by the City Manager.

As an incentive to reduce sick leave abuse, after an employee has accumulated eighteen (18) unused sick leave days (144 hours), she or he may convert one third (1/3) of his or her annual sick leave accumulation to cash or annual leave each January if she or he chooses to do so. Only sick leave taken above 24 hours during the year will decrease the convertible portion by the number of days used.

SECTION 5

DISCIPLINE AND GRIEVANCES

5.01 DISCIPLINARY PROCEDURES

It is the responsibility of all employees to observe regulations necessary for the proper operation of City functions. Administrative procedures have been established for the handling of disciplinary measures such as reprimand, suspension, reduction in pay, demotion and dismissal. All such disciplinary measures shall follow the presentation of charges to the employee.

The general procedure for discipline shall be to:

- a. Instruct the employee on what is expected.
- b. Remind the employee of what is expected when an infraction occurs.
- c. Warn the employee if the infraction continues.
- d. Impose one or more of a range of sanctions.

VERBAL WARNINGS - whenever grounds for disciplinary action exist, and the supervisor determines that more severe action is not required, the supervisor should verbally communicate to the employee the observed deficiency. Written documentation of the reprimand should be recorded in the employee's personnel file. Sufficient time for improvement should be given before more formal disciplinary action is taken.

WRITTEN REPRIMAND - A department head may reprimand an employee in writing. Such reprimand should be addressed to the employee and a signed copy should be delivered to the Personnel Officer for inclusion in the employee's personnel file.

SUSPENSION - A department head, with the concurrence of the City Manager, may suspend an employee without pay. On or before the effective date, the employee and City Manager shall be furnished with a written statement setting forth reasons for the suspension.

DEMOTION - A department head may, with the approval of the City Manager, demote or reduce in pay any employee for the good of the service or for disciplinary reasons.

DISMISSAL - For any of the following violations, the employee may be subjected to dismissal following an opportunity for a hearing or review of the dismissal. The department head must have the concurrence of the City Manager. A written letter stating the reasons for dismissal must be sent to the employee being dismissed. Causes for disciplinary action may include, but are not limited to, the following:

1. Refusal to comply with a lawful instruction unless such instruction is injurious to the employee's or the general public's health or safety.
2. Insubordination or disloyalty to the City.
3. Conviction of a misdemeanor or felony while an employee of the City.
4. Indulging in offensive conduct or using offensive language toward the public or toward the City officers or employees.
5. Deliberate or careless conduct endangering the safety of others.

6. Inducing or attempting to induce any employee in the service of the City to commit an unlawful act in violation of City regulations, official policy, or departmental orders.
7. Using, threatening, or attempting to use personal or political influence in an effort to secure special consideration as a City employee.
8. Carelessness or negligence with City monies or property.
9. Theft or intentional destruction of City property.
10. Dishonesty in work or conduct.
11. Being under the influence of alcohol or drugs while on duty.

5.02 APPEAL OF DISCHARGE OR TRANSFER

All full-time and part-time regular employees of the City, other than the City Manager, department heads, and those employees still in the introductory phase of their employment, shall have the right to appeal any discharge or transfer.

The appeal shall be taken by filing written notice of the appeal with the City Recorder within ten (10) days after discharge or transfer. Upon the filing of the appeal, the City Recorder shall forthwith refer a copy of the same to the City Manager. Upon receipt of the referral from the City Recorder, the City Manager shall forthwith commence an investigation, take and receive evidence and fully hear and determine the matter which relates to the cause of the discharge or transfer.

The employee shall be entitled to meet with the City Manager in person and discuss and examine any evidences against them. The City Manager will have ten business days after the formal meeting in which to render a decision in the appeal.

In the event that the City Manager does not uphold the discharge or transfer, the employee will be reinstated at their previous level, pay, and job description, the case shall be closed, and no further proceedings shall be held.

In the event the City Manager upholds the discharge or transfer, the employee may have 14 days thereafter to appeal to the Appeal Board decision shall be final. The Appeal Board shall be established by City Ordinance.

The employee shall be entitled to appear in person and to be represented by counsel, to confront the witness whose testimony is to be considered, and to examine the evidence to be considered by the Appeal Board.

The decision of the Appeal Board shall be by secret ballot, and shall be certified to the Recorder within five (5) days from the date the matter is referred to it. The Board may, in its decision, provide that an employee shall receive his pay for the period of time during which he or she is discharged, or any deficiency in pay for the period he or she was transferred to a position of less remuneration but not to exceed a 15 day period. In no case shall the employee be discharged or transferred, where an appeal is taken, except upon a concurrence of at least a majority of the Appeal Board of the municipality.

In the event that the Appeal Board does not uphold the discharge, or transfer, the Recorder shall certify the decision to the employee affected, and also to the Head of the Department from whose order the appeal was taken. The employee shall be paid, commencing with the next working day following certification by the Recorder of the Appeal Board's decision, provided that the employee, or officer concerned, reports for his assigned duties during that next working day.

The decision of the Appeal Board shall be deemed to be final and no other appeals in such case shall be heard.

5.03 EMPLOYEE GRIEVANCE PROCEDURE

POLICY - It shall be the policy of Kaysville City to address grievances of all employees in a prompt, forthright, and professional manner. Within the framework of existing laws and regulations, every effort shall be made to address grievances in a manner mutually satisfactory to employees and management. A grievance may exist when an employee is dissatisfied with some condition or aspect of employment over which he or she has no control but desires remedial action and is desirous of filing an appeal for relief of that condition. Employees who have grievances created by work situations shall have the right to submit such grievances for orderly disposition according to the procedures developed in this section.

PURPOSE AND OBJECTIVE - The purpose of this section is to establish a grievance procedure which will provide all Kaysville City employees with a clearly defined and easily understood communications system through which employees may present complaints or grievances to their supervisor(s). The objective of these procedures is to provide employees and management with a system of grievance resolution which is free from discrimination, coercion, intimidation, restraint, or reprisal, and which will also enable employees to receive fair and equitable treatment and adjustments to those grievances which they may have.

DEFINITIONS:

GRIEVANCE - A grievance is a dispute regarding the interpretation or application of any rule, regulation, policy, or procedure which exists under the personnel administration system of Kaysville City Corporation, filed by a City employee alleging a violation of the terms, provisions, and/or conditions of his or her employment, except for involuntary financially remunerative matters.

NON-GRIEVANCE - A non-grievance is any matter of action taken by the City or any of its representatives for which relief is provided under the statutes of the State of Utah, or any matter specifically excluded from this set of procedures by provisions included herein, such as wages, and salaries, or any policy decision made by the City Council and/or City Manager.

EMPLOYEES - An employee in the grievance process is any person in the classified service in full-time regular or part-time regular, or full-time fire employees status.

MANAGEMENT - Management includes the City Manager and all department heads.

PROCEDURES

All grievances shall be handled in the following manner:

STEP 1 - The employee with a complaint or grievance shall report in writing and discuss the issue with the immediate supervisor after the affected employee first knew or became aware of the act or condition upon which the grievance is based. The immediate supervisor shall render a decision within five (5) workdays of the date he became aware of the grievance by the employee's report.

STEP 2 - If no mutually agreeable settlement is reached under Step 1, then the grievance shall be filed in writing to the employee's department head by the affected employee, specifying which term(s) or condition(s) of their employment he feels have been violated or might require relief, within five (5) workdays after receiving the decision from his immediate supervisor. The department head shall have five (5) workdays after receiving the written grievance to thoroughly investigate the matter, place his finding in writing, and notify the parties concerned of his decision.

STEP 3 - If no mutually agreeable settlement is reached under Step 2, the employee may petition in writing, within five (5) workdays after receipt of the department head's determination and decision, that the department head's decision be reviewed by the City Manager. The City Manager shall investigate the case, request all pertinent facts, and after review thereof, render a decision within ten (10) workdays after receipt of the written appeal. The decision of the City Manager shall be submitted in writing to all parties.

STEP 4 - If no mutually agreeable settlement is reached under Step 3, the employee or other party may petition in writing, within five (5) workdays after receipt of the City Manager's determination and decision, that the City Manager's decision be reviewed by the City Council. The City Council shall investigate the case, request all pertinent facts, and hold a hearing thereon and after review thereof, render a decision within thirty (30) workdays after receipt of the written appeal. The decision of the City Council shall be submitted in writing to all parties concerned and shall be final and binding on all parties to the grievance.

RESPONSIBILITIES

EMPLOYEE - The employee having the grievance shall be responsible to carry on the grievance process as far as she or he deems necessary to reach a satisfactory solution.

MANAGEMENT - Management shall ensure that all supervisory personnel respond affirmatively to this directive and process any grievance which they may receive appropriately.

SECTION 6

MISCELLANEOUS

6.01 ANTI-NEPOTISM

It shall be the policy of Kaysville City to comply with the Anti-Nepotism clause as stated in the Utah State Code.

No appointing authority may appoint or vote for the appointment of his or her father, mother, husband, wife, son, daughter, sister, brother, uncle, aunt, nephew, first cousin, mother-in-law, father-in-law, brother-in-law, sister-in-law, son-in-law, or daughter-in-law, to any positions within the same department.

Appointing authority is defined as the person(s) who make the selection or give consent to the selection.

6.02 GARNISHMENTS

The City is opposed to employees receiving garnishments. Department heads should discuss the matter with such employees and arrange for improvement of the situation. More than one garnishment may justify the City in taking disciplinary action.

6.03 POLITICAL ACTIVITY

No employee in the service of the City shall hold a City political office. No City employee or official shall solicit verbally, or by a letter, or be in any other manner concerned in obtaining any assessments, contributions, or services for any political party from an employee employed by the City.

Nothing herein contained shall be construed to restrict the right of the employee to hold membership in, and support a political party and candidates, to maintain political neutrality, or to attend political meetings after working hours.

6.04 OUTSIDE EMPLOYMENT

No employee may engage in additional employment which in any manner interferes with the proper and effective performance of official duties or which results in a conflict of interest. It is necessary that an employee give priority to his or her job with Kaysville City.

Employees of Kaysville City are permitted to engage in secondary or outside employment as long as said employment does not result in a direct conflict of interest or otherwise negatively impact his or her work for Kaysville City. Employees interested in outside employment should submit a letter to their department head, in writing, detailing the nature of the employment and how this secondary work will not interfere with city employment or result in a conflict of interest.

There are several factors which determine if there is a conflict of interest. Any one of these factors by itself may constitute a conflict.

1. Being engaged in work for an outside employer during the same hours one is scheduled to be working for the City.
2. Disclosing information acquired by reason of City position for personal or another's private gain or benefit.
3. Using, or attempting to use, City position to secure special privileges or exemptions for self or others.
4. Accepting employment which would impair independence of judgment in the performance of public duties in a City position.
5. Engaging in a business venture or organization which is conducting business with the City.
6. Utilizing the City's resources and/or materials for purposes other than those required in the position held with the City.

7. Finding oneself incapable of performing at full capacity in the City position because of fatigue, anxiety, or other impairment caused by outside employment.

6.05 CONFLICTS OF INTEREST

No officer or employee shall use his or her position for a purpose that is, or gives the appearance of, being motivated by a desire for private gain for themselves or others, particularly those with whom they have family, business or other ties.

6.06 ETHICS

All officers and employees of the City must comply with the "Utah Public Officers and Employees Ethics Act." Employees are also expected to comply with any codes of ethics applicable to their professions.

6.07 USE OF CITY PROPERTY

Except as may be provided within this or other valid policies, no employee shall use, consume or employ City supplies, equipment, property or personnel for any personal gain or benefit. Employees of the City shall use supplies, equipment, property and personnel to transact or perform the business of the City exclusively and for no other purpose. All employees are expected to exercise reasonable care to protect and safeguard City supplies, equipment or property from abuse, damage or loss.

Any employee who uses or allows others to use City supplies, equipment, property or personnel in ways that are not permitted may be subject to disciplinary action, up to and including termination. If the employee violates any Federal, State or local law, the City may also initiate judicial proceedings against the employee.

This policy is intended to allow employees the occasional, infrequent benefit of using city equipment without causing expense to the City in lost time or cost of supplies and maintenance. It is not intended for ongoing personal projects, large projects, or any income producing projects.

Permitted Use

City equipment may be used for limited personal matters as described below as long as it is not for any income producing activity and the employee pays for any supplies and/or direct user costs associated with the use of the equipment. Permitted personal use shall be on an occasional and infrequent basis and not for any large or lengthy projects.

Permitted personal use shall be by an employee of the City only. Friends, relatives, or other persons shall not be allowed to use or operate the equipment or observe the use of equipment. No equipment will be removed from the City premises for a use inconsistent with this policy. Laptop computers should not be removed from City premises unless authorized by the department director for City business. A laptop computer may be used for limited personal matters consistent with this policy only in locations where the computer is taken for official City use. For example, if an employee is required to take a laptop computer home or while traveling for City purposes, that employee may use that laptop for personal use consistent with this policy at home or while traveling.

Permitted personal use shall be during non-working time. Personal use shall only occur Monday through Friday and no later than 8:00 PM. No personal use of city equipment shall occur on Saturday or Sunday.

Limited Liability

Personal use of City equipment shall be solely at the employee's risk. Employees desiring to use City equipment

must agree to indemnify, release, and hold the City harmless by signing and submitting the appropriate form contained herein prior to using the equipment. The City offers this opportunity to employees and may change, prohibit, and eliminate this benefit at any time without any notice. Permitted personal use shall be approved by the department head responsible for the equipment and City Manager. Employees who use the equipment without completing the appropriate form and obtaining prior authorization may be subject to termination or other discipline.

6.08 SMOKING

In order to maintain a safe and comfortable working environment and to ensure compliance with the Utah Indoor Clear Air Act, smoking in City offices and facilities is strictly regulated. You should familiarize yourself with those areas throughout the City premises where smoking, including electronic cigarettes is either permitted or prohibited. For your convenience, these areas have been marked clearly. Because the City may be subject to criminal and civil penalties for violations of applicable smoking laws, we must insist on strict adherence to this policy. Employees smoking in any non-smoking area may be subject to disciplinary action.

Please contact the City Manager or his designee if you have any questions regarding smoking policy. Complaints regarding violations of this policy may be filed under the City's grievance procedure.

The City discourages its employees from smoking as this is regarded as a poor health habit. Smoking is permitted, however, during breaks and lunch period in authorized areas only.

6.09 TELEPHONES & CELL PHONES

Much of the City's business is conducted over the telephone and should be used for business. If personal calls are necessary, they should be brief so as not to interfere with business. Casual "chatty" conversation during business hours is inappropriate. Personal long-distance calls shall not be charged to City telephones without prior approval and reimbursement by the user.

Only those employees authorized by their department head and/or the City Manager are authorized to have a City-issued cell phone. The level of monthly service for such City-issued cell phone shall be commensurate with the amount of City business conducted and needed by the employee. If the employee would like additional features or minutes for personal use, they may purchase them at a rate set to cover the additional cost incurred. Employees may upgrade their phone once a year (unless broken or deemed unworkable). At the time of upgrade the employee has the option to upgrade their phone from the department issued standard cell phone at an additional cost. If the employee pays the additional cost to upgrade the phone, the phone becomes property of the employee upon disconnection from the City plan

The primary purpose of all City-issued cell phones shall be to facilitate City business. The City will allow limited personal use of the City-issued cell phones, though personal use of City cell phones shall not be excessive and shall not interfere with the performance of job duties. The City reserves the right to monitor the billing and use of all City-issued cell phones. By accepting the use of a City-issued cell phone, the employee also understands that excessive use of the cell phone that hinders job performance may result in disciplinary action. Cellular transmissions can be overheard by others. Discretion should be used in discussing confidential information on a cell phone. Employees, who are authorized to use a City-issued cell phone shall agree to be readily available to take calls, respond to e-mails and text messages during working hours. Employees, who are authorized to use their personal phone for work purposes shall use best judgment when taking calls, responding to e-mails, and text messages outside of his or her working hours to ensure that he or she is not working unreasonable or unapproved overtime. Employees are responsible for taking reasonable precautions to prevent theft and/or vandalism of cellular equipment. An employee who violates the conditions of these policies relating to cell phones and use will be subject to having the use of his or her City-issued cell phone terminated.

In addition, employees may be subject to disciplinary action, up to and including termination, for any violation of these policies.

6.10 CREDIT CARD USE

Certain city employees including Department Heads are issued a credit or purchase card. Use of these cards should be minimized as much as possible. A receipt should accompany all card purchases. Department Heads may allow support staff to use the card assigned to them in order to meet the needs of the department on a case by case basis. The card holder is responsible for all purchases made on the card and should code all expenses to appropriate budget expense category. Credit card use is subject to all existing procurement and purchasing policies. Because of the added risk of fraud and theft, extra care should be exercised in the use of all credit and purchase cards issued to employees for City authorized expenditures.

6.11 VEHICLE USE

PURPOSE AND OBJECTIVE - The purpose of this policy is to define and describe the conditions related to the use of City vehicles, or the use of personal vehicles in the conduct of City business by City employees. The objectives are as follows:

- a) Ensure the safety and well-being of City employees and other persons sharing the roadways with City vehicles or personal vehicles operated by City employees in the conduct of City business.
- b) Facilitate the efficient and effective usage of City resources.
- c) Minimize liability to the City.
- d) Establish standard requirements and procedures for all City Departments and employees who drive a City owned or personally owned vehicle in the course of City business.

SCOPE AND APPLICATION - The Vehicle Use Policy applies to all City employees to whom the City grants the privilege of operating a City owned, leased, or rented vehicle and to all employees engaged in the operation of a personally owned vehicle in the conduct of City business. Administration and application of these provisions is the responsibility of each Department Head. Each Department Head shall designate a Department Fleet Manager to implement and apply these provisions under the direction of the Department Head. The Department Head may elect to perform the duties of Fleet Manager for that Department.

GENERAL VEHICLE USE - The City reserves the right to deny any employee the use of a City vehicle or the right to use a personally owned vehicle in the conduct of City business for failure to adhere to the Vehicle Use Policy and may upon notification in writing to the employee, elect to not indemnify an employee for events arising out of an employee's operation of a City owned vehicle or a personally owned vehicle while engaged in the conduct of City business. An employee who does not adhere to the City's Vehicle Use Policy may be subject to appropriate disciplinary action up to and including termination.

In order to be authorized to operate a City vehicle or to operate a personal vehicle in the conduct of City business, an operator must be an employee of Kaysville City and must possess a valid Utah Driver's License. This license must be issued in the appropriate license classification. Non city employees are able to ride in city owned vehicles when prudent to carry out city business but should never operate city owned vehicles.

The employee must sign the Kaysville City Driver's License and Driving History Information authorization form and be deemed as insurable based on the standards outlined in the Kaysville City Motor Vehicle Record and Insurability Standards.

In the event an employee's driver's license is suspended, limited in any manner, or revoked for any reason, the employee shall promptly notify in writing the employee's Department Head with written notice within one working day after the employee learns of the action related to his driver's license. A copy of the notice shall be forwarded by the Department Head with a record of action taken by the Department Head to the City Manager and Human Resource Director. The employee shall not operate any City vehicle or personal vehicle while engaged in the conduct of City business during the term of the stipulated suspension, any penalty, restriction, limitation, or other disciplinary action imposed. It is the responsibility of a City employee to report all citations issued by any police agency to the employee related to the employee's operation of a City owned vehicle or a personal vehicle while engaged in the conduct of City business. Failure to comply with this provision of this Vehicle Use Policy provision shall subject an employee to disciplinary action up to and including termination from employment.

The driver and all occupants must wear seat belts at all times when operating any City vehicles or while operating a personal vehicle while engaged in the conduct of City business. The driver must obey all traffic laws at all times. Drivers of City vehicles must follow all motor vehicle laws, rules of the road, and operate the vehicle in a safe and courteous manner.

The use of alcohol, illegal drugs, or any legal drugs or substances that may impair or might reasonably be expected to impair in any way the operator of a City vehicle or a personal vehicle while engaged in the conduct of City Business is prohibited.

Smoking is prohibited in City vehicles.

Upon approval to operate a City owned vehicle or to operate a personal vehicle in the conduct of City business an employee is deemed to have been given notice that the employee has read and understands he/she is responsible under the provisions of this paragraph. Payment of any fines or legal costs associated with vehicular infractions incurred while operating a City vehicle shall be the sole responsibility of the driver unless deemed by the City Manager that the associated fine was due to no fault of the operator; for example, a vehicle safety infraction.

In the event of a motor vehicle accident involving a City owned vehicle or personal vehicle engaged in the conduct of City business, it is the driver's responsibility to immediately seek the assistance of ambulance or EMT services if there are injuries resulting from the accident, notify police, their immediate supervisor, and ensure that an Accident Report is completed at the scene. The driver's immediate supervisor is to notify the City Manager and Finance Director immediately. If a motor vehicle accident results in any one or more of the following, the driver shall submit to a drug test at the earliest possible time after the accident at a facility determined by the City Administration:

- i. Injury to any person:
- ii. Issuance of a moving violation to the driver who is employed by the City:
- iii. The driver is taking any medications; and
- iv. There is any other reason the employee's supervisor deems it advisable to have a drug test performed to secure the invested interest of the City.

DESIGNATED EMPLOYEE USE -

a) Fleet Use:

City vehicles are assigned by the Department for the daily use to perform work related activities. The vehicle is limited to official City business. Reasonable stops may be made while en route of City operations or during break or lunch periods. The vehicle is garaged at a City facility.

b) On-call Emergency Use:

City vehicles may be assigned by the Department for overnight use to an employee for work related activities on an on-call basis. Incidental personal use of City Vehicles is permissible. Vehicles may be garaged overnight at the employee's residence when the employee is officially on-call only.

c) Assigned Vehicle (Non-Public Safety):

City vehicles may be assigned by their Departments to employees to allow them to respond to work related activities as required and as determined by the Department, and vehicle use by Department Heads as determined by the City Manager. Non-City employees are prohibited from riding in or operating any City-owned vehicles unless authorized by the Department Head and only in limited circumstances. Incidental use while traveling to and from work is permissible. Vehicles may be garaged overnight at the employee's residence.

d) Assigned Vehicle (Public Safety):

City vehicles are assigned to each officer to allow him/her to respond to public safety related activities as required. These employees have 24-hour use of their assigned vehicles and may be used for personal use. Any non-public safety passengers prior to the officer responding to an emergency response situation must be discharged from the vehicle in a safe location prior to responding to a situation. Non-public safety passengers may ride in public safety vehicles when authorized by the Department. Vehicles may be garaged overnight at the employee's residence.

All City vehicles must be garaged no more than twenty-five miles from the City.

MAINTENANCE AND CARE OF VEHICLES - Each employee using a City owned vehicle shall inspect the vehicle each day prior to usage for damage, inoperable lights, safe tires and any other condition that may be a safety hazard. Any issues discovered as a result of such inspection shall be reported to a supervisor.

All City vehicles shall be locked when not in use or when unattended.

Proper use, care and cleanliness of the City vehicle is the responsibility of the employee assigned to or utilizing the vehicle.

Each employee assigned a City owned vehicle is responsible for scheduling or returning the vehicle for routine or scheduled maintenance or repairs.

IDENTIFICATION OF CITY VEHICLES - Each vehicle unless otherwise exempt (Utah Code 41-1-a-407) shall have a license plate displaying the letters "EX" on every vehicle owned, operated or leased by the City.

Each city owned vehicle shall display a visible identification logo, eleven inches or larger in diameter designating the vehicle as the property of the City and placed in a conspicuous place on both sides of the vehicle.

Safety is critical to our operations, therefore all employees or volunteers operating Kaysville City owned vehicles or who operate any vehicle while conducting business for or on behalf of Kaysville City must be qualified as an "Acceptable" driver per this Driver Qualification Policy prior to operating said vehicles on any public roadway.

A Commercial Driver's License is required for operators of commercial motor vehicles. This license is required pursuant to the Commercial Motor Vehicle Safety Act.

Drivers, or potential drivers' MVR (Motor Vehicle Record) will be screened pre-hire and monitored thereafter.

Drivers will be qualified as "Acceptable," "Borderline" or "Unacceptable." Drivers whose qualification is "Borderline" will require approval from their Department Head before operating a vehicle on public roadways while conducting, or traveling for Kaysville City business. Drivers with a "Borderline" qualification who are authorized by management to drive may do so on a probationary basis. Drivers with an "Unacceptable" qualification will not be allowed to operate Kaysville City owned vehicles or any vehicle while conducting, or traveling for Kaysville City business. An "Unacceptable" qualification will remain in place for 1 year or until alternative measures are taken to mitigate the violation(s) that result in a negative qualification status.

All drivers must possess a valid Driver License with endorsements appropriate for the vehicles to be operated. The driver qualification evaluation will be based on the driver's MVR and other work related motor vehicle incidents, whether or not the incident is reported to the DLD (Driver License Division) and recorded on the driver's MVR. All violations or incidents recorded on the MVR, whether they occurred on the job or not, are included in the driver qualification evaluation.

"Acceptable", "Borderline" and "Unacceptable" qualification will be determined using the following criteria:

Moving Violations	At-Fault Accidents			
	<u>0</u>	<u>1</u>	<u>2</u>	<u>3</u>
<u>0</u>	Acceptable	Acceptable	Borderline	Unacceptable
<u>1</u>	Acceptable	Acceptable	Borderline	Unacceptable
<u>2</u>	Borderline	Borderline	Unacceptable	Unacceptable
<u>3</u>	Unacceptable	Unacceptable	Unacceptable	Unacceptable
<u>4</u>	Unacceptable	Unacceptable	Unacceptable	Unacceptable

Any single major violation may result in an "Unacceptable" qualification as determined by the City Manager. Major violations include the following or an equivalent:

- Driving under the influence of alcohol/drugs
- Failure to stop/report an accident
- Reckless driving/speeding contest
- Driving while impaired
- Making a false accident report
- Vehicular homicide, manslaughter or assault
- Driving while license is suspended/revoked
- Careless driving
- Attempting to elude a police officer

6.12 ELECTRONIC INFORMATION RESOURCES

Electronic information resources including telephones, cellular phones, printers, voice mail, E-mail, the Internet and other network files or accounts are available to employees of Kaysville City. These services are available to promote efficiency in the workplace.

The use of electronic information is a privilege, not a right. Inappropriate use of these resources may result in disciplinary action (including the possibility of termination), and/or referral to legal authorities. The supervisor or system administrator may limit, suspend or revoke network access.

The network and electronic information must be in support of the purposes of Kaysville City. Personal use of these resources during work hours should be brief and of an incidental nature. The use should not interfere with City work responsibilities. Personal Use of City owned computer systems is permitted only when such use is during employee's personal time and does not conflict with regular City responsibilities or business. Additional computer programs not essential for city business are not allowed to be added to equipment owned by Kaysville City.

Transmission or receipt of any inappropriate material, or material in violation of law or City policy is prohibited. This includes but is not limited to: copyrighted material; material protected by trade secrets; the design or detailed information pertaining to explosive devices, criminal activities or terrorist acts; sexism or sexual harassment; pornography; gambling; illegal solicitation, racism; inappropriate language; use of product advertisement or political lobbying. Illegal or inappropriate activities, or activities of any kind that do not conform to rules, regulations and policies of Kaysville City are prohibited.

It is advised not to reveal personal information, such as home address, phone numbers, passwords, credit card numbers, or social security number. This also applies to others' personal information or that of organizations.

Each user is expected to abide by the generally accepted rules of user etiquette. These rules include, but are not limited to the following:

- Be polite. Never send or encourage others to send abusive messages. Use appropriate language. You may be alone on a computer, but what you write, send or receive can be viewed globally. E-mail is not guaranteed to be private. Everyone on the system has potential access to E-mail. As employees of a governmental organization, anything you write or send can be requested to be viewed by any member of the public. Do not write or send anything you would not want displayed for all to see.
- Do not use the network in any way that would disrupt network use by others. Use electronic mail appropriately, no sales, advertisement, solicitations, etc.
- Vandalism is not allowed. Vandalism is defined as any malicious attempt to harm or destroy property of the user, another user or of any other agencies or networks that are connected to the network, or the Internet system. Vandalism also includes, but is not limited to abusive overloading of data on the server or the uploading, downloading or creation of computer viruses.

Security on any computer system is a high priority because there are multiple users. Do not use another individual's account nor log on to the system as the system administrator. If you identify a security problem, notify your supervisor or system administrator immediately.

Kaysville City makes no warranties of any kind whether expressed or implied, for the service it is providing. Kaysville City will not be responsible for any damages you suffer while on this system. These damages may include but are not limited to: loss of data as a result of delays, non-deliveries, mis-deliveries, or service interruptions caused by the system or your errors or omissions. Use of any information obtained via the information system is at your own risk. Kaysville City denies any responsibility of the accuracy of information obtained through electronic information resources.

Passwords are an important aspect of computer security. They are the front line of protection for user accounts. A

poorly chosen password may result in the compromise of Kaysville City's entire corporate network. As such, all Kaysville City employees are responsible for taking the appropriate steps, as outlined below, to select and secure their passwords by doing the following:

- All system-level passwords (e.g., root, enable, NT admin, application administration accounts, etc.) must be changed on at least yearly, or when the network administrator changes, or at times network administrator deems necessary.
- All production system-level passwords must be part of the network administered global password management database in KeePass or other approved application.
- All user-level passwords (e.g., email, web, desktop computer, etc.) must be changed at least every 90 days at the discretion of the network administrator.
- Users cannot use the same or similar password as the past 24 passwords.
- Passwords must not be inserted into email messages or other forms of electronic communication.
- All user-level and system-level passwords must conform to the guidelines described below.

Do not use the same password for Kaysville City accounts as for other non-Kaysville City access (e.g., personal ISP account, option trading, benefits, etc.). Where possible, don't use the same password for various Kaysville City access needs. Do not share Kaysville City passwords with anyone, including administrative assistants or secretaries. All passwords are to be treated as sensitive, Confidential Kaysville City information.

Don't reveal a password over the phone, in an email, or to anyone. If someone demands a password, refer them to this document or have them call the network administrator.

If an account or password is suspected to have been compromised, report the incident to the network administrator and change all passwords.

Password cracking or guessing may be performed on a periodic or random basis by the administration or its delegates.

If a password is guessed or cracked during one of these scans, or found out by other means the user will be required to change it.

Any employee found to have violated this policy may be subject to disciplinary action, up to and including termination of employment.

6.13 SOCIAL NETWORKING

Employee's participating on internet social networking sites (Facebook, Twitter, etc.) must use appropriate discretion to not discredit or disparage the City or themselves as employees of the City. In order to achieve and maintain the public's highest level of respect, employees are expected to follow the standards of conduct below.

- (a) Except in the performance of an authorized duty, any use of department equipment to access social networking sites, blogs or bulletin boards while on duty is prohibited except under limited circumstances at the discretion of the City Manager. If an employee is authorized to access social networking sites while on duty the employee must refrain from excessive use. For the purposes of this section, "excessive" means accessing a site(s) to the point that it interferes with the City's operations or the employee's ability to properly perform his or her duties, as determined by his/her Supervisor, Department Head or the City Manager.

- (b) Employees shall not post, transmit, and/or disseminate information (texts, pictures, video, audio, etc.) to the internet or any other forum that would tend to discredit, disparage or reflect unfavorably upon the City or its employees. Any inappropriate or unsatisfactory occurrences observed should be addressed with the employee's immediate supervisor.
- (c) Personal Social Networking Account Posts. Employees are prohibited from posting, transmitting and/or disseminating any photographs, video or audio recordings, likenesses or images of department logos, emblems, uniforms, badges, patches, marked vehicles, equipment or other material that specifically identifies Kaysville City or any department without the express written permission of their department head.
- (d) City Sponsored Social Networking Account Posts. Only authorized employees within the scope of assigned job duties shall post on City sponsored websites representing the City.
- (e) Upon request from their department head, employees are to remove any content that is in violation of this policy in a reasonable and prompt manner.

Violations of this policy may subject an employee to disciplinary action, up to and including termination. Content posted to the internet has the potential to be shared broadly, including individuals with whom you did not intend to communicate. Employees are strongly discouraged from posting information regarding off duty activity that may bring their reputation into question. Nothing in this policy is intended to prohibit or infringe upon any employees communication, speech or expression that has been clearly established as protected or privileged.

6.14 PERSONAL APPEARANCE

Impressions gained by the public visiting the office or dealing with City employees at any location are very important to the City as a public entity. Consequently, employees are expected to take pride in their appearance grooming (including facial hair) and to dress in a neat and clean manner. Employees in departments that have specific uniform standards shall follow the uniform guidelines set by that department.

- (a) Appropriate Dress. Traditional business attire; dress or casual slacks or leggings, i.e. khakis, capri pants, casual dress-length dresses or dress-length skirts, or maxi-length skirts or dresses; shirts or blouses; open collared shirts or sweaters, i.e., golf shirts or polo shirts; blazers, sport coats, vests or cardigans. Jeans or denim pants, shorts, hats and tennis shoes may be worn if they are appropriate for the position
- (b) Inappropriate Dress. halter or spaghetti strap tank top (unless covered by a jacket); tube top; revealing or low-cut clothing or clothing showing bare midriffs; miniskirts; and low hanging pants;
- (c) Body piercing other than earrings should not be visible.
- (d) Visible tattoos are discouraged, but will be allowed if they are not violent, offensive or pornographic.

On Fridays or any other designated day, the City may allow employees to dress in a more casual fashion than is normally required and jeans or denim pants in good condition and tennis shoes may be worn. Jeans must not have holes or be frayed. On these occasions, employees are still expected to present a neat appearance and are not permitted to wear ripped, disheveled or similarly inappropriate clothing.

Any employee who does not meet the standards of this policy will be required to take corrective action. The

employee's supervisor and/or department head is responsible for providing individual feedback to employees who do not meet the City's standards of dress. Violation of this policy may result in disciplinary action up to and including termination.

6.15 SEXUAL ABUSE AND MISCONDUCT PREVENTION

Kaysville City Corporation (City) prohibits and does not tolerate sexual abuse or misconduct in the workplace or during any city-related activity. The City provides procedures for employees, volunteers, elected officials, appointed officials or any other victims of sexual abuse to report such acts. Those reasonably suspected or believed to have committed sexual abuse or misconduct will be appropriately disciplined, up to and including termination of employment, as well as criminal prosecution. No employee, volunteer, elected official, appointed official or other person, regardless of his or her title or position has the authority to commit or allow sexual abuse or misconduct.

Definitions and Examples

The following definitions or examples of sexual abuse, misconduct or harassment, may apply to any and/or all of the following persons – employees, volunteers, officials or other third-parties.

Sexual abuse or misconduct may include, but is not limited to:

- Child sexual abuse – any sexual activity, involvement or attempt of sexual contact with a person who is a minor (under 18 years old) where consent is not or cannot be given.
- Sexual activity with another who is legally incompetent or otherwise unable to give consent.
- Physical assaults or violence, such as rape, sexual battery, abuse, molestation or any attempt to commit such acts.
- Unwanted and intentional physical conduct that is sexual in nature, such as touching, pinching, patting, brushing, massaging someone's neck or shoulders and/or pulling against another's body or clothes.
- Material such as pornographic or sexually explicit images, posters, calendars or objects.
- Unwelcome and inappropriate sexual activities, advances, comments, innuendoes, bullying, jokes, gestures, electronic communications or messages (e.g. email, text, social media, voicemail, etc.), exploitation, exposure, leering, stalking or invasion of sexual privacy.
- A sexually hostile environment characterized as comments or conduct that unreasonably interferes with one's work performance or ability to do the job or creates an intimidating, hostile or offensive environment.
- Direct or implied threats that submission to sexual advances will be a condition of employment or affiliation with the organization.

Reporting Procedure

Immediately report suspected sexual abuse or misconduct to any of the following individuals:

- City Finance Director
- City Manager
- City Attorney
- Mayor

It is not required to directly confront the person who is the source of the report, question or complaint before notifying any of the individuals listed. The City will take every reasonable measure to ensure that those named in any complaint of misconduct, or are too closely associated with those involved in the complaint, will not be part of the investigative team.

Anti-Retaliation and False Allegations

The City prohibits retaliation made against any employee, volunteer, board member or other person who lodges a good faith complaint of sexual abuse or misconduct or who participates in any related investigation. Making knowingly false or malicious accusations of sexual abuse or misconduct can have serious consequences for those who are wrongly accused. The City prohibits making false or malicious sexual misconduct allegations, as well as deliberately providing false information during an investigation. Anyone who violates this rule is subject to disciplinary action, up to and including termination of employment or membership and criminal prosecution.

Investigation and Follow-up

The City will take all allegations of sexual abuse or misconduct seriously and will promptly, thoroughly and equitably investigate whether misconduct has taken place. The City may utilize an outside third-party to conduct an investigation of misconduct. The City will cooperate fully any investigation conducted by law enforcement or other regulatory/protective services agencies. The City will make every reasonable effort to keep the matters involved in the allegations as confidential as possible while still allowing for a prompt and thorough investigation.

Reporting to Law Enforcement or Appropriate Child or Adult Protective Services

The City is committed to following the state and federal legal requirements for reporting allegations or incidents of sexual abuse or misconduct to appropriate law enforcement and child or adult protective services organizations. It is the policy of the City not to attempt to investigate or assess the validity or credibility of an allegation of sexual or physical abuse as a condition before reporting the allegation to the property law enforcement authorities or protective services organizations.

Employee and Worker Screening and Selection

As part of its sexual abuse and misconduct prevention program, the City is committed to maintaining the diligent screening program for prospective and existing employees, volunteers, elected officials, appointed officials and others that may have interaction with those employed by, associating with or serviced by the City. The City may utilize a variety of methods of screening and selection, including but not limited to applications, personal interviews, criminal background checks and personal and professional references.

Supervision of Youth

To provide a safe environment for minors, the City strives that a minimum of two adult workers supervise or be in attendance with minors during organization-related activities. The purpose is to avoid one-on-one interactions between adults and minors that are not easily observable by others. No out of program contact is permitted between

representatives of the city and minors, all contact shall be for official purposes and functions only. This includes rides to/from activities, one-on-one mentorship, etc.

6.16 Employee Fitness Room

The Fitness Room located in the Police Station provides employees with a convenient opportunity to exercise, which provides health benefits for the employees who participate and in turn provides the City with healthier, more fit, employees.

Regular Full-time, regular part-time and paid-on-call employees, age 18 and older, and elected officials are eligible to use the fitness room upon signing a Medical Waiver and Risk Acceptance Form.

The City may institute a user fee, subject to approval by the City Manager.

Medical Waiver and Risk Acceptance Forms

The City provides the room and has financed the equipment, but is not responsible for supervised training or assistance to users in the use of the equipment. It is each user's responsibility to ensure they are medically fit to use the equipment. Consequently, the City shall require each user to sign a medical waiver and risk acceptance form. By signing this form, the user understands they are accepting full responsibility and assumption of risk for their decision to use the equipment and that they accept full risk for any injury that may occur while they are using the equipment.

Hours of Operation and Use of Own Time

The hours of operation of the Fitness Room shall be 24 hours a day, seven days a week. Employees shall not use the room during the time they are being compensated by the City. This rule shall not apply to employees of the Police Department or Fire Department so long as the exercise period is authorized by the employees Chief.

Unauthorized Use of Room

Only properly enrolled users are authorized to use the room. Any other use is unauthorized and shall subject an offending employee to disciplinary action, which may include termination. Any employee who allows unauthorized use of the facility shall also be subject to disciplinary action, which may include termination. Such actions may also subject the employee to criminal prosecution for theft of services.

Orientation

It shall be the responsibility of each user to read the instructions for each piece of equipment before use.

Use of the Equipment

Each user must use the equipment in the proper way and never abuse or misuse it. Each user must clean up after themselves and leave the facility in as good or better condition than when they came in. Food and beverages, other than water, are not permitted in the Fitness Room.

Dress

Dress guidelines are defined to promote an appropriate image, while promoting confidence, comfort, and ease while using the fitness equipment. The City's Sexual Harassment Policy does apply at the Kaysville City Fitness Room.

Guidelines:

- Avoid the use of clothing or accessories that might mar or damage the equipment or facilities;
- Attire shall be clean;
- Clothing and attire should be in good taste, in keeping with the public nature of the gym.

Examples of unacceptable clothing include, but are not limited to:

- Ripped, frayed, or torn clothing;
- Excessively short or revealing clothing;
- Exposed midriff/tops;
- Clothing that no longer fits.

Violations

Violation of this policy may subject an employee to disciplinary action, up to and including termination. Violations by an employee's spouse or guest may result in discontinuation of that person's use of the facility.

6.17 Vehicle Allowance

Some City employees are required or expected to travel on City business using their personal automobile. It is not always practical or cost effective to provide employees with a City vehicle. Select employees receiving a vehicle allowance as part of a compensation package for an employee's position may receive a monthly flat rate and shall use their private vehicle for City business.

AUTHORIZATION AND RESPONSIBILITY

The City Manager or designee shall periodically review this program to determine the equity of the compensation levels to which employees are assigned. The Finance Department is responsible for recommending changes in compensation levels for employees covered by this policy, for reviewing reimbursement forms for accuracy and proper account code information and for monitoring employee compliance with policy requirements. All participating employees are responsible for complying with the requirements of this policy as a condition of participation.

DEFINITIONS

City Business – Any act by an employee which is required in order to perform his/her assigned duties or any act which is within the employee's course and scope of employment. Commute to and from home is not considered City business.

Employee – (a) full-time, benefitted employee of Kaysville City.

Good Driving Record – (a) not being convicted of more than two moving violations in any twelve month period or (b) not being convicted of a reckless driving or DUI violation.

POLICY PROCEDURES

Employees participating in this program shall comply with the following requirements in order to be eligible to receive program benefits:

1. Employees shall possess a valid Utah Driver's License and maintain a good driving record. The revocation or suspension of that license may result in the employee no longer being eligible for participation in the program. If an employee's driver's license is suspended or revoked at any time, the employee shall immediately notify his/her supervisor and shall not operate personal vehicles on City business. Proof of a valid driver's license and insurance may be requested by the City at any time.
2. Any employee operating a private vehicle on City business may be subject to disciplinary action, up to and including termination, for negligent, unlawful or other wrongful driving.
3. An employee that accepts a vehicle allowance also accepts financial responsibility for damage to his/her personal vehicle even if the damage is incurred while using the vehicle for City business. The vehicle allowance is intended to be sufficient to cover the cost of adequate collision and comprehensive insurance. Any employee receiving a vehicle allowance shall be required to furnish proof of insurance to the City. A photocopy of the insurance coverage summary page shall be provided to the City Manager or designee. Should the status of any policy change, current insurance information shall be provided to the City Manager or designee immediately. The employee is further encouraged to disclose the business use of their vehicle(s) to their insurance agent.
4. The employee shall maintain collision and comprehensive insurance on the vehicle that at least meets the following requirements:
 - a. Personal Bodily Injury: \$100,000 per person
 - b. Personal Injury Protection: \$3,000 per occurrence
 - c. Property Damage: \$50,000 per occurrence; and
 - d. Aggregate Liability: \$250,000 per occurrence

The employee's insurance coverage shall be primary. If, while on City business, the employee incurs liability not covered by the employee's private insurance, the employee will be covered by the City subject to the terms, limits, and conditions under the Utah State Governmental Immunity Act.

5. Damage to vehicles should be repaired on a timely basis.
6. Employees should report any changes in the vehicle(s) that they use for City business to the City Manager or designee.
7. Employees should maintain personal vehicles on their own time.
8. Vehicle allowances are the employee's compensation for costs of insurance, fuel, maintenance and the purchasing of personal vehicles. Those receiving a car allowance from the City shall not use the City's gas card system, supplies or its fleet services to maintain the vehicle.
9. If an employee receives a car allowance and is off work due to illness or accident for over one month, the City has the right to suspend the allowance for the duration of the absence from work.
10. Those who receive vehicle allowances should use their vehicles without reimbursement from the City, to attend meetings, or otherwise conduct City business anywhere within a 50-mile radius of Kaysville City Hall. For travel beyond this area, mileage and appropriate reimbursement may be requested pursuant to the City's travel policy.
11. If requested in advance, employees should keep a daily log of miles traveled on City business in their personal vehicle, and provide the City Manager or designee with a compiled record of this log. The City may periodically audit employees who receive a vehicle allowance.
12. Failure to comply with these policies and procedures may result in the loss of the vehicle allowance, reimbursement of costs to the City, and/or employee disciplinary action.
13. Authorization of a Personal Vehicle Allowance shall be limited to the City Manager and Department heads.

14. Employees receiving a vehicle allowance shall be compensated an amount not to exceed \$450 per Employee based upon anticipated use and scope of responsibility. Vehicle allowance compensation amounts will be reviewed periodically by the Finance Department. The following factors should be considered when determining the appropriate amount for a vehicle allowance:
 - a. The amount of required or expected travel within or outside of the City;
 - b. The frequency of on-call or call back work and evening and weekend City business; and
15. Payment of a vehicle allowance shall be approved by the City Manager or Designee in writing.

SECTION 7

DRUG AND ALCOHOL TESTING

7.01 PURPOSE AND INTENT OF SECTION

The City Council finds that a healthy and productive work force, safe working conditions free from the effects of drugs and alcohol, and maintenance of quality services rendered by the City are important to the City, employees, and the general public. The City Council further finds that the abuse of drugs and alcohol may create 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 rendered to the public.

Therefore, in balancing the interests of the City, employees, and the welfare of the general public, the City Council finds that fair and equitable testing for drugs and alcohol in the workplace, in accordance with this Section, is in the best interests of the City, its employees and the public.

The cooperation of all employees is required in order for our drug and alcohol policy to be successful, consequently, Kaysville City requires that all employees meet the expectations of these rules:

1. Possession or storage of alcohol or drugs in company vehicles is strictly prohibited. An employee will be considered in possession of drugs or alcohol if any controlled, illegal or improperly used substance is discovered on the employee's person, in the employee's locker, office, tool box, personal, work place equipment, lunch box while on company property, or company vehicle or equipment which is in their custody.
2. Employees are prohibited from being at work, conducting company business, or operating company-provided vehicles or equipment under the influence of drugs or alcohol.
3. Employees shall not use prescription drugs unless medically authorized to do so under a valid prescription from a doctor.

7.02 GENERAL REQUIREMENTS FOR COLLECTION AND TESTING

All sample collection and testing for drugs and alcohol under this Section shall be performed in accordance with 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. Sample collection shall be documented, and the documentation procedures shall include:
 - (a) Labeling of samples so as reasonably to preclude the probability of erroneous identification of test results; and
 - (b) an opportunity for the Employee or prospective employee to provide notification of any information which may be considered relevant to the test, including identification of currently or recently used prescription or nonprescription drugs, or other relevant medical information.
4. Sample collection and storage shall be performed so as reasonably to preclude the probability of sample mix-up, contamination or adulteration; and
5. Sample testing shall conform to scientifically accept analytical methods and procedures. Testing shall include verification or confirmation of any positive test result by gas chromatography, gas chromatography-mass spectroscopy, or other comparable reliable analytical method, before the result of any test may be used as a basis for any action.

7.03 DRUGS FOR WHICH TESTS TO BE CONDUCTED

When drug and alcohol screening is required or performed under the provisions of this policy, a urinalysis and/or blood test will be given to detect the presence of one or more or all of the following drugs or drug groups:

The City may test for the following substances: marijuana, cocaine, opiates/opioid, phencyclidine, amphetamines/methamphetamines, barbiturates, benzodiazepines, methadone, propoxyphene, Spice, and buprenorphine.

The City reserves the right to test for additional drugs, add or delete drugs, or to change the cutoff levels at the City's sole discretion and/or based on State, Federal, Including Federal Motor Carrier Safety Regulations and SAMHSA certified laboratory conditions or standards.

7.04 JOB APPLICANT TESTING: GENERAL STANDARD

Applicants for all classes of employment will be required to undergo a drug and alcohol test upon an offer of employment and prior to their final appointment. This includes current Employees who are applying for other City positions.

7.05 CURRENT EMPLOYEE TESTING: GENERAL STANDARD

1. The City may require a current City Employee to undergo drug and alcohol testing if there is Reasonable Suspicion by the immediate supervisor or other management personnel that the Employee is using or under the influence of drugs or alcohol during work hours.

2. Department Heads are required to detail in writing the specific facts, symptoms, or observations which formed the basis for their determination that Reasonable Suspicion existed to warrant the testing of an Employee. This documentation shall be forwarded to the City Manager or designee.
3. This section shall not require Reasonable Suspicion for the testing of current Employees who are applying for other employment positions.

7.06 NOTICE AND CONSENT

1. Before a drug and alcohol test is administered, Employees and job Applicants will be required to sign a consent form authorizing the test and permitting release of test results to City officials. The consent form shall provide space for Employees and Applicants to acknowledge that they have been notified of the City's drug testing policy and to indicate current or recent use of prescription and over-the-counter medication
2. The Employee or job Applicant, in signing the consent form also indicates that he/she has received information regarding:
 - (a) the City Drug and Alcohol Policy and its purpose;
 - (b) the consequences of a confirmed positive test result;
 - (c) the right to explain a confirmed positive test result and the appeal procedures available; and
 - (d) the consequences of refusing to undergo a drug and alcohol test.

All recruitment announcements for any position, including in-house recruitment and promotion within the City, will disclose that a drug and alcohol test is a requirement for hiring.

7.07 PRE-EMPLOYMENT TESTING

1. Before any City hiring authority offers employment to an Applicant, he/she will notify the City of the final or top Applicant for the position. The City Manager or designee will schedule an alcohol and drug screening test for the Applicant.
2. The City Manager or designee or Department representative shall give the Applicant a copy of this policy, a consent form to complete and the date of the test appointment. The consent form must be signed before the Applicant may be tested.
3. After the City Manager or designee has received the test results from the medical testing facility, he/she will inform the hiring Department head of the test results. This disclosure will only be whether the test is positive or negative, and shall be kept confidential by City personnel.
4. The Department head or City Manager or designee will notify the Applicant of the test results.

7.08 RANDOM TESTING

1. The City may impose a system of drug testing imposed without individualized suspicion that a particular individual is using illegal drugs or alcohol.
2. Testing will be a uniform testing of employees occupying a specified department(s) or position or a statistically random sampling of employees based on a neutral criterion.

7.09 REASONABLE SUSPICION TESTING

1. A supervisor may upon Reasonable Suspicion meaning an articulable belief based on specific facts and reasonable inferences drawn from those facts that an employee is using or under the influence of drugs or alcohol. Circumstances which constitute basis for determining "Reasonable Suspicion" may include but are not limited to a pattern of abnormal or erratic behavior; information provided by a credible source; a work related accident; direct observation of use or presence of typical physical symptoms .
2. After obtaining approval of the Department head or the City Manager or designee, ask any on-duty Employee to submit to an immediate alcohol and drug screening test in accordance with the following guidelines:
 - (a) The Employee's Department head or his/her designee shall advise the City Manager or designee of the determination of Reasonable Suspicion as soon as practicable, but such notification shall not be a prerequisite for testing.
 - (b) The Employee shall be given a "Test Consent Form" to complete and sign immediately after a determination of Reasonable Suspicion.
 - (c) The Employee will be taken immediately by a designated City Employee or official to a City approved testing facility.
 - (d) If the Employee has been taken to an emergency medical facility for medical treatment, the supervisor or Department head should make a reasonable attempt to obtain a Sample at such emergency medical facility for testing in accordance with the prescribed procedures. All employees shall be required as a condition of employment to sign in advance and to be kept of file a consent to the taking of a blood sample in case of an on the job injury rendering them incapable of giving consent.
 - (e) The Employee may be immediately removed from duty and assisted in getting home after the drug and alcohol screening test, if appropriate.
 - (f) The Employee may be placed on administrative leave (with pay) until the test results are available and a preliminary administrative review and decision has been conducted and made.
2. An alcohol and drug screen test for Reasonable Suspicion may include both urinalysis and/or blood test.

3. Results from the alcohol and drug screen test will be given by the testing facility to the City Manager or his/her designee.

7.10 REFUSAL TO CONSENT: EMPLOYEES

An Employee who refuses to consent to a drug and alcohol screen test when Reasonable Suspicion of drug or alcohol use has been determined is subject to disciplinary action up to and including termination of employment. The reason(s) for the refusal shall be considered in determining the appropriate disciplinary action. No disciplinary action shall be taken without first discussing the matter with the Employee.

7.11 CONFIRMATION OF TEST RESULTS

1. An Employee or job Applicant whose drug test yields a positive result may be given a second test using a gas chromatography/mass spectrometry (GC/MS) test. The second test shall use a portion of the same test Sample withdrawn from the Employee or Applicant for use in the first test. The second portion shall be identified and kept in accordance with standard procedures of the testing facility.
2. If the second test produces a positive result, the Employee or Applicant shall be notified of the results in writing by the appropriate Department head or City Manager or designee. The letter of notification shall identify the particular substance found and its concentration level.
3. An Employee or Applicant whose second test produces a positive test result may, at the Employee's or Applicant's own expense, have a third test conducted on the same sample at a different laboratory selected by the City.

7.12 CONSEQUENCES OF A CONFIRMED POSITIVE TEST RESULT

Applicants: Job Applicants may be denied employment with the City if their initial positive test results have been confirmed. Applicants who are current City Employees may be denied employment in the position for which application was made. Applicants shall be appropriately informed if they are rejected on the basis of a confirmed positive test result. Employee applicants shall be referred to the City Manager for appropriate action.

Employees: If an Employee's positive test result has been confirmed, the Employee is subject to disciplinary action up to and including termination of employment in accordance with Section 5 of the Kaysville City Personnel Rules and Regulations. Factors to be considered in determining the appropriate disciplinary response include the Employee's work history, length of employment, current job performance, and the existence of past disciplinary actions. No disciplinary action should be taken against Employees who voluntarily identify themselves as drug users, prior to the time it is apparent their use has been detected and who obtain counseling and rehabilitation and thereafter refrain from violating the City's policy on drug and alcohol use. However, this provision shall not restrict the City from taking disciplinary action arising from other violations of City conduct rules and standards or making job reassignments and/or suspensions to reduce the risks of accident or injury that may result from the use of alcohol or drugs.

7.13 EMPLOYEES/APPLICANT RIGHTS

1. An applicant will be provided an opportunity to meet with the City Manager or Department head to comment and provide information regarding the results of any positive test and seek a second confirmation test as provided herein.

2. If an Employee's Positive Test result has been confirmed, disciplinary action may be taken by the City and the Employee shall be informed of such disciplinary action in writing. Thereafter, the Employee may request a hearing in which he or she may appeal the application of disciplinary action against him or her. If the disciplinary action involves discharge or termination of employment or transfer from one position to another, the appeal shall be conducted in accordance with the provisions of 5.03 of the Kaysville City Personnel Rules and Regulations. All appeals not involving discharge, termination or transfer shall be conducted in accordance with section 5.02 of the Kaysville City Personnel Rules and Regulations.
3. No disciplinary action may be taken against an Employee based on a confirmed Positive Test result unless the City Manager finds by a preponderance of the evidence that:
 - (a) The Employee's supervisor or Department head had Reasonable Suspicion to believe that the Employee was using and/or under the influence of drugs and/or alcohol while on the job; and
 - (b) The Employee's drug test results are accurate.
4. Within five (5) days following the close of the hearing, the City Manager shall issue a written Decision and Findings of Facts supporting that Decision.
5. Appeal: An Employee denied promotion or disciplined as a result of a Positive Test result may appeal the action in accordance with Section 5.02 of the Kaysville City Personnel Rules and Regulations.

7.14 DISCIPLINARY OR REHABILITATIVE ACTIONS

Upon receipt of a verified or confirmed Positive Test result which indicates a first known violation of the City's written policy, or upon the refusal of an Employee or Applicant to provide a Sample, the City may use that test result or refusal as the basis for disciplinary or rehabilitative actions, which may include the following:

1. a requirement that the Employee enroll in a City approved rehabilitation, treatment, or counseling program, which may include additional drug or alcohol testing, as a condition of continued employment;
2. suspension of the Employee with or without pay for a period of time;
3. termination of employment;
4. refusal to hire an Applicant; or
5. other disciplinary measures in conformance with the Kaysville City Personnel Rules and Regulations.

Participation in a rehabilitation, treatment or counseling program does not necessarily mean that appropriate disciplinary action will not be taken for violation of the City's drug and alcohol policy.

7.15 CONFIDENTIALITY OF INFORMATION

1. All information, interviews, reports, statements, memoranda, or test results received by the City through its drug or alcohol testing program are confidential communications and may not be used or received in evidence, obtained in discovery, or disclosed in any public or private proceeding, except in

a proceeding related to an action taken by or involving the City or in compliance with a court order or subpoena.

2. The information described in Section 7.13.1 shall be the property of the City.
3. The City is entitled to use a drug or alcohol test result as a basis for action under any other appropriate provision of the Kaysville City Personnel Rules and Regulations.

7.16 PRIVACY IN COLLECTION OF SAMPLES FOR TESTING

Except in cases of emergency Samples shall be provided at the testing facility designated in Appendix "A" and in accordance with the rules and regulations of such testing facility. In order to ensure that there is no tampering, street clothes, bags, briefcases, purses, and other containers may not be carried into the area where the Sample is produced.

7.17 LABORATORY TESTING

All drug and alcohol testing of Employees and Applicants shall be conducted at medical facilities or laboratories selected by the City.

7.18 CONFIRMATION TEST REQUEST BY APPLICANT OR EMPLOYEE

1. An Applicant or Employee may request a confirmation test of the same Sample within 24 hours of notification of a Positive Test and a review by the City.
2. The cost of the confirmation test must be paid to the City in advance by the Applicant or Employee. If the confirmation test is negative, the City shall reimburse the Applicant or Employee for the cost of the test.
3. The confirmation test will be performed by a Laboratory selected by the City and interpreted by a qualified person of the City's choice. This may be the same testing facility designated in Appendix "A".
4. Opportunity to Reapply: Any Applicant rejected for employment as a result of a Positive Test may reapply for employment with the City any time after six (6) months for any position for which he or she may qualify.

7.19 TIME OF TESTING - COST OF TESTING AND TRANSPORTATION

1. Any drug or alcohol testing by the City in accordance with this Section 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.
2. The City shall pay all costs of testing for drugs or alcohol required by the City, including the cost of transportation.

7.20 NO CITY RESPONSIBILITY FOR FAILURE TO TEST OR DETECT SUBSTANCE OR PROBLEM, OR FOR TERMINATION OF TESTING PROGRAM

The City has no responsibility or duty for any testing program or procedure in accordance with this Section, including, but not limited to any of the following:

1. Failure or refusal to test for drugs or alcohol, or failure to test for a specific drug or other substance;
2. Failure or refusal to test for, or if tested for, failure to detect, any specific drug or other substance, disease, infectious agent, virus, or other physical abnormality, problem, or defect of any kind; or
3. Termination or suspension of any drug or alcohol testing program or policy.

7.21 EMPLOYEE NOT "HANDICAPPED"

An Employee or Applicant whose drug or alcohol test results are verified or confirmed as positive in accordance with the provisions of this Section shall not, by virtue of those results alone, be defined as a person with a "handicap" for purposes of Chapter 35, Title 34, the Utah Anti-Discrimination Act, or any similar or comparable Federal law.

7.22 NO PHYSICIAN-PATIENT RELATIONSHIP CREATED

A physician-patient relationship is not created between an Employee or Applicant and the City or any person performing any test or any portion or part thereof, solely by the establishment and implementation of a drug or alcohol testing program in accordance with this Section.

SECTION 8
DISCLAIMERS

8.01 GENERAL DISCLAIMER

It is the policy of Kaysville City to establish reasonable rules of employment conduct (i.e., guidelines for management and employees to follow) and to ensure compliance with these rules through a program consistent with the best interests of Kaysville City and its employees.

This manual is not, and shall not be construed as, an explicit or implied contract, shall not modify any existing at-will status of any Kaysville City employee, and shall not create any due process requirement in excess of federal or state constitutional or statutory requirements. The term at-will means employees can terminate or be terminated at will. Exceptions are employees having written contracts signed by the Mayor or Kaysville City.

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

Kaysville City reserves the right to change any of its policies and/or procedures at any time in the future for any reason. Therefore, if you have suggestions or comments concerning the content of this manual, please submit them in writing to the Kaysville City Manager for review.

8.02 SAVINGS CLAUSE

If any rule, subdivision, sentence clause, phrase or provision of these policies and procedures or the application thereof be found to be invalid or in conflict with any state or federal law, the conflicting portion shall not affect the application or force of the balance of these policies or procedures.

SECTION 9
FORMS

- 1. Employee Acknowledgement/Ethics Declaration**
- 2. Electronic Information Resources**
- 3. Vehicle Use**
- 4. Fitness Room**
- 5. Sexual Harassment**
- 6. City Property**
- 7. Employee Agreement to Drug and Alcohol Testing**

Employee Acknowledgement/Ethics Declaration

I, _____ have received a printed or digital copy of the Personnel Rules and Regulations, Employee Handbook, or Human Resource Manual or I know where I can access a copy. I acknowledge and agree to abide by the policies and rules herein. I acknowledge the various consequences of not following the established policy guidelines. I agree to follow the policies in this manual as long as I am employed by Kaysville City.

In addition, I hereby authorized Kaysville City to obtain my Motor Vehicle Record (MVR). An acceptable MVR based upon the City's insurance requirements and standards is a condition of employment. Kaysville City may at any time request and review my MVR. I have read and understand the Motor Vehicle Record and Insurability Standards and the Employee Vehicle Use Section of this manual and understand that failure to maintain an acceptable MVR and abide by the Vehicle Use Policy may result in revocation of driving privileges, re-assignment to a non-driving position, as well as disciplinary action up to and including termination of employment.

Finally, I acknowledge that honesty, integrity, and ethics in the workplace are of the utmost importance.

Employee Name: _____

Employee Signature: _____

Date: _____

FITNESS ROOM SIGN UP FORM

AND ASSUMPTION OF RISK

Please Print:

Employee Name _____

Department _____

Home Telephone Number _____ Work Telephone Number _____

I have read the rules for the use and operation of the Fitness Room and I agree to abide by them.

I, the undersigned, do hereby certify that I am free of any health problems that would cause me to not be able to use the equipment in the Fitness Room. I release Kaysville City and its officers, employees, and agents from any and all responsibility or liability for any health problems or injuries that may occur from my participation in the use of the Fitness Room and any and all equipment and facilities in it (hereafter "Fitness Room") or from any subsequent exercise or other activities that I may engage in as a result of using the Fitness Room.

I further agree to assume all risks related to my use of the exercise facility. I hereby release and discharge Kaysville City Corporation from any and all claims, demands, damages, rights of action or causes of action, present or future, whether the same be known, anticipated or unanticipated, resulting from or arising out of the my use or intended use of the facilities and equipment.

I agree to indemnify, defend and hold Kaysville City and its officers, employees, and agents harmless from any and all claims or lawsuits filed as a result of any health problems or injuries I may sustain.

I agree to assume all risk and responsibility for my actions or inactions in the use of all of the Fitness Room and understand that serious injuries may occur from the use or misuse of the Fitness Room.

I understand that permission to use the exercise facility shall be at the sole discretion of the City and may be revoked at any time.

Dated this _____ day of _____, 201____.

—

Employee Signature

PLEASE RETURN THIS FORM TO THE HUMAN RESOURCES OFFICE

CITY EQUIPMENT USE SIGN UP FORM

AND ASSUMPTION OF RISK

Please Print:

Employee Name _____

Department _____

Home Telephone Number _____ Work Telephone Number _____

I have read the rules for the use and operation of the City Equipment for personal use and I agree to abide by them.

I will limit my use of City Equipment to the following facilities: _____. I will only use City Equipment for personal use when I am not working and between Monday through Friday from 5:00 PM to 8:00 PM. I agree to be completely done with any work and have the facilities cleaned to as good, or better, conditions than when I began using them. I will not begin using the facilities until this form has been signed by myself, the appropriate Department Head, and City Manager.

I, the undersigned, do hereby certify that I release Kaysville City and its officers, employees, and agents from any and all responsibility or liability for any loss or liability arising directly or indirectly from the use of City Equipment, including any liability or claimed liability on the part of Kaysville City because of any damage to person or property (including death) and will defend and hold Kaysville City harmless against any expense, including all legal fees, disbursements, fines and assessments.

I further agree to assume all risks related to my use of the exercise facility. I hereby release and discharge Kaysville City Corporation from any and all claims, demands, damages, rights of action or causes of action, present or future, whether the same be known, anticipated or unanticipated, resulting from or arising out of the my use or intended use of the facilities and equipment.

I agree to indemnify, defend and hold Kaysville City and its officers, employees, and agents harmless from any and all claims or lawsuits filed as a result of any loss, liability, or injury I or those affiliated with the use of this equipment may sustain.

I agree to assume all risk and responsibility for my actions or inactions in the use of the City's equipment and understand that serious injuries and death may occur from the use or misuse of the equipment.

I understand that permission to use the City's facilities shall be at the sole discretion of the City and may be revoked at any time.

Dated this _____ day of _____, 201_____.

—

Employee Signature

Approved by the Department Head of the facility this _____ day of _____, 201____.

—

Department Head Signature

Approved by the City Manager this _____ day of _____, 201____.

—

City Manager Signature

PLEASE RETURN THIS FORM TO THE HUMAN RESOURCES OFFICE

REV: 03/18

HARASSMENT POLICY

RECEIPT AND ACKNOWLEDGEMENT

I acknowledge that I have received the Kaysville City Corporation Policy Statement on Harassment. I understand that it is my responsibility to be familiar with and conform to the procedures contained in this policy. I am expected to abide by the rules and requirements contained in the policy with regard to the reporting of harassment, including the obligation to report violations of the policy and not to retaliate against anyone for exercising his/her rights under this policy. I understand that failure to comply with the policy could result in disciplinary action up to and including termination of employment.

Printed Name

Signature

Date



**KAYSVILLE CITY
EMPLOYEE AGREEMENT AND CONSENT TO
DRUG AND/OR ALCOHOL TESTING**

I hereby agree, upon a request made under the drug/alcohol testing policy of Kaysville City, to submit to a drug or alcohol test and to furnish a sample of my urine, breath, and/or blood for analysis. I understand and agree that if I at any time refuse to submit to a drug or alcohol test under City policy, or if I otherwise fail to cooperate with the testing procedures, I may be subject to immediate termination. I further authorize and give full permission to have the City send the specimen or specimens so collected to a laboratory for a screening test for the presence of any prohibited substances under the policy, and for the laboratory or other testing facility to release any and all documentation relating to such test to the City and/or to any governmental entity involved in a legal proceeding or investigation connected with the test. Finally, I authorize the City to disclose any documentation relating to such test to any governmental entity involved in a legal proceeding or investigation connected with the test.

I understand that only duly-authorized City officers, employees, and agents will have access to information furnished or obtained in connection with the test; that they will maintain and protect the confidentiality of such information to the greatest extent possible; and that they will share such information only to the extent necessary to make employment decisions and to respond to inquiries or notices from government entities.

I will hold harmless the City, meaning that I will not sue or hold responsible such parties for any alleged harm to me that might result from such testing, including loss of employment or any other kind of adverse job action that might arise as a result of the drug or alcohol test, even if a City or laboratory representative makes an error in the administration or analysis of the test or the reporting of the results. I will further hold harmless the City and any testing laboratory the City might use for any alleged harm to me that might result from the release or use of information or documentation relating to the drug or alcohol test, as long as the release or use of the information is within the scope of this policy and the procedures as explained in the paragraph above.

This policy and authorization have been explained to me in a language I understand, and I have been told that if I have any questions about the test or the policy, they will be answered.

I UNDERSTAND THAT THE CITY WILL REQUIRE A DRUG SCREEN AND/OR ALCOHOL TEST UNDER THIS POLICY WHENEVER I AM INVOLVED IN AN ON-THE-JOB ACCIDENT OR INJURY UNDER CIRCUMSTANCES THAT SUGGEST POSSIBLE INVOLVEMENT OR INFLUENCE OF DRUGS OR ALCOHOL IN THE ACCIDENT OR INJURY EVENT, AND I AGREE TO SUBMIT TO ANY SUCH TEST.

Signature of Employee

Date