

# Personnel Policies and Procedures

MAY 2024



  
**NORTH OGDEN CITY**  
— SETTLED 1851 —



Fellow Associate:

Welcome to North Ogden City! We are pleased that you have chosen to join our team, who are recognized as being extremely dedicated to serving one of the premier communities in the state of Utah! I'm confident you will find your employment with the city to be meaningful and enjoyable. We have great leaders in each department of the city who are interested in your success and will share their knowledge, passion, and experience with you.

Keeping North Ogden, a great place to live requires the involvement of every member of our team. Continuous improvement is essential in maintaining the extraordinary level of service our citizens expect. We will need your suggestions on how to improve things and your input will always be respectfully received. You will find that you can make a difference!

This handbook was developed to help you succeed as an employee of the city. It outlines the policies, programs, and benefits available to you. We encourage you to familiarize yourself with the contents of this handbook as soon as possible, for it will answer many questions about your employment. If you have additional questions about your employment, feel free to discuss them with your leader or contact our Human Resources department. We will have training sessions on these policies on a regular basis and if you have suggestions related to these policies or procedures, please feel free to discuss them with us.

As you become familiar with your areas of responsibility you will find there are opportunities for you to grow and progress. There is meaningful purpose in serving others and we trust that you will find your employment with the city to be not only challenging but very worthwhile.

Sincerely,



S. Neal Berube, Mayor

On behalf of the city council and staff



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## INTRODUCTION

The City Council has established the following policies and procedures to require the use of merit principles in all city activities related to personnel so that all personnel actions are as fair and impartial as possible.

As a matter of long-standing policy, North Ogden City is an equal opportunity employer. The City shall not discriminate against any applicant or employee based on political or religious opinions or affiliations or based on race, color, national origin, sex (including pregnancy, childbirth, or pregnancy-related conditions), age (40 years or above), religion, gender identity or expression, sexual orientation, genetic information, physical or mental disability, veteran status, or any other protected class, except where specific age, sex, physical or mental requirements constitute bona fide occupational qualifications (BFOQ) necessary to the proper and efficient administration of City services as determined by the Mayor and the City Administrator/Manager.

The rules and regulations contained in this policy manual shall be administered uniformly and apply to all North Ogden City employees and others including (1) elected officials, (2) members of volunteer boards, committees, and commissions, (3) Independent Contractors, (4) employees hired for temporary positions (six months or less in a calendar year), and (5) job applicants.

Individual policies or procedures contained herein are intended to be in harmony with federal and state laws AND shall be interpreted in a way to comply with such laws and shall be subordinate to such laws whenever any conflict is shown to exist.

Department policies are intended to be in harmony with this policy manual and shall be subordinate to such laws whenever any conflict is shown to exist.

While the City believes that the policies and procedures are in the best interest of the City and its employees, these policies and procedures are not conditions of employment. The City Council reserves the right to modify, amend, revoke, suspend, terminate, or change any or all these policies and procedures, in whole or in part, at any time, with or without notice. Because the City's work requirements, programs, funding, and service needs are subject to change, employment conditions and status are subject to change at any time. Therefore, although an employee may have been hired to fill a specific position with specified hours, pay duties, etc., all of these may be reduced, increased, or terminated without advance notice and for any reason. An employee also has the right to terminate employment with the City in the same manner, at any time and for any reason.

Notwithstanding anything to the contrary that may appear herein, the policies and procedures of this policy manual do not constitute an employment contract (explicit or implied). They shall not modify the City employee's status as an at-will employee except as otherwise provided by Utah State code Annotated §10-3-1106 and federal law. This absence of an employment contract or guarantee also applies to other benefits, privileges, and working conditions at North Ogden City.

Nothing herein shall be construed as preventing the City from entering into employment contracts with specific individual employees when the City Council and Mayor believe such an employment contract will be in the city's best interest. Employment contracts with individual employees must be in writing to be binding upon the City, shall be drafted by the Mayor or his designee, and must be individually approved by the City Council. In case of any conflict between an employment contract with an individual

employee and the policies and procedures in this manual, the terms of any fully executed employment contract shall control.

If any part or provision of this personnel policy shall be determined to be unconstitutional, invalid, or unenforceable by a court of competent jurisdiction, then such a decision shall not affect any other part or provision of this Policy except that specific provision determined to be unconstitutional, invalid, or unenforceable. If any condition, covenant, or other provision of this Policy shall be deemed invalid due to its scope or breadth, such provision shall be considered valid to the extent of the scope or breadth permitted by law.

## DEFINITIONS

The following words, terms, and phrases shall have the following meanings when used in this personnel policy manual:

“At-will” Employment– An employment relationship may be terminated by the employer or employee at any time and for any or no reason as long as no laws are violated. Exceptions are employees having written contracts signed by the mayor.

Appointed Employee - An employee position required by the laws of the State of Utah or the City of North Ogden and is only granted by appointment of the City Mayor with advice and consent of the City Council. North Ogden City is required to have a City Treasurer and City Recorder.

Department Head - An Employee hired to manage and lead a specific department in the city. This Employee reports directly to City Administration and is hired with the advice and consent of the City Council.

Elected Official – The elected official. See Policy 1.5.

Emergency employment - Employment during an emergency that does not typically continue past the duration of the emergency. Emergency employment aims to prevent undue delay or serious interference in providing vital city services during the emergency.

Employment start date – The employment start date begins on the first day of actual work.

Employment separation date – The employment separation date ends on the last day of actual work.

Fair Labor Standards Act (FLSA) - The Federal Fair Labor Standards Act (29 U.S.C. §201-219, 251-262), together with any regulations promulgated under authority granted by the FLSA to any executive officer or department.

Full-time “at-will” employee or full-time “at-will” employment - See Policy 1.5.

Harassment - Unwelcome conduct that is based on a person’s race, color, religion, sex (including pregnancy-related conditions), national origin, age (40 or above), mental or physical disability, genetic information, sexual orientation, gender identity or expression, veteran status, or any other legally protected class. Harassment becomes unlawful when (1) enduring the offensive conduct becomes a



condition of continued employment or (2) the conduct is severe or pervasive enough to create a work environment that a reasonable person would consider intimidating, hostile, or abusive.

Immediate family member - A spouse, child, or parent of the employee as defined in the "Family Medical Leave Act."

Independent Contractor is a self-employed individual. As a general rule, an individual is an independent contractor if the payer has the right to control or direct only the result of the work and not what will be done and how it will be done.

Mayor - The elected Mayor. In the absence of the elected Mayor for any reason, the term "Mayor" shall include the "Mayor Pro Tem."

Non-exempt employee - An hourly employee.

Part-time "at-will" employee or part-time "at-will" employment - See Policy 1.5. and 1.5.

Part-time employee or Part-time employment - See Policy 1.5.

Planning Commission Member – Recommended by Mayor with Council approval. See Policy 1.5.

Probationary employee - See Policy 1.5.

Public safety employee - An employee of the North Ogden Police Department who works various shifts according to a schedule produced by the employee's departments.

Retaliation - Any adverse action a company takes against an employee because they filed a complaint about harassment or discrimination. Adverse action can include actions such as firing the employee, giving them negative evaluations, disciplining them, demoting them, reassigning them, or reducing their pay.

Retirement – As defined by Utah Retirement Systems at [www.urs.org](http://www.urs.org).

Seasonal employee or seasonal employment - See Policy 1.5.

Selection Committee - The committee is determined by the Department Head and Human Resources under the direction of the City Administrator/Manager.

Sexual harassment - According to the federal Equal Employment Opportunity Commission (EEOC), sexual harassment consists of unwelcome sexual advances, requests for sexual favors, or other verbal or physical acts of a sexual nature or sex-based nature where:

- A. Submission to such conduct is made either explicitly or implicitly as a term or condition of an individual's employment.
- B. An employment decision is based on an individual's acceptance or rejection of such conduct.

- C. Such conduct interferes with an individual's work performance or creates an objectively intimidating, hostile, or offensive work environment.

Temporary employee or temporary employment - See Policy 1.5.

Weapons - Any item that, in the manner of its use or intended use, can cause death or serious bodily injury. The following factors shall be used in determining whether any item, object, or thing not commonly known as a weapon is a weapon:

- A. The character of the instrument, object, or thing
- B. Other lawful purposes for which the instrument, object, or thing may be used.

## CHAPTER 1 EMPLOYEE RECRUITMENT AND HIRING

At-Will Status: Any provision listed in this entire policy shall not be interpreted to create an expectation of continued employment or limit or restrict an employee's at-will employment status.

### Policy 1.1 CLASSIFICATION AND JOB DESCRIPTION

All positions shall be classified under a plan composed of city services. Position specifications shall be reviewed and updated annually by Human Resources with the help of the Department Heads. Written specifications for the following shall support each position:

- Department and uniform titles
- Fair and equitable compensation for services
- Position supervisor
- Standards of work performance
- Listing of duties and responsibilities
- Necessary qualifications and requirements of skills
- Training needs

### Policy 1.2 POSTING OF JOB OPENINGS

North Ogden City encourages current employees to apply for job opportunities for which they are qualified. The required application process shall be described in each announcement.

- A. Department Heads shall consult with the City Administrator/Manager and Human Resources regarding staffing needs. The City Administrator/Manager approves all recruitment.

- B. Positions may be advertised in-house for three (3) business days. With the approval of the City Administrator/Manager any position may be advertised for open recruitment.
- C. Positions for open recruitment will be advertised on the city's website, the Utah League of Cities and Towns website, and other appropriate sites.

Policy 1.3      EMPLOYEE RECRUITMENT AND HIRING

A. APPLICATIONS AND REVIEW

1. The qualifications required will be specific job-related duties and reviewed for compliance with all city policies. Human Resources and the Department Head shall conduct a preliminary screening of all applicants and perform interviews as needed.
2. Human Resources will contact references provided by an applicant. Except for the Public Safety Department, only Human Resources or designees will be permitted to perform reference checks (see #3).
3. The Public Safety Department will provide its reference and background checks for its department.
4. Human Resources will keep all records, applications, and reference checks and file according to the State's Retention Schedule.

B. INTERVIEWS

1. Interviews will be conducted as appropriate and determined by the Department Head in communication with Human Resources. Nothing in this policy shall require an interview for in-house positions.

C. EMPLOYMENT OFFERS AND CONDITIONS

1. Job offers made to non-exempt employees shall be made in writing by the City Administrator/Manager. Job offers made to Department Heads shall be made in writing by the mayor. The offer shall instruct the applicant to sign and return the letter within seven (7) days of the offer letter, or the offer shall be deemed rejected.
2. Mayor and City Administrator/Manager may fill a position without formal advertisement with an in-house employee.
3. After the job offer has been accepted, Human Resources shall notify the non-selected applicants within a reasonable time.
4. As a condition of employment, any Law Enforcement applicant shall be required to live within a radius of 15 miles of North Ogden City. If the applicant resides outside the 15-mile radius, they will be allowed 90 days from their hire date to meet the said requirement. This residency condition shall be ongoing and continuous through the employment term.

5. As a condition of employment, any Public Works or Parks Division Maintenance applicant shall be required to live within a 30-minute response time of North Ogden City. If the applicant resides outside the 30-minute response time, they will be allowed to meet the said requirement 90 days from their hire date. This residency condition shall be ongoing and continuous through the employment term.
6. As a condition of employment, all new hires must pass a background check and drug testing before commencing work with the city per Policy 2.3 and in "Exhibit M." All applicants must consent by executing "Exhibit D - Drug Testing & Background Check." Some positions may require a fit for duty pre-employment exam. The City shall bear all costs of any required pre-employment testing.
7. For Sworn Police Officers positions, the offer of employment may also be conditioned upon the results of a medical examination, polygraph testing, job-related physical ability testing, and psychological testing. All applicants must consent to this testing by executing "consent" in essentially the same form as the "Drug Testing & Background Check" attached as "Exhibit D."

Testing under this paragraph will occur only after a conditional offer of employment has been made and accepted.

- a. All medical, psychological, physical, or polygraph examinations required explicitly before commencing employment shall be conducted by duly licensed or otherwise qualified individuals approved by the city.
  - b. If the individual performing the testing deems any candidate medically, emotionally, or otherwise unable to perform the duties of the position applied for without available reasonable accommodations, the individual(s) administering the testing shall state in writing the reasons for the inability and the accommodations necessary to allow the applicant to fill the position.
8. Upon accepting an offer for employment, the applicant shall receive a copy of the Personnel Policies Manual and sign a "Receipt of Personnel Policy Manual" attached as "Exhibit E" upon receipt of the manual.

#### D. RECOMMENDATION FOR APPOINTED EMPLOYEES AND PLANNING COMMISSION MEMBERS

1. Appointed employees and Planning Commission Members must be filled with the advice and consent of the City Council.

#### E. YOUTH EMPLOYMENT (U.S. Department of Labor)

1. Individuals under 14 years of age cannot be hired.
2. Requirements for employing 14- and 15-year-old minors as follows in the Fair Labor Standards Act Child Regulation No. 3, 29 C.F.R. § 570.35:

- a. Must not work during school hours, except as provided for in Work Experience and Career Exploration Programs
  - b. Must not work before 7 am after 7 pm, except between June 1 and Labor Day, when the evening hours are extended to 9 pm.
  - c. No more than 3 hours per day on school days (including Fridays)
  - d. No more than 18 hours per week during a school week
  - e. No more than 8 hours a day on non-school days
  - f. No more than 40 hours per week during non-school weeks
3. Youth 16 years and older are not limited in the number of hours they may work except as covered under the Fair Labor Standards Act.
- a. Are not permitted to drive.
4. Youth 17 years and older may work in occupations involving the use of motor vehicles if licensed to operate the vehicle under State Vehicle Laws and Regulations and is incidental to the job.
5. The ages of prospective applicants can only be asked after an offer of employment has been made. Job offers to individuals who do not meet the minimum age requirements by the FLSA will be withdrawn.

Policy 1.4 EMPLOYMENT OF RELATIVES

- A. See Utah Code Ann. §52-3-1 attached as “Exhibit F.”

Policy 1.5 EMPLOYMENT TYPES

- A. Full-time “At-will” employment is a minimum of 30 and up to 40 hours a week and qualifies for all regular benefits (currently offered and is subject to change).
- B. Salaried employment qualifies for regular benefits. Position does not allow for comp time/over time to be accrued.
- C. Part-time “At-will” employment is an average of 29 hours or less per week and may qualify for COLA, merit pay as stated in Policy 5.1.E.3.a, and benefits as indicated in Policy 8.
- D. Elected Officials and Planning Commission Members are part-time.
- E. Probationary employment means the employment status of all new employees during the first six (6) months of employment with the city, with the possibility of an extension of the probation period if necessary. Sworn Police Officers have a required one (1) year-long probationary period from the first day worked. An employee transferred from another position or department may

commence a new probationary period as determined by the City Administrator/Manager, which shall last up to six (6) months from the transfer. The probationary period is more fully described in Policy 1.6.

- F. Seasonal employment may mean full-time for a period between three (3) to twelve (12) months if the average hours worked during the employment period does not exceed twenty-nine (29) hours per week. Seasonal employees do not qualify for regular benefits.
- G. Temporary employment may mean full-time for a period which cannot exceed six (6) months in any calendar year. Temporary employees do not qualify for regular benefits.
- H. URS Retired employment shall have limited benefits prescribed by the Utah Retirement System for the position for which they are employed. These employees are currently receiving a monthly URS retirement benefit.
- I. Emergency employment (other than Declaration of Emergency) means employment during an emergency, which will not typically continue past the duration of the emergency. The purpose of emergency employment shall be to prevent undue delay or severe interference with the provision of vital city services during an emergency. In an emergency, Department Heads may hire emergency employees for a period not to exceed thirty (30) calendar days. Such employees may be employed using the most expedient methods practicable and reasonable under the circumstances and without following the procedures of Policies 1.2 and 1.3. However, the City Administrator's/Manager's approval shall be necessary to hire an emergency employee. The City Administrator/Manager must also approve the hourly pay rate for all emergency employees before hiring emergency employees. Emergency employees do not qualify for regular benefits.
- J. Independent Contractor – is a self-employed individual. As a general rule, an individual is an independent contractor if the payer has the right to control or direct only the result of the work and not what will be done and how it will be done.

#### Policy 1.6 PROBATIONARY PERIOD

The probationary period starts on the first day worked, allowing the city to train new employees and evaluate their progress, adaptability, and effort to determine fitness for “at-will” status in the position.

##### A. Probation

1. All newly hired and reclassified employees are subject to a probationary period of six (6) months. Sworn Police Officers are subject to twelve (12) months of probation.
  - a. At the end of the probationary period, an additional six (6) month period may be added at the discretion of the Department Head and with the approval of the City Administrator/Manager.
  - b. Employees who cannot satisfactorily perform their jobs after a probationary period of 12 months, 18 months for a Sworn Police Officer, shall be dismissed.

2. If an employee's probationary period is extended under this paragraph, the employee may not receive a pay increase until the Supervisor and Department Head have re-evaluated the employee's performance, found it satisfactory, and with the approval of the City/Administrator/Manager.
3. Employees who complete the required certifications may receive wage increases as identified in their offer letter for employment. . Provided they meet job performance standards.
4. Individuals who are entitled to market adjustments may receive the adjustments during their probation as approved by the City Administrator/Manager. Provided they meet job performance standards.

#### B. STATUS DURING PROBATION

1. During the probationary period, the employee may be terminated by the Department Head with the concurrence of the City Administrator/Manager.

#### C. REMOVAL FROM PROBATIONARY STATUS

1. The Department Head shall evaluate the employee's performance. Following the review and before the expiration of the employee's probationary period, the Department Head shall submit to Human Resources, in writing, an evaluation and recommendation for appropriate action regarding the employee's continued employment with the City.

## CHAPTER 2 EMPLOYEE CODE OF CONDUCT AND ETHICAL STANDARDS

### Policy 2.1 EMPLOYEE CONDUCT

At all times, employees of North Ogden City are expected to accept and adhere to high standards of personal and professional conduct. This not only involves mutual respect for the rights and feelings of others but also requires that an employee refrains from behavior that might be harmful or threatening to themselves, their co-workers, or North Ogden City or that might negatively impact the perception of the City held by the public at large. If an employee's performance, work habits, overall attitude, behavior, or demeanor become unsatisfactory in the judgment of the Mayor, City Administrator/Manager, or Department Head, the employee may be subject to disciplinary action, including termination.

An employee of North Ogden City is expected to faithfully perform all the duties and responsibilities required by the employee's job description and all additional duties and responsibilities assigned by the Department Head or supervisor promptly. If an employee fails to perform these job duties and responsibilities at prescribed levels, the employee may be subject to disciplinary action, including termination.

#### A. RECEIPT OF GIFTS

1. The City shall adhere to the provisions of Utah Code Ann. §10-3-1304, attached as "Exhibit G."

2. In addition to this provision, City employees are prohibited from soliciting any gift, gratuity, favor, entertainment, loan, or any item of monetary value from any person seeking to obtain or to continue business with the City or from any person within or outside City employment whose interests may be affected by the employee's performance or non-performance of official duties. Employees are allowed to accept non-monetary gifts of less than \$50.00 per year from any one person or entity unless those gifts are intended to influence a future decision or reward for a past decision already made.
3. City employees shall not solicit or accept any gift, gratuity, favor, entertainment, loan, or other items of monetary value on behalf of their family members. For purposes of this paragraph, the term "family members" includes spouses, children, stepchildren, grandchildren, siblings, aunts, uncles, first cousins, grandparents, and domestic partners.

#### B. OUTSIDE EMPLOYMENT

1. Employees wishing to enter outside employment shall notify Human Resources by submitting the "Employee's Notice of Outside Employment" form attached as "Exhibit H."
2. Upon written authorization or approval of the City Administrator/Manager and the Department Head, a full-time employee may engage in outside employment. Employees whose requests for support of outside employment are denied by the City Administrator/Manager or Department Head may appeal that decision to the Mayor.
3. No employee may engage in additional employment which in any manner interferes with the proper and effective performance of the employee's official duties, takes place during the employee's assigned hours of work with the City, or results in a conflict of interest, or a perceived conflict of interest.
4. If the City Administrator/Manager, in consultation with the Department Head, determines that an employee's outside employment is disadvantageous to the City's interests, the employee shall terminate the outside employment upon receiving reasonable written notification from the Department Head or the City Administrator/Manager. An Employee may appeal the decision requiring termination of the outside employment to the mayor.
5. Public Safety employees are covered under the "Off-duty Employment" Standard Operating Procedures #15.
6. Under no circumstances shall any of the City's equipment be utilized for outside employment, personal financial gain, or economic growth of any family member.

#### C. PRIVILEGED INFORMATION



1. City employees involved with information of significant public interest may not use this privileged information for personal gain and not to benefit friends, family members, or acquaintances. Violation of this provision regarding the use of city information for private gain shall be cause for disciplinary action, which may include termination.
2. If an employee has any interest, which could be affected by any proposed City plan or activity, the employee shall disclose all the relevant facts to their supervisor immediately upon learning of the possibility of a conflict of interest. The report shall include a description of the employee's interest that may be affected, the proposed City plan or activity that may affect the employee's interest, and the anticipated effect on the employee's claim. Failure to make this report promptly shall be cause for disciplinary action, which may include termination.
3. If any member of the public (including candidates for public office and the press) requests information held by the City from an employee, the employee shall refer the person to the City Recorder. Much of the information collected and retained by the City is private, controlled, or protected, and the City may be liable for improperly releasing that information. Under no circumstances should employees not designated by the City Administrator/Manager attempt to determine which information the public is entitled to and which is private, controlled, or protected. Violation of this provision may be the basis of disciplinary action that may include termination.

#### D. POLITICAL ACTIVITY

1. The following restrictions apply to the political activities of non-elected City employees:
  - a. An employee shall not use official authority or influence to interfere with or affect the result of an election or nomination for office.
  - b. An employee shall not directly or indirectly coerce, command, or advise a state or local officer or employee to pay, lend, or contribute anything of value to a party, committee, organization, agency, or person for political purposes.
  - c. An employee shall not use City work time to campaign for political office, to campaign for the election of any candidate, to campaign for the passage of any issue submitted to the voters for approval, or otherwise engage in political activity.
  - d. An employee shall not use their position with the City to intimate that the City has endorsed any candidate for any local, state, or federal office or has endorsed any position regarding any issue submitted to the voters.

#### E. MEDIA RELATIONS POLICY

The goal of North Ogden City is to establish "transparency in government" by working cooperatively with the media to disseminate information of public interest and concern in an accurate, complete, and timely manner.

## 1. Policy

- a. The City Administrator/Manager is designated as the City Public Information Officer or "CITY PIO" for North Ogden City and shall be responsible for implementing this policy. When the City PIO is unavailable, the City Administrator/Manager shall designate one of the authorized City spokespersons as the "Acting City PIO."
- b. The press should be treated like a customer of the City, and all City employees or officials who engage with the press shall do so courteously, politely, and professionally. Any media inquiries received by City staff will be referred immediately to their Department Head, who, in turn, will directly forward the contact to the City PIO for a response.
- c. Inquiries from the news media are given a high priority by North Ogden City and should be responded to quickly and efficiently. Every effort should be made to meet media deadlines and to ensure that all information released is accurate and complete.
- d. When contacted by the City PIO for information to respond to a media inquiry, all Department Heads shall immediately provide the City PIO with the most accurate and complete information for the response.
- e. If the City PIO determines that the City's interest can best be achieved by having someone with more background or expertise speak for the City on a particular topic, the City PIO may designate one of the authorized spokespersons to assist with or give the City's response.
- f. To ensure that the City's elected officials have accurate, complete, and timely information to fulfill their responsibilities to represent the public in City affairs, they shall be immediately informed by telephone or email of the substance of every media inquiry and the City's official response.
- g. Verbal requests from the media to any City elected official or employee that are not public safety, crisis, or emergency inquiries shall be sent in writing to the City PIO. Responses to the media shall be sent in writing and copied to the elected officials. Copies may also be sent to other City spokespersons as needed.

## 2. City Spokespersons

- a. Authorized City spokespersons that the City PIO, in the PIO's best judgment, may designate for a particular response are:
  - i. The Mayor and City Council members
  - ii. The City Attorney

- iii. All Department Heads
- iv. The Chief of Police

### 3. Records Request

- a. This policy will handle media/GRAMA requests for records to the extent consistent with the Government Records Access and Management Act or “GRAMA” as contained in Utah Code Ann. §63G-2-101 et seq.
- b. The City PIO will be notified of all media records requests by the City Recorder, the official custodian of all the City records.
- c. The City Recorder will ensure that media records requests are handled accurately and promptly.
- d. The City Recorder will notify all elected officials by telephone or email of each media record to request received by the city.
- e. The Public Safety Department shall continue to respond to media requests for records concerning investigations according to the Public Safety department policy.
- f. Media/GRAMA requests shall be made in writing on a form prepared by the City for that purpose; the form shall include the following:
  - i. An accurate and complete description of the record(s) requested.
  - ii. The name of the person and organization making the request
  - iii. The date and time of the request
  - iv. The telephone number and mailing address of the requestor
  - v. The name of the city employee assigned by the City Recorder to respond to the request.
  - vi. The date and time of the response.
- g. A copy of all records disclosed to the media in response to the request shall be attached to the completed form and archived by the City Recorder.
- h. The records produced in response to media/GRAMA requests shall be readily available for viewing at City Hall upon request by any elected official.

### 4. Privileged and Private Information

- a. Many of North Ogden City's records and affairs are public information that citizens, including the press, have the right to know. All public information should be provided to the press upon request without unnecessary delay.
- b. Some matters, however, like ongoing investigations, information regarding litigation or the threat of litigation, personnel issues, real estate transactions, medical and mental health matters, private data regarding citizens, and documents in draft form, to name a few, are governed by privileges and laws intended to advance important public policy goals.
- c. When a media/GRAMA request for an interview or records appears to involve subject matter that may be privileged or private, the City PIO, Public Safety PIO, or City Recorder should consult with the City Attorney. The City Attorney will review the request without delay and promptly provide counsel to the City PIO or City Recorder.

5. Personal Points of View

- a. It is recognized that all employees have the right to express their personal points of view regarding matters of general public concern.
- b. However, personal points of view may conflict with the city's official policy.
- c. City employees who write letters to the editor may not use official City stationery. Suppose an employee chooses to identify as a city employee in a letter or email to the editor. In that case, the employee must state that the views outlined in the letter do not represent the views of the city but are the employee's personal opinions.
- d. A similar disclaimer must be given if an employee addresses a public meeting, participates in a radio talk show, or is interviewed for radio or television unless the City PIO has designated the employee as a spokesperson for the city.

6. City-initiated Information

- a. Proactive media contact on behalf of the city is processed through the City PIO. Proactive media contact includes press releases, media advisories, and personal contacts with reporters and editors for coverage.
- b. Departments seeking publicity for events or activities or collaborating with the media to communicate important information to the public will coordinate with the City PIO.
- c. Departments (except law enforcement on matters pertaining to investigations) may not unilaterally initiate media contacts.
- d. When the City PIO approves a proactive media contact, all elected officials shall be notified of the substance of the contact by telephone or email.

## 7. Public Safety Issues

- a. Because the Public Safety Department operates 24/7 and its work generates a high volume of media calls, it shall designate an officer or officers as Public Safety Public Information Officers or “Public Safety PIOs” and follow specific guidelines when releasing information.
- b. When a city staff member notifies the City PIO of a media call regarding a Public Safety investigation or general criminal activity, the City PIO will immediately forward the contact to the Public Safety PIO for the appropriate response.
- c. All information released to the media by the Public Safety PIO should be provided immediately to the City PIO, who will forward the information without delay by telephone or email to elected officials.
- d. Media inquiries concerning Public Safety personnel, general Public Safety policies, and procedures, or in any way reflecting upon the competency or integrity of Public Safety personnel or Public Safety Administration, will be routed to, and handled directly by the City PIO as provided in this policy.

## 8. Crisis or Emergency Issues

- a. During a crisis or major emergency (i.e., flooding, earthquake, etc.,) the procedure for communicating with the media is highlighted in the City’s Emergency Plan. The plan designates the City PIO as the main point of contact for the media. The City PIO is assisted by alternates, including the Public Safety PIO, who prepare and disseminate emergency public information.

## F. DRESS CODE AND APPEARANCE

1. As public servants, it is essential that city employees maintain high standards of personal appearance and hygiene while representing the city both internally and externally. The City will provide a work environment that is free of safety hazards, offensive behavior, and harassment of any kind, therefore, the following clothing items are not acceptable: sexually provocative clothing, clothing with profanity, nude or seminude pictures, or sexually suggestive slogans, cartoons, or drawings. Clothing must be clean and appropriate for the job duties assigned. Appropriateness may vary depending on the nature of work performed, safety concerns, and the degree of public contact. Grooming and personal cleanliness standards contribute to the morale of all employees and can affect the business and professional image the City presents to visitors. All employees shall wear clothing that promotes high standards of personal and professional conduct at all times. If an employee requires reasonable accommodations regarding their dress for bone fide health and/or religious reasons, they should contact their supervisor or Human Resources to discuss an exception to the personal appearance guidelines.

## G. GROUNDS FOR DISCIPLINE

1. In addition to the matters addressed in this policy and personnel policy manual, the following are some, but not all, of the causes justifying discipline or dismissal.
  - a. Falsification of city records
  - b. Knowingly marking the time slip of another employee, authorizing one's time slip to be marked by another employee, unauthorized alteration of time slip, and deliberately turning in a false time slip
  - c. Except for Sworn Officers, having explosives in city-owned vehicles.
  - d. Carelessness that affects the safety of others
  - e. Threatening, intimidating, coercing, or interfering with others while in the course of employment
  - f. Theft, removal, damage, destruction, or unofficial use of city property, city vehicles, or property of any employee
  - g. Gambling or engaging in a lottery at any city work area while on duty.
  - h. Deliberately restricting or slowing work or output
  - i. Drinking any alcoholic beverage, using any illegal drugs, or under the influence of any such substance during work hours or while on duty
  - j. Taking any drug or medication while on duty that impairs the employee's judgment or physical abilities, regardless of whether the employee has a prescription for the drug or medication; employees who operate heavy equipment or drive a city vehicle are required to bring a note from their doctor to Human Resources if they are prescribed a controlled substance.
  - k. Refusing to submit to drug testing.
  - l. Immoral conduct or indecency
  - m. Sleeping on the job during working hours
  - n. Incompetence
  - o. Inability or unwillingness to work with or get along with other employees.
  - p. Inability or unwillingness to interact acceptably with the public.
  - q. Conviction of any felony

- r. Conviction of any misdemeanor involving violence, use of alcoholic beverages, driving under the influence, or use of illegal drugs
- s. Unauthorized interference or participation in the city's personnel decisions or relations, including unauthorized interference or involvement in hiring procedures or disciplinary procedures involving other employees.
- t. Conducting unauthorized investigations into City affairs or matters while on duty.
- u. Rudeness or intimidation of others, regardless of whether the others are members of the public or other city employees.
- v. Taking and maintaining outside employment that interferes with the employee's performance and duties for the city or which creates a conflict of interest for the employee.
- w. Using the city's information for personal gain or to provide gains for friends, family members, or acquaintances.
- x. Releasing city information without authorization
- y. Engaging in political activities while on duty or with city equipment in violation of Policy 2.1.D
- z. Committing acts of harassment that may be construed as creating or contributing to a hostile work environment.
- aa. Conditioning any benefit of employment or intimating that any benefit of employment (including the continuation of employment) on an employee's participation in, or toleration of, unwanted or unwelcome sexual advances
- bb. Committing any act of discrimination based on another person's race, national origin, color, sex (including pregnancy-related conditions), sexual orientation, gender identity or expression, age (40 years or above), religion, mental or physical disability, veteran's status, or any other protected class regardless of whether the other person is another employee or a member of the public.
- cc. Committing any act which may be construed as a denial of, or interference with, the civil rights of another person.
- dd. Any violation of the city's drug-free workplace rules described in Policy 2.3
- ee. Any violation of the city's internet policy
- ff. Any violation of the city's cellular phone Policy

gg. Any other action that may be detrimental to the city as determined by the Mayor or City Administrator/Manager

## Policy 2.2 EMPLOYEE DISCIPLINE

Employees of North Ogden City are expected to adhere to high standards of personal and professional conduct at all times. Employees who cannot or will not adhere to those standards may be subject to discipline up to and including termination of employment.

### A. GENERAL POLICY

1. Although the city usually uses progressive discipline, it is not required. Nothing in this policy or this Personnel Policies and Procedures Manual shall be construed as a guarantee or contract that the city will follow any order of discipline or that any form of discipline will precede any other form of discipline.
2. A Department Head or supervisor may impose the forms of disciplinary action described below, either separately or in combination with other such disciplinary actions. No form of disciplinary action is a prerequisite to the imposition of any other form of disciplinary action.

### B. VERBAL WARNING

1. Whenever grounds for disciplinary action exist, and the supervisor determines that more severe action is not immediately necessary, the supervisor shall verbally communicate to the employee their observation of the deficiency demonstrated at the time of the action.
2. In addition to communicating with the employee at the time of the action, the supervisor shall document the verbal warning in the employee's records and notify the Department Head and Human Resources of the warning.
3. Documentation shall be provided to Human Resources for inclusion in the employee's personnel file.
4. Whenever possible, sufficient time, as determined by the Department Head, but no longer than six (6) months, for improvement after a verbal warning should precede disciplinary action by reprimand, suspension, demotion, or dismissal.

### C. REPRIMAND

1. A Department Head or supervisor may reprimand an employee after consultation with the City Administrator/Manager. Such reprimand shall be in writing and addressed to the employee, stating the reason for the reprimand. The Department Head shall use the "Employee Written Reprimand Notification" attached as "Exhibit I" for the reprimand.



2. The employee shall be asked to sign the reprimand to verify that the employee has received it. The employee's signature on the reprimand does not signify that the employee agrees with the reprimand.
3. A signed copy of the reprimand shall be delivered to Human Resources for inclusion in the employee's personnel file.

#### D. SUSPENSION

1. A Department Head, with the concurrence of the City Administrator/Manager, may suspend an employee without pay for one (1) week.
2. On or before the effective date of the suspension, the City Administrator/Manager and the employee shall be furnished with a written copy of the Department Head's statement setting forth the reasons for the suspension. The statement shall be in the format of the "Employee Suspension Notification" attached as "Exhibit J."
3. Upon receipt of a written suspension statement, the employee may appeal as provided in Policy 3.1.
4. A copy of the Employee Suspension Notification shall be delivered to Human Resources for filing.
5. An employee suspended for disciplinary reasons shall continue to receive city contributions to retirement, health, dental, disability, and life insurance programs. However, the employee shall pay their portion of benefits to continue coverage through suspension.

#### E. DEMOTION

1. A Department Head may, with the approval of the City Administrator/Manager, demote or transfer any employee in the department for the good of the city or as a disciplinary measure. The Department Head shall notify the employee of the demotion using the "Employee Demolition Notification" attached as "Exhibit K." and provide a copy to Human Resources for filing.
2. An employee (except an employee on probationary status) who is demoted, transferred, or reduced in grade shall have the right to appeal as provided in Policy 3.1.

#### F. DISMISSAL

1. A Department Head may, with the concurrence of the City Administrator/Manager and the Mayor's approval, dismiss any full-time employee in the department by delivering a written statement of reasons to the employee concerned. The employee shall receive an "Employee Termination Notification" attached as "Exhibit L."

2. Upon receipt of such written dismissal statement, the employee may appeal as provided in Policy 3.1. A hearing shall be held that allows the employee to respond to the stated reasons for the dismissal and provide related information before the dismissal occurs.
3. An employee (except an employee on probationary status) who is dismissed shall have the right to appeal as provided in Policy 3.1.
4. If the employee elects not to appeal, the employee shall have a separate interview with Human Resources.
5. Employee Termination Notifications shall be filed in the employee's personnel file.

### Policy 2.3 SUBSTANCE ABUSE AND DRUG-FREE WORKPLACE

The City believes in the importance of a healthy and productive workforce, safe working conditions free from the effects of drugs and alcohol, and maintenance of the quality of services rendered. The abuse of drugs and alcohol creates a variety of workplace problems, including increased injuries on the job, absenteeism, workplace theft, decreased employee morale, reduced productivity, and a decline in the quality of products and services.

Therefore, the city hereby adopts this Policy for testing employees and prospective employees related to drugs and alcohol in the workplace. All employees must sign that they acknowledge, understand, and agree to abide by the "Drug and Alcohol Testing Policy" attached as "Exhibit M."

Drug and alcohol policy, not a contract - This Drug and Alcohol Testing Policy is the unilateral action of the city. It does not constitute an expressed or implied contract with any person affected by or subject to the policy. Neither this policy nor any action taken under this policy assures or guarantees employment or any terms of employment to any person for any period. The city may alter, terminate, or make exceptions to this policy at any time, at the city's sole discretion.

#### A. DRUG AND ALCOHOL TESTING POLICY DEFINITIONS

For this policy, the following definitions shall apply:

1. Accident - an incident involving physical injury in which any person involved is required to obtain medical care or an incident involving a city vehicle in which property damage occurs, whether on a city vehicle or other personal property.
2. Alcohol - alcoholic beverages and any other intoxicating substance.
3. Drug(s) - refers to and includes all drugs, paraphernalia, controlled substances, and mood- or mind-altering inhalants and not prescribed by a licensed physician or dentist in the United States for the person taking or in possession of the drug or substance, or not used as prescribed or directed.
4. Over-the-Counter Drug – includes only medications, drugs, controlled substances, or other Drugs, as defined above, which are legally available for purchase without a prescription under Utah Law does not qualify as an Over-the-Counter Drug regardless of where it was purchased or used.

5. Drug paraphernalia - objects used to manufacture, compound, convert, produce, process, prepare, test, analyze, pack, store, contain, or inject, ingest, inhale, or otherwise introduce a drug into the human body.
6. Employee - any person, excluding elected officials, in the city's service, whether for compensation or as a volunteer.
7. Prospective employee - any person who has applied for employment with the city and to whom the city has offered employment, conditional upon the results of a drug and alcohol test.
8. Conviction - a finding of guilt (including a plea of nolo contendere) or imposition of sentence, or both, by any judicial body charged with the responsibility to determine federal or state criminal statutes violations.
9. Criminal Drug Statute - a federal or state criminal statute involving the manufacture, distribution, dispensing, possession, or use of any controlled substance.
10. MRO (Medical Review Office) - charged with reviewing and interpreting test results and determining any alternate medical explanation.
11. Drug Policy Coordinator - Human Resources is the Drug Policy Coordinator, who will administer the Drug and Alcohol Testing Policy.
12. CDL (Commercial Driver's License) - the license required to operate a commercial vehicle.
13. Positive Drug Test – The presence of controlled substances, metabolites, or other indicators scientifically accepted across the industry as markers of drug use, including any levels that may satisfy the level of criminal statutes.

#### B. TESTING POLICY

1. It is the policy of the City to test employees and prospective employees for the presence of drugs or alcohol, according to the provisions set forth below, as a condition of hire or continued employment. Any employee or prospective employee failing or refusing to take the test will not be eligible for employment or shall be subject to termination if employed. The City shall consider as negative all confirmed positive drug and alcohol test results with a medically sufficient explanation.
2. The City shall require the testing of employees and prospective employees, including management, periodically under the following circumstances and purposes:
  - a. Pre-employment testing - offers of employment shall be made conditional upon submission to a drug and alcohol test. All prospective employees shall be tested for drug and alcohol usage before hiring. All job applicants shall be informed of this policy at the pre-employment interviews. A copy of this policy shall be

available for review by all job applicants. Before being hired by the City, all prospective employees shall be required to sign the acknowledgment form, agreeing to abide by the terms of this policy. The City will exclude from employment any job applicant or prospective employee who refuses to comply with the terms of this policy. Any prospective employee whose pre-employment drug and alcohol test results in confirmed positive and who does not have a medically sufficient explanation (as determined in the sole but reasonable discretion of the MRO) may reapply for employment with the City after six months from the date of such test. If the City hires a prospective employee, the person must have passed the above-referenced pre-employment drug and alcohol test. After that, the person will be subject to all the procedures and requirements for drug and alcohol testing outlined in this policy.

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

- b. Reasonable suspicion (for cause) testing - particular supervisors shall be trained to look for behaviors that may indicate drug or alcohol usage. These behaviors include but are not limited to, direct observation of drug or alcohol use; drug paraphernalia; abnormal or erratic behaviors such as accidents, stealing, or repeated errors on the job; or unsatisfactory time and attendance patterns, any of which are coupled with specific, contemporaneous events that indicate probable drug or alcohol use. An employee will be required to submit to a drug screen test, as outlined below when such reasonable suspicion arises and at least one supervisor or manager, and the designated Drug Policy Coordinator, concur that a reasonable suspicion of drug or alcohol use exists. The decision to test for drug or alcohol use by an employee is based on specific contemporaneous physical behavior or performance indicators. Once the authorized supervisor has determined that a reasonable suspicion exists, and after the consent of the City Administrator/Manager, testing is to be done immediately.
- c. Return to duty testing - if the city returns an employee to duty after the employee has voluntarily sought rehabilitation for drug or alcohol abuse and has completed rehabilitation, such employee shall be entered into a program of unannounced drug and alcohol tests for a predetermined period at the sole discretion of the city.
- d. Post-accident testing - post-accident testing will be conducted on employees, officers, officials, and volunteers involved whenever a workplace injury or damage to municipal property occurs. For traffic accidents, testing shall be completed even if the accident appears to be the fault of a third party. Such testing will occur as soon as possible but not later than twelve hours after an accident.
- e. Random testing\_- for public safety reasons, all employees who routinely operate vehicles, heavy machinery, or carry firearms as part of their job description must inquire to the prescribing physician whether any work restrictions should be

imposed during the use of the prescribed drug. The City will make reasonable accommodations for such work restrictions. Any employee failing to inquire about work restrictions or to disclose any restrictions to Drug Policy Coordinator may be subject to discipline.

- f. Self-Identification – Allows for an employee to tell their supervisor, Drug Policy Coordinator, or City Manager that they have a substance abuse problem and to be allowed to receive treatment before an accident occurs, or the employee is asked to take a random screening test. The Drug Policy Coordinator will work with the supervisor and individual to outline the appropriate treatment plan, drug testing schedule, and other details for continued employment.
3. Employees who are required to hold a Commercial Driver’s License (CDL) and drive commercial vehicles as a condition of employment may be tested as a condition of employment and may be tested as required by federal or state law.
  4. Any drug or alcohol testing shall occur during or immediately after the regular working period of current employees and shall be deemed work time for compensation and benefits for current employees.
  5. Individuals sent to an outside clinic or testing facility licensed to perform such tests. If an employee is sent to an outside clinic for a “Reasonable Suspicion” test, the employee must be driven to the facility by the supervisor or designee. The employee must then be on administrative leave until the test results are available. The supervisor must arrange or help the employee arrange a way to get home without driving.
  6. The city shall pay all costs of testing and transportation associated with a test required.
  7. Drug and alcohol testing will be conducted in compliance with federal, state, and local laws, including but not limited to Utah Code Ann. §34-41-104 et seq.
    - a. City action - Upon receipt of a verified or confirmed positive drug or alcohol test result, which indicates a violation of this policy or upon the refusal of any employee or prospective employee to provide a sample, the city may use that test result or refusal as the basis for disciplinary or rehabilitative actions, which may include, but not be limited to, the following as determined by Human Resources and the City Administrator/Manager or Mayor (See Policy 3.1):
      - i. Termination of employment. Employees can re-apply in one year with a clean drug test.
      - ii. Refusal to hire a prospective employee.
      - iii. Any other disciplinary measures conformance with the City’s practices, policies, or procedures.
      - iv. Rehabilitation

- b. Confidentiality - The information received from the drug testing results shall be the city's property. Test results information may be released to the person tested upon a written request.
- c. Workplace rules
  - i. Employees who possess, dispense, manufacture, or distribute alcohol, drugs, or drug paraphernalia on City premises or city time will be subject to disciplinary action, including termination.
  - ii. Employees undergoing prescribed medical treatment with a drug that may alter physical or mental abilities must report that to Human Resources.
  - iii. Any employee convicted of violating a criminal drug statute must notify the city Administrator/Manager within five (5) days of conviction. The city may take appropriate disciplinary or rehabilitative actions.
  - iv. No employee may use or be under the influence of drugs or alcohol on city premises, in the city vehicles, on-call or called-out status, or at any time the employee is representing the city, except in cases involving a current prescription prescribed in the United States, or over-the-counter drug, taken as prescribed or directed.
  - v. Employees may continue to work while taking prescription drugs needed for treating an illness; providing the medications does not affect the employee's ability to perform work safely, as determined by the city. The employee is required to notify North Ogden City any time they are placed on prescription medications that could affect their ability to perform their job functions. A valid prescription does not mean the drug is safe in the workplace. A safety-sensitive evaluation may be required if the medication(s) could affect the employee's ability to perform their job functions safely. The employee is responsible for awareness of all cautions associated with the use of prescription drugs.
  - vi. Employees may continue to work while taking non-prescription or over-the-counter drugs needed for the treatment of an illness providing the medications do not affect the employee's ability to perform work safely as determined by the city. Employees must notify North Ogden City when taking non-prescription or over-the-counter drugs. Non-prescription or over-the-counter medications must be handled by the manufacturer's dosage recommendations and usage cautions. The employee is responsible for awareness of all warnings associated with using these types of drugs.
- d. Miscellaneous.

- i. A copy of the City’s Drug and Alcohol Testing Policy shall be distributed to and posted for all employees. All employees must acknowledge receiving, reading, and accepting the policy, and copies shall be made available to prospective employees.
  - ii. This policy applies to all employees, management, City Council, and volunteers. Though no Elected Official may be removed from office for violating this policy, there will be no access to city vehicles and equipment.
  - iii. Employees wishing assistance overcoming drug or alcohol abuse may contact their supervisor or Human Resources for information about counseling and rehabilitation programs, including the North Ogden City Employee Assistance Program.
- e. Acknowledgement of policy - The city shall require each employee to read this policy and sign a form acknowledging that they have received and read a copy of it and agree to abide by its terms as a condition of continued employment. The signed acknowledgment shall be kept in each employee’s personnel file.

Policy 2.4 SMOKING POLICY

Employees who smoke shall comply with the provisions of the “Utah Indoor Clean Air Act.” This act prohibits the possession of lighted tobacco products or using e-cigarettes in enclosed indoor places of public access and publicly owned buildings and offices, in any City vehicle, or within twenty-five (25) feet of any public building entrances, exits, air intakes, or windows.

Employees who smoke shall comply with the provisions of the Weber-Morgan Health Department’s comprehensive secondhand smoke (SHS) regulation. This regulation prohibits smoking in any outdoor gathering place owned by the City that is open to the public.

Policy 2.5 HARASSMENT

All employees of the City have the legal right (Title VII of the Civil Rights Act of 1964) to work in an environment free from harassment. In addition, all individuals applying for employment with the city have the right to expect an environment free from harassment.

Harassment is an unlawful activity that violates City policy and is prohibited as a form of discrimination, and it is unacceptable behavior that will not be tolerated at any level. Any employee who engages in any form of harassment shall be subject to disciplinary action.

It is also unlawful to retaliate or retaliate against anyone who has filed a complaint about harassment or discrimination.

The city and its supervisors, employees, and agents must investigate complaints about such conduct and eradicate harassment or discrimination. In addition to prohibiting harassment by its employees, the city will not tolerate harassment towards its employees by its citizens, contractors, or vendors.

The City's management is committed to vigorously enforcing this prohibition of harassment at all levels of the organization. This prohibition against harassment is always in effect and all places.

A. STATEMENT OF PENALTIES FOR MISCONDUCT.

1. An employee's commission of acts of harassment or retaliation will result in disciplinary procedures. Discipline shall depend on the nature or severity of the misconduct. All records concerning sexual harassment complaints, or the results of sexual harassment discipline actions shall be maintained and stored as protected files.

B. REPORTING VIOLATIONS OF HARASSMENT

1. Employees are encouraged to report violations of the City's Harassment Policy when they first feel harassed. The following procedures will guide the investigation of harassment claims:
  - a. Employees shall file a harassment complaint in writing with one of the following individuals:
    - i. Department Head
    - ii. Human Resources
    - iii. City Attorney
    - iv. City Administrator/Manager
    - v. Mayor
  - b. Identities and information from the complainant, witnesses, and others will be confidential.

C. INVESTIGATION

1. The city will promptly conduct a thorough investigation of the alleged harassment complaint. The investigation will be handled confidentially, with information disseminated on a strict need-to-know basis. Each employee with information regarding the grievance will be notified of the need to preserve the confidentiality of the information they receive. Human Resources, Mayor, and City Attorney will determine how the investigation will proceed.
2. Any employee of the city accused of harassment shall not question, coerce, intimidate, or retaliate in any way against the employee who has filed a complaint of harassment or against employees that have provided information concerning the complaint.
3. All employees shall fully cooperate in any investigation of harassment or retaliation. Disciplinary action up to and including termination will be taken against any employee



that obstructs or does not fully cooperate with any investigation of harassment or retaliation.

#### D. RETALIATION

1. All employees should look for and prevent acts of retaliation against fellow employees, supervisors, or other individuals.
2. Any individual found to be participating in retaliation shall be subject to disciplinary action, including termination.

#### E. EDUCATION AND TRAINING

1. As part of the City's employment orientation, new employees will receive a copy of the City's Personnel Policies, including the Harassment Policy, and sign a statement that they have received both documents. The City strives at least annually to provide employees with training about the City's Harassment Policy and report procedures. The City shall post notices and inform employees about the law and reporting procedures.
2. Annual meetings with all City-elected Officials, Department Heads, supervisors, and related personnel of the City held to familiarize management with this policy's contents and further inform them of their specific and individual responsibilities.
3. All levels of management within the City organization are responsible for properly implementing this program as outlined herein. Work performance of all levels of control is evaluated based on the activity to promote and ensure compliance with rules and regulations related to implementing such programs.

#### Policy 2.6 ELECTRONIC RESOURCES

Electronic resources are available to elected contractors, appointed officials, and employees of North Ogden City. These resources include access to the City's computers, Local Area Networks, Internet services, personal electronics, and e-mail. Our goal in providing electronic services is to promote efficiency and excellence in the workplace by facilitating resource-sharing innovation, communication, and collaboration.

Electronic resources, Internet access, personal electronics, and e-mail have become critical components of efficient operations. With access to computers and people worldwide comes the availability of materials that may be inappropriate, illegal, obscene, or of no professional or business value. On a global network, it is challenging to control all materials. However, North Ogden City has taken precautions to restrict access to inappropriate materials. North Ogden City's access to/from the Internet is filtered and monitored. Users who access or attempt to access inappropriate or illegal Internet sites or send indecent or unlawful e-mails will be subject to disciplinary action, including the possibility of termination.

The smooth operation of the network relies upon the end-user's proper conduct, which must adhere to strict guidelines, rules, and regulations so that users know the responsibilities they are about to accept. These responsibilities necessitate efficient, ethical, and legal utilization of the network's resources.

## A. COMPUTER/NETWORK/INTERNET/EMAIL ACCEPTABLE USE POLICY AND AGREEMENT

### 1. Electronic resources terms and conditions

- a. Privileges - The use of electronic resources is a privilege, not a right. Inappropriate use of these resources may result in disciplinary action, including the possibility of termination or referral to legal authorities. The city may limit, suspend, or revoke Local Service or Internet access, Personal Electronic Devices, and e-mail.
- b. Acceptable Use - The use of an assigned account (user login) must support City business, research, or within the City's personal employment goals, roles, responsibilities, and objectives. Each user is responsible for this provision when using electronic resources, and reasonable personal use of electronic resources is authorized. Personal use includes non-commercial research, education, and communication.
  - i. Transmission, receipt, creation, or storing of any inappropriate material in violation of law or city policy is prohibited. This includes, but is not limited to: copyrighted materials, threatening or obscene materials, materials protected by trade secrets, the design or detailed information about explosive devices, criminal activities or terrorist acts, sexism, sexual harassment, pornography, gambling, illegal solicitation, racism, inappropriate language, or political lobbying. Illegal or improper activities, or any kind that do not conform to the rules, regulations, and policies of North Ogden City, are forbidden. The Public Safety Department has additional policies in its manual.
  - ii. It is advised not to reveal personal information, such as a home address, phone number, password, credit card number, or social security number; this also applies to other personal information or that of organizations.
  - iii. No software or data from any source may be loaded onto the city's computers without malware being checked and approved by the system administrator.
  - iv. Each account holder is expected to abide by the generally accepted rules of user etiquette. These rules include, but are not limited to, the following:
    - 1) Be polite. Never send or encourage others to send abusive messages. Use appropriate language. Always act appropriately as a city representative.
    - 2) Use electronic mail appropriately—no sales advertisements or solicitations, etc.

2. North Ogden City owns all electronic resources in its facilities and on its equipment, including city cell phones. As owners of this electronic media, North Ogden City owns all data stored, created, transmitted, and received on these systems and media. North Ogden City reserves the right to monitor and inspect electronic activity on these systems and media, including any form of electronic messaging.
  - a. Vandalism - any malicious attempt to harm or destroy the user's property, another user of any agencies or networks connected to the network, or the Internet system. Vandalism also includes, but is not limited to, deletion of necessary data, abusive overloading of data on the server, and uploading or creating computer viruses or other malware.
  - b. Security - Security on any computer system is a high priority because there are multiple users. Do not use another individual's account or log on to the system as the system administrator. If you identify a security problem, notify the system administrator at once.

#### B. USERS' PERSONAL ELECTRONICS

1. Elected Officials may use personal electronics for municipal business and be compensated for a portion of the costs associated with those electronics as outlined below in subsection 3.
2. Department Heads may also use personal electronics for municipal business and be compensated for some of the costs associated with those electronics as outlined below in subsection 3.
3. Reimbursement policies
  - a. Any individual who would have been provided a municipal-owned electronic device to perform the duties of their position or job may, at the discretion of the city, be allowed to purchase their electronic device and be compensated up to 50% of the cost of the device the city would have purchased to fulfill the technical requirements for the position, not necessarily 50% of the cost of the device purchased by the individual. The elected official or employee must pay for 100% of the replacement costs should the device become damaged, destroyed, or otherwise no longer work for the municipal purpose for which compensation was provided before the anticipated replacement schedule for city-purchased devices.
    - i. When a device is considered for purchase for departmental needs, the City Administrator/Manager shall establish a useful life for the device in terms of years. However, the typical life of an electronic device is expected to be two (2) years.
  - b. Any individual required to have a data, wireless, cellular, or another similar plan to perform the municipal business tasks assigned to them may receive a cell phone allowance as authorized by the City Administrator/Manager. The amount

is intended to supplement the equipment and service costs of a personal device used for City purposes. Under this option, no further reimbursement for equipment or service would be provided.

4. Use of Personal Electronics partially reimbursed by the City.
  - a. At any time, the personal electronics which the city partially reimburses may be required to be given to the city for a maximum of 24 hours to extract any relevant municipal information, including, but not limited to, emails, texts, documents, and other electronically stored items. Any such electronic information shall only be deleted from any device if adequately backed up on a city computer or server.
  - b. Under no circumstances may the Personal Electronic Devices be used in a manner that violates any of the City's personnel policies while on city property or during scheduled work hours, including breaks and lunch hours. This includes items identified in Policy 2.6.A.1.c.1 related to the transmission, receipt, creation, or storing of any inappropriate material in violation of law or city policy.
    - i. While on personal time, individuals may use Personal Electronic Devices as they best see fit. However, while at the workplace, all personal electric devices partially reimbursed by the city must comply with the City's Internet and Computer Usage Policy, and inappropriate electronic information must be deleted from the device.
  - c. No personal email accounts should be used on these Personal Electronic Devices to transact city business as these emails are subject to GRAMA requests and other requirements for public information.
  - d. All individuals who have cellular or data plans reimbursed by the city may select any provider but are responsible for all costs which exceed the reimbursement allotment.
    - i. If cellular or data services are interrupted for any reason, including non-payment, the Department Head and City Administration shall take appropriate steps to ensure the service interruption does not disrupt the employee's ability to perform their responsibilities.
  - e. All Personal Electronic Devices subject to any city reimbursement described above shall be password protected to reduce the risk of disclosure of non-public information.
5. Use of Personal Electronic Devices not partially reimbursed by the City.
  - a. No Personal Electronic Devices, regardless of reimbursement from the city, shall be used to access information that violates city policies during employees' scheduled work hours or on city property by any employee or city official.

## 6. Disposal of Personal Electronic Devices

- a. Individual department standards and requirements will replace city-owned Personal Electronic Devices.
    - i. Some Devices may be sold to employees or the general public, and establish pricing as determined by the city administration.
  - b. Personal Electronic Devices, part of the reimbursement program described in Subsection 3 above, shall become the property of the employee who paid the 75% cost upfront, as outlined below.
    - i. If an employee leaves the service of the city voluntarily or involuntarily or transfers departments within the city to a position that does not require the use of a Personal Electronic Device, the employee shall reimburse the city for 100% of the 25% of the device paid by the city if less than 26% of the useful life has expired.
  - c. All software purchased by the city and installed on Personal Electronic Devices is the city's property and may be removed upon employee termination or the expiration of the device's useful life.
7. All employees and Elected Officials who participate in the reimbursement for Personal Electronic Devices shall sign an agreement to reimburse the city based upon the Reimbursement Policy and agree to cover 100% of the replacement cost of the devices during the useful life of the device as determined by the City Administrator/Manager in Subsection 3.a.1.

## C. USER SIGNATURE OF AGREEMENT

1. Each employee will sign the "Internet & Computer Usage Policy" attached as "Exhibit N" that the employee has read and understands that Internet sites are filtered. The employee understands that their Internet and electronic messaging use are monitored and agrees to comply with the above-described acceptable use conditions.

## D. ELECTRONIC MAIL AND ELECTRONIC DOCUMENT RETENTION

1. Purpose
  - a. Ensure that e-mail and electronic documents are maintained by the Utah Government Records Access and Management Act (GRAMA). Electronic documents and messages created, transmitted, or received on City-owned resources are the property of the City. As a condition of employment and in the interests of furthering good order and discipline among City employees, employees may not have any expectation of electronic messaging privacy. They must accordingly limit any personal or inappropriate use of such. A claim of an expressed or implied expectation of privacy shall not be considered a defense

against a claim of invasion of privacy or illegal or unauthorized search of electronic messaging data in any form.

## 2. E-mail Retention and Deletion Policy

- a. To ensure that essential information is recovered because of improper deletion or mismanagement of e-mail correspondence, North Ogden City employees adhere to e-mail use guidelines. E-mails fall into three main categories: (1) Emails that must be saved; (2) Confidential information; and (3) E-mail that may be deleted.
  - i. E-mail that must be saved – Business-related messages that provide substantive information about City functions, policies, procedures, and programs must be saved. These e-mails document the discussions and decisions made regarding City interests. \*Note: the sender and direct recipient of the program, policy, or decision-making e-mail are responsible for retaining the document.
  - ii. Confidential information - Confidential information should not be transmitted electronically.
  - iii. E-mail that may be deleted - All e-mails not falling into the above categories may be deleted when the user's email needs have expired. Examples of e-mail messages that may be deleted at the discretion of the custodian, generator, or recipient of a particular e-mail are:
    - 1) Personal e-mail
    - 2) Routine correspondence
    - 3) Meeting agendas, broad e-mail pronouncements, and e-mails on which you are cc'd if you have no further use for them.
- b. Attachment Policy - You must keep a copy of any attachments you send (e.g., Word, Excel, or PowerPoint files) if they fall under the category of 'E-mail that must be saved.'
- c. Responsibility of the Sender - Primary responsibility for retention of important e-mail rests with the sender.
- d. Responsibility of the Recipient - If you are the direct recipient (not cc'd) of an e-mail containing policy, program, or decision-making information, you must save the e-mail.

## 3. Electronic Documents Policy

- a. All electronic documents produced by city employees are the city's property and must not be deleted. All documents created during city business under the program, policy, or decision-making category should be retained according to GRAMA and appropriate city guidelines.

Policy 2.7      USE OF CITY EQUIPMENT

A. CITY VEHICLES, EQUIPMENT, AND TOOLS

1. The City's vehicles, equipment, and tools are to be used for the benefit of the public. Reasonable use of the City's tools and equipment to protect property and preserve life is authorized. If an employee's personal use of City property creates more than a de minimis cost to the City or benefit to the employee, the employee shall reimburse the City for the cost of the personal use. For employees authorized or required to take vehicles home, personal errands during travel to or from work are considered de minimis provided they are no more than 10 miles from the shortest route to the employee's home. City vehicles shall not be used to haul construction materials, tow trailers, or aggregate materials for personal use. Earthmoving equipment and landscaping equipment are not authorized for personal use.
2. Employees will receive the proper training necessary for the accomplishment of the employees' duties. This training shall include an explanation of job hazards, safety procedures, and training on all equipment, tools, etc.
3. Under the Motor Vehicle Safety Act, a commercial driver's license (CDL) is required for operators of commercial motor vehicles. No individual shall be allowed to operate such vehicles unless they have a current CDL. The CDL must be renewed according to State Law.
4. Operators and passengers in City vehicles equipped with seat belts must be belted when the vehicle operates. All employees operating City vehicles shall observe all local traffic laws, including speed limits, except for Sworn Police Officers who will follow the Public Safety requirements.
5. Employees assigned to a City vehicle shall keep the vehicle clean, presentable, and serviceable. Employees who receive a car allowance shall keep their vehicles clean, presentable, and serviceable.
6. Employees shall not use City vehicles for unauthorized purposes.
7. Except for on-call employees, code enforcement, Sworn Police Officers, and supervisors/department heads authorized by the mayor, no city employees will be allowed to take a city vehicle home.
  - a. Supervisors/department heads will pay a daily rate to take a city vehicle home as outlined in the IRS fringe benefit guidelines. No personal use of the vehicle is allowed except for personal errands while traveling to and from work.
8. All tobacco, including vaporizing, is prohibited in all city vehicles.
9. Personal Electronic devices are not to be used while operating a vehicle on company time. If a vehicle operator needs to make or answer a phone call, the vehicle must be

pulled out of travel lanes and placed in the parking position for the duration of the call. The only exception is for employees who are snow plowing and communicating with other plow trucks using a hands-free device.

**Policy 2.8 FIREARMS AND WEAPONS**

Except for Sworn Public Safety Officers, it is outside the scope of employment for any employee or official to use a weapon or fire a firearm during work hours, on municipal property, or in municipal vehicles. For officer safety reasons, the city recommends that employees who desire to carry a concealed weapon during working hours report the same to the Chief of Police.

**Policy 2.9 THEFT AND DISHONESTY**

Taking city equipment, supplies, material, falsifying time clocks, etc. is considered stealing, and is punishable by immediate termination. There is no requirement that an individual receive a written warning prior to disciplinary action for theft and dishonesty.

**CHAPTER 3 WORK SCHEDULE, DOCUMENTATION AND OVERTIME PAY**

**Policy 3.1 WORK SCHEDULE AND DOCUMENTATION**

This policy establishes the workweek for non-exempt employees according to the Fair Labor and Standards Act (FLSA) and documentation requirements for time worked.

**A. WORKWEEK AND MAXIMUM HOURS**

1. The City's workweek shall be Sunday, 12:00 am through Saturday, 11:59 pm.
2. During a workweek, the maximum number of hours of regular pay for non-exempt city employees shall be 40 hours per week.

**B. DAYS AND HOURS OF WORK**

1. As each department has different functions within the city, shift hours and flex-time schedules are designated by the Department Head.

**C. GENERAL TIME-RELATED RULES**

1. Employees shall not clock into work prior to entering the building or their designated work site. Employees shall clock out as they are leaving the office or designated work site. Employees who violate the time clock policies and abuse the time clock system are subject to immediate termination without any written or verbal warnings.
2. An employee unable to report for duty shall notify their supervisor as soon as possible, but not later than one (1) hour after the beginning of the employee's work shift unless department rules require a different reporting time. Failure to notify the department within the specified time without good cause may result in disciplinary action.



3. Employees shall clock in and out during each shift using the time clock system currently used by each department. Department Heads or their designee shall review and submit the timesheets to the Payroll Department.
4. If an employee fails to clock in and out, they will receive a verbal warning from their supervisor or department head. If the employee does not clock in and out three (3) shifts in a row, it may result in other disciplinary actions.
5. While working from home hourly employees shall clock in and out the same as if they were working at the city offices.
6. Rest periods will be scheduled according to department policy as provided by FLSA.
  - a. Supervisors and Department Heads will provide break time for employees. Employees who are on break will be encouraged to leave their workstations.
  - b. Employees should only go on break once they are permitted by the supervisor or Department Head. This policy is to assist supervisors and Department Heads in knowing where all employees are and ensure the public is adequately served during city business hours.
  - c. Any breastfeeding employee will be provided reasonable break times to express breast milk for up to one year after the child's birth. Breaks of more than 20 minutes in length will be unpaid, and the employee shall indicate this break period on their timesheet. The city will provide designated storage and private space.
  - d. The amount of break time shall be as follows:
    - i. Employees working at least an 8-hour shift are allowed two 15-minute and one meal breaks. Breaks can be combined with meal breaks as approved by Department Heads. Employees who do not take their 15-minute breaks and work more than 6 hours may combine their two breaks into one 30-minute break and eat a meal provided they remain on city property.
    - ii. Employees working less than a 6-hour shift are allowed one 15-minute break and a meal break. Breaks can be combined with meal breaks as approved by Department Heads, however for shifts less than 6-hours only 15 minutes may be considered a paid break.
  - e. There will be no compensation for meal breaks for employees who leave city grounds, and if employees leave city property for any breaks, they are required to clock out. For insurance coverage.
  - f. 15-minute breaks are compensated if employees remain on city property.
  - g. Break times may not be used to come to work late or to leave work early.

- h. Break times may not be saved up and will be forfeited if not taken during the shift.
  - i. One 30-minute meal break to be staggered, so there is adequate coverage. Meal breaks are compensated for Sworn Police Officers.
- 7. For legal reasons employees are not allowed to complete work errands while traveling to and from the office. Employees must clock in at the office, run their errand, then return to the office to clock out. A city vehicle should be used for the errand, or a mileage reimbursement request form completed if no city vehicle is available.
  - a. Employees who are working from home and need to run a work-related errand shall utilize a mileage reimbursement form and not perform any personal errands while on city time.
- 8. For legal and safety reasons, employees are not allowed to participate in meetings and work-related phone calls while driving personal vehicles. Individuals who have been assigned a city-owned vehicle, may utilize the hands-free devices in the vehicle while driving when required, however, everybody is strongly encouraged to pull out of traffic and place the vehicle in park for the duration of the phone call.
  - a. Individuals must pull over to speak on the phone if they are in a personal vehicle, and then log their work hours accordingly.
  - b. Individuals may not take personal calls while driving city vehicles or while runner work related errands.

**Policy 3.2 OVERTIME PAY AND COMPENSATORY TIME OFF**

This policy aims to establish an overtime pay or compensatory time off policy. As a general rule, the City's requirement of frequent and considerable overtime shall be considered evidence of understaffing and will be investigated by the City Administrator/Manager. When non-exempt employees including seasonals are directed by the City Administrator/Manager or the Department Head to work extra time in addition to regular working hours, they shall be compensated for such overtime as described in this policy.

**A. OVERTIME POLICY**

- 1. As a general rule, employees assigned explicitly by their Department Head to work overtime will receive one and one-half (1 ½) the regular hourly rate of the employee if they desire to be paid. However, under FLSA, public entities employees can convert the overtime to compensatory time off at one and one-half hours (1 ½) of compensatory time off for each hour of overtime worked.
  - a. All compensatory time or overtime must be approved by the Department Head and submitted to the Payroll Department on the current pay period timesheet. Disciplinary action may be taken for failing to submit overtime appropriately.

- b. Some employees may be required to take time off during the week to avoid working more than 40 hours in the workweek.
  - c. The creation and adoption of a flex-time schedule shall only provide the basis for overtime or compensatory time with specific approval of the City Administrator/Manager.
2. Department Heads are encouraged to schedule compensatory time off for employees with accrued compensatory time credit. However, the employee may plan time off with the Department Head and provide adequate notice. Compensatory time shall be exhausted before vacation time.
  3. Overtime pay or compensatory time off is not allowed for exempt employees. Exempt employees may accrue administrative leave time as approved by the City Administrator/Manager.

Policy 3.3 CITY ON-CALL AND CALL-OUT POLICY

North Ogden City is of sufficient size to necessitate 24-hour response to emergencies, utility, or weather-related problems. To meet this need, public works, parks maintenance, and others will be responsible for covering all emergency calls on a rotation basis within their departments. As designated by their Department Heads, all employees shall participate in the on-call program in addition to a 40-hour work week. On-call employees cannot be on call at the same time as they are on vacation, sick, or compensatory leave time.

It is the employee's responsibility not to be under the influence of drugs or alcohol while on on-call status (Drug and Alcohol Policy 2.3.B.7.c.4).

A. RESPONSE TIME AND RESPONSIBILITIES OF ON-CALL EMPLOYEES

1. After-hours calls will be initially directed to an answering service selected by the city. This service will relay calls to the on-call employee by cellular phone, providing the name and number of the person reporting the problem or emergency and, if possible, a description of the emergency.
2. The on-call employee will respond appropriately within 30 minutes to any situation.
3. On-call employees will be provided with a city vehicle. No unauthorized persons are allowed in vehicles unless approved by the Department Head or City Administrator/Manager.

B. MISCELLANEOUS POLICIES RELATING TO ON-CALL EMPLOYEES

1. Employees wishing to trade on-call responsibilities with other employees will be allowed to do so upon written approval of the Department Head.

2. The Department Head or designee shall be responsible for notifying the answering service of the name and cell phone number of the employee on call for the week.

If you...	
Are on call any day Monday through Friday	Record one (1) hour on "On Call Pay" for each day on call.
Are on call Saturday or Sunday, and holidays	Record two (2) hours on "On Call Pay" for each day on call.

3. On-call employees shall be paid one (1) hour of overtime each day if on-call any day Monday through Friday. On Saturday and Sunday, on-call employees shall receive two (2) hours of overtime pay.
4. On-call employees called back to work during otherwise scheduled off-duty hours shall be paid overtime regardless of the number of hours worked during the week, including all holidays, excluding all leave time. Employees shall resume their regular base pay rate beginning their normal scheduled shift.

C. TRACKING OF HOURS FOR ON-CALL AND CALL-OUTS

While on call, if you...	Then report on your timesheet under "1.5 Call out Pay."
Responded to phone calls or emails	Actual time spent corresponding
Responded physically inside city limits	Time starts when entering the city vehicle, and time stops when arriving home. The minimum time reported is 1 hour.
Are actively responding physically to a call and received another call	Track time to respond to all calls as if it were one call

- D. Any employee working on an emergency call out after 8:00 p.m. will receive three additional dollars per hour of premium pay for each hour until employee resumes their regular scheduled shift unless the employee is beyond 40 hours and receiving time and a half of their regular pay.

CHAPTER 4 GRIEVANCES AND APPEALS

Policy 4.1 EMPLOYEE GRIEVANCES AND APPEALS

Any employee, who is aggrieved by any action which is related to working conditions, relationships, city rules, or regulations and which cannot be resolved through informal discussions with the employee's immediate supervisor may file an "Employee Grievance Form" attached as "Exhibit O" under the provisions of this policy.

A. TIME FOR FILING A GRIEVANCE

1. An employee must file a written grievance within ten (10) business days after the occurrence of the action in question. The ten (10) business day limitation may be waived if, through no fault of the employee, the person was unaware of the action before the time limit expired, provided the employee must file a written grievance within ten (10) business days of learning of the action.

#### B. GRIEVANCE AND APPEAL – GENERAL PROVISIONS

1. Among other matters, employees may bring grievances arising from the following matters: employee-supervisor relationships; duty assignments not affecting job classification; shift and job location assignments; hours worked; working facilities and conditions; policies for granting leave; disciplinary actions; and similar matters.
2. The employee filing the grievance may spend a reasonable number of working hours investigating and processing a grievance.
3. If an employee's grievance is denied, the employee must appeal the denial within the time stated in this policy or any other applicable policy. Failure by the employee to appeal a denial at any point in the grievance process shall be deemed an acceptance of the decision, and the grievance shall be considered completed.
4. Only the grievance presented initially be considered on appeal as the process progresses. If an employee wishes to change the allegations of the grievance, the employee should submit a new grievance. To ensure this limitation, a copy of the original grievance shall be filed with the City Administrator/Manager and Human Resources.
5. Similar grievances brought by separate employees may, at the direction of the City Administrator/Manager, be consolidated and processed together.
6. Every effort shall be made by the involved parties to resolve grievances at the lowest possible level.
7. Failure by management to render a decision within the allotted time at any step constitutes denial, and the employee may proceed to the next step.

#### C. GRIEVANCE PROCEDURE

If a formal grievance is filed, it shall be filed and processed in the following manner, except that time limits may be waived or extended by written mutual consent of both parties.

1. Within ten (10) business days after the incident, the employee shall present a written grievance to Human Resources. The employee shall use the "Employee Grievance Form" attached as "Exhibit O."
2. The grievance must be in writing and shall state the circumstances giving rise to the grievance, including (a) the name of the employee filing the grievance, (b) what happened to cause the grievance, (c) when the events occurred, (d) where the events

occurred, and (e) what adjustment is requested. The grievance must be signed by the employee filing the grievance. An “Employee Grievance Form” is attached as “Exhibit O.”

3. A written decision shall be given to the employee from the City Manager within ten (10) business days of the filing date. A failure to provide a written decision shall be considered a denial of the grievance. If the grievance remains unresolved or the employee finds the decision unacceptable, the employee may appeal as provided in the next paragraph.
4. The City Administrator/Manager shall schedule a conference with the employee and Department Head within five (5) business days after the receipt of the grievance. Within five (5) business days after the conference, the City Administrator/Manager shall deliver a copy of his written decision to the employee and the Department Head. If the grievance remains unresolved or the employee considers the decision unacceptable, the employee may appeal to the mayor as described in the following paragraphs #6 and #7.
  - a. For grievances where the City Manager/Administrator was the original decision maker the employee may appeal directly to the mayor.
5. Within five (5) business days after the receipt of the decision described in paragraph #5 above or within five (5) business days after the decision is due, the employee may appeal the decision by presenting a written appeal to Human Resources who shall deliver the grievance to the mayor. The appeal shall be in writing and contain a copy of the original grievance and either a copy of each decision appealed from or a statement that the authorities charged with responding to the grievance or intermediate appeal have yet to respond within the time limits set in this policy.
6. Within fifteen (15) days of receipt of the appeal, the mayor shall schedule a conference with the employee and the City Administrator/Manager to consider the grievance. Within five (5) business days after the meeting, the mayor shall deliver a copy of this written decision to the employee, City Administrator/Manager, and Department Head. The mayor’s decision shall be final and binding unless the employee is entitled to appeal the decision to the Appeal Board/Hearing Officer/Hearing Officer in Utah Code Ann. §10-3-1106, or the employee is entitled to legal redress under applicable law. A delay in providing a written decision by any supervisor, City Administrator/Manager, or Mayor shall not be construed to add any additional liability or, in any other way, justify further claims against the City concerning the grievance.

#### D. PROCEDURE UPON DISCHARGE, TRANSFER OR SUSPENSION WITHOUT PAY

1. If a formal grievance is filed because an employee is discharged, transferred, or suspended without pay, the procedures outlined in this policy below shall be followed. Appeals for discharged, transferred, or suspended without pay shall be heard by the Appeal Board in compliance with state and local statutes, including 10-3-1106.
2. Within ten (10) business days after the receipt of the discharged, transferred, or suspended without pay, the employee shall present the grievance in writing to the City

Recorder and Human Resources with a request that the Appeal Board/Hearing Officer be convened to hear the grievance. The Appeal Board/Hearing Officer shall conduct a hearing within thirty (30) business days of receipt of the grievance and render its decision by secret ballot as provided in Utah Code Ann. §10-3-1106.

3. The Appeal Board/Hearing Officer shall render its decision by secret ballot and certified in writing to the City Recorder and Human Resources. The decision of the Appeal Board/Hearing Officer shall be considered binding unless the employee appeals the decision to the Court of Appeals.
4. An employee may appeal a decision of the Appeal Board/Hearing Officer to the Court of Appeals as provided in Utah Code Ann. §10-3-1106.

#### E. APPEAL BOARD/HEARING OFFICER

1. The City shall create and maintain an Appeal Board/Hearing Officer in compliance with the terms of Utah Code Ann. §10-3-1106. The Appeal Board shall be made up of six (6) members. Four (4) city employees and two (2) members of the council. The members shall be elected by ballot in their respective departments or council. There shall be one member from each of the following employee groups:
  - a. Police, Court, and Code Enforcement
  - b. Public Works Departments
  - c. Administration Building Departments
  - d. Park Maintenance and Leisure Services Departments
2. Department Heads may not serve as members of the Appeal Board
3. The employee representative from the department group listed above where the disciplined employee worked, when disciplined, shall not serve on the Appeal Board for that specific appeal.
4. The Appeal Board shall elect a chair and investigate the specifics of the discipline, including calling witnesses and requesting documents related to the discipline.
5. The individual appealing the discipline shall be entitled to all the rights outlined in the state code.
6. The Appeal Board shall comply with all rules in the local and state codes related to the appeal of Discharge, Suspension without pay, and Involuntary Transfer.

#### F. IMMUNITY

1. If an employee is denied the opportunity to present a grievance as prescribed by this chapter, or if the employee is threatened or subjected to duress when presenting the grievance, the employee may notify the mayor in writing.
2. The mayor shall authorize an investigation of such complaints and, based upon findings, may present charges, and recommend disciplinary action against any person who was derelict or discriminatory in considering the grievance.

#### G. REPRESENTATION

An employee seeking redress through the grievance procedure may use another individual as a spokesperson at any point in the process. Still, the employee shall be present and available for questions and discussion throughout the process.

### CHAPTER 5 COMPENSATION AND PERFORMANCE EVALUATIONS

#### Policy 5.1 COMPENSATION

The City Manager/Administrator shall be responsible for developing and maintaining an equitable competitive compensation plan for recruiting and retaining qualified employees while demonstrating a commitment to the growth and development of staff. Recommendations for any salary adjustments in this chapter shall be subject to the availability of funds.

#### A. PAY PLAN DEVELOPMENT AND ALLOCATION

1. The City Administrator/Manager shall conduct a study of salary levels of comparable positions in the public sector for adjustments to the City's salary plan and shall make recommendations to the mayor and City Council.
2. The City Administrator/Manager shall assign each employee a title and position number for comparison to a salary range based on market data.

#### B. PAY PERIODS

1. Employees will be paid every two weeks by the Thursday following the end of the pay period. There are 26 pay periods in a year. Pay statements will be distributed electronically.
2. All payrolls will be by direct deposit unless circumstances beyond the employee's control dictate otherwise.

#### C. SALARY RANGES

1. Salary ranges shall be linked directly to the compensation plan and be determined by the following considerations:
  - a. Ranges of pay by title and job number in the market.
  - b. Prevailing rates of pay for similar employment in comparable public organizations.



- c. Cost of living factors
- d. Other benefits received by employees in comparable public organizations.
- e. The financial policy and economic conditions of the city.

D. PAY INCREASE CATEGORIES

1. Market adjustments will be considered by the city after reviewing current annual salary survey data and conferring with the mayor and Department Heads. The City Administrator/Manager may prepare and present a yearly report to the City Council, and the Council will consider any recommended adjustments as part of the City's annual budget.
  - a. A New employee may be entitled to Market Adjustments as warranted by the salary study.

Merit increases may be granted for exceptional consistent performance in a single position. They are not used in recognizing increased duties and responsibilities and are not granted without regard to cost-of-living factors.

- b. A merit increase may not cause the employee's salary to exceed the maximum compensation assigned to the employee's position without consent from the City Council.
- c. New employees who have not worked for six (6) months may be entitled to a merit increase at the end of probation as per Policy 1.6.C.1.

E. NEWLY HIRED EMPLOYEES

1. Pay for newly hired employees shall generally be set at the minimum of the pay range assigned to a job class.
2. Department Heads, with the approval of the City Administrator/Manager, may set pay to the midpoint range as warranted by job qualifications and experience.

F. REASSIGNMENT

1. An employee reassigned but not demoted shall be paid the same salary received before the reassignment. Reassignment to a new position with the same duties shall not be considered a demotion. The employee's salary in the new position shall remain frozen until the salary range increases to incorporate the employee's pay rate.

G. RECLASSIFICATION

1. For purposes of this section, reclassification means a change in the duties of a position, usually with an increase in the responsibilities of the position. However, the duties of a position may be reclassified to decrease the responsibilities of a position.

2. Reclassification may entail an increase or decrease in the pay range for the position.

#### H. DEMOTION

1. A demotion is a change of duty assignment of an employee from a position in one classification to a position in another in a lower pay group.
2. Upon demotion, whether voluntary or administrative, an employee shall experience a salary reduction to the minimum rate of the new grade.
3. When an employee is demoted to a previous position, the pay shall be set at the former rate in effect before the demotion.
4. Under the terms of Utah Code Ann. §10-3-1106, demoted employees may be eligible to appeal their demotions to the Appeal Board/Hearing Officer.

#### I. NOTIFICATION

The mayor shall be informed of all job actions in this policy.

#### Policy 5.2 PERFORMANCE EVALUATIONS

Employee job performance as outlined in their job description and potential shall be evaluated at the end of the six (6) month probationary period and at least annually after that. The employee performance evaluation is designed to measure the employees' effectiveness, training needs, salary adjustments, and other personnel actions up to and including separation.

1. The employee shall receive a copy of the performance evaluation and be allowed to respond.
2. A copy of the written performance evaluation will be filed in the employee's personnel file along with a certification that the employee has reviewed and received a copy of the performance evaluation.

#### CHAPTER 6 SAFETY PROCEDURES AND REQUIREMENTS

#### Policy 6.1 GENERAL SAFETY

The City's policy calls for safety in all activities and operations. The City will carry out its commitment to comply with all health and safety laws applicable to its operations by enlisting the help of all employees to ensure that public areas and work areas are free of hazardous conditions.

#### A. SAFETY COMMITTEE

1. The City established a safety committee to grow a safety-oriented culture and reviews the safety program's effectiveness. The committee reviews all work-related accidents, recommends safety-related policies and procedures, oversees, or performs safety audits, and discusses the overall safety needs of each department.

## B. EMPLOYEE'S SAFETY RESPONSIBILITIES

1. Employees are expected to be conscientious about workplace safety, including proper work methods, reporting potential hazards, and diminishing known hazards.
2. Employees should immediately report unsafe work conditions or defective equipment in any work area to a supervisor or Department Head. Assist where appropriate and directed to properly tag or secure faulty items until proper repair or replacement.
3. All accidents (personal or vehicular) are to be reported immediately to the supervisor, Department Head, and Human Resources.
4. The City's safety policy and practices will be strictly enforced. Employees who have been found to have intentionally violated the City's safety policies, are determined to be consistently negligent, or are unsafe in performing their duties may be disciplined with the possibility of termination.

## C. GENERAL SAFETY RULES

Safeguards will be provided in all work situations as state and federal safety orders require. Each department may prepare additional safety rules applicable to the specific nature of work in that department but may be separate from the state or federal general safety rules.

1. Employees operating any power equipment or tools shall use caution and follow all the manufacturer's safety precautions and warnings. No unlicensed or uncertified employees will operate any power equipment for which a license or certification is required.
2. Employees will use safety equipment such as safety glasses, gloves, toe guards, vests, ear protection, and hard hats, as required and appropriate to the work performed. (Please refer to the Department's Safety Manuals for safety guidelines.) Uniform allowances for safety equipment shall only be used for qualifying equipment that meets the established standards for their position and expected activities.
3. Employees will not wear loose clothing or jewelry while working on or near heavy equipment and machinery.

## D. PROTECTION OF CHILDREN AND VULNERABLE ADULTS

1. It is the policy of North Ogden City to provide a safe environment for children and adults to recreate. The City has no tolerance for mistreating children or vulnerable adults within the programs it administers. City staff and volunteers who work with children and vulnerable adults will be screened appropriately. Common sense measures to limit opportunities for abuse will be implemented. Reports of abuse will automatically be referred outside the city for investigation by the appropriate state agency. Staff or volunteers suspected of abuse will be removed from involvement with youth or senior programs pending investigation. A finding or cause to believe that abuse occurred by an investigating agency shall be sufficient cause for termination from employment or volunteer service.

## 2. Definitions

- a. Child - A person less than eighteen (18) years of age.
- b. Emotional abuse - Conduct towards a child or vulnerable adult that attacks the person's emotional well-being and sense of self-worth, such as shaming, humiliating, denigrating, etc.
- c. Physical abuse - Physical harm or the imminent threat of physical harm to a child or vulnerable adult.
- d. Sexual abuse - Any form of sexual contact, lewdness, exploitation, exposure to pornographic material, a solicitation to engage in sexual activity, or other similar actions towards a child or vulnerable adult.
- e. Vulnerable adult - A person eighteen (18) years of age or older whose advanced age or physical or mental incapacity substantially limits the person's judgment or ability to resist emotional, physical, or sexual abuse.

## 3. Screening staff and volunteers.

- a. Before working in City programs in which children or vulnerable adults participate, every City employee or volunteer shall obtain a background check, subject to Utah's BCI.
- b. Any person who has been convicted of child abuse, abuse of a vulnerable adult, lewdness, voyeurism, a crime involving pornography, providing harmful material to a child, prostitution, patronizing a prostitute, child exploitation, endangering a child or elderly adult, sexual abuse of a child, unlawful sexual activity with a minor, rape, sexual battery, or convictions for other sex-related offenses, etc. shall be ineligible to work as a staff employee or volunteer in a City program in which vulnerable adults or children participate. The Chief of Police will review any other types of crimes.

## 4. Training

- a. Each year, the City will offer annual training regarding this policy to be completed by all staff and volunteers who work with children or vulnerable adults regardless of whether they have participated in the training before.

## 5. Protection Measures

- a. At least two adult staff or volunteers shall be present during all City sponsored programs attended by children or vulnerable adults. Isolated one-on-one contact between a staff member or volunteer and a child or vulnerable adult during a city-sponsored program is prohibited.

## 6. Reporting

- a. City staff shall not take it upon themselves to investigate allegations of abuse. Every allegation involving children shall be reported to the Division of Child and Family Services. Allegations regarding vulnerable adults shall be reported to Adult Protective Services.
- b. Investigations by the Division of Child and Family Services or Adult Protective Services - The City shall not attempt to investigate allegations of abuse involving its staff or volunteers.

7. Violation

- a. Violations of this policy may result in disciplinary action up to and including termination.

Policy 6.2 UOSHA REQUIREMENTS

It is the policy of North Ogden City to comply with UOSHA requirements.

A. POSTING NOTICES

1. The City will post notices that UOSHA provides in a conspicuous place. This may be on an employee bulletin board or another place where similar notices are usually posted. Employees should be able to quickly obtain information from their supervisor or Department Head when they have questions about any of the standards described in UOSHA.
2. The City will post notices that the federal government provides in a conspicuous place. This may be on an employee bulletin board or another area where similar notices are usually posted. Employees should be able to quickly obtain information from their supervisor or department head when the employee has a question about any of the standards described in the Family and Medical Leave Act of 1993, 289 U.S.C. §2601 et seq.

B. YOUTH SAFETY (U.S. Department of Labor)

1. The following is a list, provided by UOSHA, of hazardous work that any youth under 18 years of age CAN NOT perform:
  - a. Operation in or about establishments manufacturing or storing explosives or articles containing explosive components.
  - b. Motor Vehicle drivers and helpers (with exceptions)
  - c. Coal mining operations
  - d. Logging operations of any sawmill, lath mill, shingle mill, or cooperage-stick mill
  - e. Operation of power-driven woodworking machines

- f. Jobs involve exposure to radioactive substances and ionizing radiation.
- g. Operation of power-driven hoisting apparatus
- h. Operation of power-driven, metal forming, punching, and shearing machines
- i. Operation of circular saws, band saws, and guillotine shears
- j. Wrecking, demolition operations
- k. Roofing operations
- l. Excavation operations
- m. Operation connected with mining other than coal.
- n. Meat process operations
- o. Operation of specific power-driven bakery machines
- p. Operation of specific power-driven paper-products machines
- q. Manufacture of brick, tile, and clay products

Policy 7.1 FAMILY AND MEDICAL LEAVE ACT

North Ogden City offers family and medical leave in compliance with the Family and Medical Leave Act of 1993, 28 U.S.C. §2601 et seq.

- A. When used in this Policy, the following terms shall have the following meanings.
  1. Serious medical condition - an illness, injury, impairment, or physical or mental condition that involves (1) inpatient care in a hospital, hospice, or residential medical care facility or (2) continuing treatment by a medical health care provider.
  2. Child - a biological, adopted, or foster child, a stepchild, a legal ward, or a child of a person standing in loco parentis, who is (1) under 18 years of age, or (2) 18 years of age or older and incapable of self-care because of a mental or physical disability.
  3. Benefits - all benefits provided or made available to employees by the City, including group life insurance, disability insurance, sick leave, annual leave, educational benefits, and pensions.
  4. Health care provider - (1) a Doctor of Medicine or osteopathy licensed by the State where they practice, or (2) any other person determined by the United States Secretary of Labor to be capable of providing health care services.

- B. To be eligible to apply for family and medical leave, an employee must have the following:
1. Worked for the City for at least 12 months.
  2. Worked at least 1,250 hours in the immediately preceding 12 months.
- C. Eligible employees may apply for family and medical leave for the following reasons:
1. The birth of a child to the employee and care for the new child
  2. The placement of a child with the employee for adoption or foster care
  3. To care for the employee's spouse, child, or parent; if the spouse, child, or parent has a severe medical condition.
  4. A serious medical condition makes the employee unable to perform the functions of the employee's position with the City.
- D. Eligible employees shall be entitled to a maximum of 12 weeks of family and medical leave during any 12-month period.
- E. Any employee taking family and medical leave under this policy shall be required to use accrued annual time or other accrued leave as part of the family and medical leave. Family and medical leave taken more than the employee's accumulated leave shall be unpaid.
- F. At the end of any period of family and medical leave, the employee shall be restored to the position held by the employee prior to the leave or an equivalent position with equivalent benefits, pay, and other terms of employment. The City may deny restoration of employment under the following circumstances:
1. The employee on family and medical leave is a salaried or exempt employee among the highest paid ten percent (10%) of the City's employees.
  2. The City determines that restoration would cause substantial and grievous economic injury to the City.
  3. The City notifies that employee of its intent to deny restoration to the employee at the time the City determines that restoration would cause substantial and grievous economic injury to the City.
  4. The employee elects not to return to employment after receiving the notice of restoration.
- G. Continuation of benefits
1. Taking family and medical leave shall not result in the loss of any employment benefits accrued prior to the leave.

2. Nothing in this policy shall be construed to indicate that during any period of family and medical leave, the employee shall be entitled to:
  - a. The accrual of seniority or additional benefits, or
  - b. Any other right, benefit, or position of employment other than those to which the employee would have been entitled if they had not taken the leave.
3. During any family and medical leave period, the City shall maintain coverage for the employee under the City's group health plan at the level, and conditions coverage would have been provided if the employee had not taken the leave. In most instances, this means that the employee will have to continue making contributions towards the payment of health insurance during the leave period.
4. If an employee fails to return from family and medical leave, the City may recover the share of premiums paid for group health coverage by the City on behalf of the employee. This means that if the employee fails to return at the expiration of the leave, the City may demand reimbursement for the portion of the premiums the City paid during the leave period. The City may not seek reimbursement if the continuation causes the failure to return, recurrence, or onset of a serious medical condition affecting the employee, spouse, child, parent, or other circumstances beyond the employee's control.
5. If the employee fails to return at the end of the family and medical leave and alleges that the failure is due to a severe medical condition affecting the employee or the employee's spouse, child, or parent, the City may require certification of the severe medical condition from the health care provider of the affected person. The employee shall provide the requested certification in a timely manner. To be accepted by the City, the certification must state the following:
  - a. That the serious medical condition prevented the employee from returning to work at the end of the leave, or
  - b. That the employee needed to care for the spouse, child, or parent on the date the leave ended.

H. Leave for the birth or placement of a child.

1. In addition to the preceding family and medical leave for the birth of a child to the employee or the placement of a child with the employee for adoption or foster care, birth leave is governed by the following provisions:
  - a. Birth leave must be taken within 12 months of the birth or placement.
  - b. Birth leave may only be taken intermittently or on a reduced work schedule with written approval of the City Manager.



- c. An employee taking birth leave must provide the City Administrator/Manager with a 30-day notice before taking the leave unless circumstances make giving such notice impossible, in which case the employee shall provide as much notice as possible.
- d. If the City employs both spouses in a family, the two spouses between them shall be entitled to an aggregate of 12 weeks of birth leave.

I. LEAVE FOR SERIOUS MEDICAL CONDITIONS

- 1. In addition to the preceding, family, and medical leave caused by a severe medical condition suffered by an employee or the employee's spouse, child, or parent, shall be governed by the following provisions:
  - a. Medical leave may be taken intermittently or on a reduced work schedule when medically necessary. Taking medical leave intermittently or on a reduced work schedule shall not reduce the total amount of medical leave to which the employee is entitled.
  - b. If an employee requests medical leave on an intermittent or reduced work schedule, the City may require that the employee transfer temporarily to an alternative position with the City. The City may require transfer only if:
    - i. The employee is qualified for the alternative position.
    - ii. The alternative position has equivalent pay and benefits.
    - iii. The alternative position better accommodates recurring periods of leave than the employee's regular position.
  - c. In addition to using accrued annual leave time or other accrued leave, an employee taking medical leave may be required to use accrued sick leave as part of the medical leave.
  - d. In the event the serious medical condition which occasions the medical leave is foreseeable based on planned medical treatment, the employee shall make reasonable efforts to plan the treatment so as not to duly disrupt the City's operations, subject to the approval of the health care provider of the person affected by the serious medical condition.
  - e. The employee shall make reasonable efforts to provide the City with a 30-day notice before taking medical leave or as much notice as possible in the circumstances.
  - f. If the City employs both spouses in a family and they are requesting medical leave to care for a parent, the two spouses between them shall be entitled to an aggregate of 12 weeks of medical leave.

- g. The City may require a certification from a health care provider for medical leave to be supported for an employee or the employee's child, spouse, or parent. To be sufficient, the certification must include the following:
  - i. The date on which the serious medical condition commenced.
  - ii. The probable duration of the condition
  - iii. The medical facts known to the health care provider regarding the condition.
  - iv. A statement that the employee cannot perform his duties with the city or is needed to care for the employee's child, spouse, or parent.
- h. If the employee is requesting intermittent leave or a reduced work schedule as part of the medical leave, the certification must also include the following:
  - i. The dates, if known, the treatment will be given and the duration.
  - ii. If the serious medical condition affects the employee's child, spouse, or parent, a statement that the intermittent leave or reduced work schedule is necessary for the treatment or will assist in their recovery and the expected duration of the intermittent or reduced work schedule.
- i. The City shall have the right, after receiving a certification from the health care provider to a second opinion from a health care provider chosen by the City. The City shall pay the costs of obtaining a second opinion. The health care provider selected by the City shall not be a City employee.
- j. If the second opinion obtained by the City conflicts with the opinion of the employee's health care provider, the City may require a third opinion from a health care provider agreed upon by the City and the employee. The City shall pay the costs of obtaining the third opinion, and the opinion of the third healthcare provider shall be final and binding on the City and the employee.

## CHAPTER 8 BENEFITS

North Ogden City offers a comprehensive benefits package to eligible employees. All benefits begin on the first day of the calendar month following the first day worked and end on the last day of the month of the last day worked. Eligible dependents are spouses, children under age 26, and disabled dependents of any age. Contact Human Resources for more information regarding eligible benefits or refer to the current North Ogden City Benefits Booklet.

### Policy 8.1 BENEFITS

#### A. RETIREMENT

The city is a member of the Utah Retirement System (URS) and is mandated by the Utah Code Title 49 to contribute to the URS for eligible employees based on their position. Contribution rates are determined annually by the URS Board.

1. Full-time and part-time employees shall participate in the Utah State Retirement System. Employee retirement regulations shall follow federal and state laws.
  - a. An employee is vested in the Utah Retirement System after four (4) years of employment.
  - b. When specific employee retirements are deemed in the city's best interest, the Mayor and City Council may approve retirement incentives. These incentives may be offered to employees without being provided to all employees.
2. Full-time and part-time employees can participate in the City's 401(k) and 457(k) retirement programs. This program has no retroactive effect when an employee becomes eligible for this benefit.
  - a. The City will match the employee's contributions (401k or 457) of up to three percent (3%) of the employee's annual salary to the employee's 401(k) account.
  - b. The City may automatically contribute three percent (3%) of the employee's annual salary to the employee's 401(k) account. Subject to budget approval.
  - c. The employee may also contribute an amount up to the maximum allowed by law. Under no circumstances will the City's contribution to an employee's 401(k) account exceed six percent (6%).
  - c. The contribution amounts described in the preceding paragraphs shall be valid only if they do not conflict with any IRS regulations or state or federal tax laws.
  - e. An employee will be vested with the City's contributions upon completion of four (4) years of employment with North Ogden City from the date of eligibility. If an employee terminates employment before the four years, they will not be entitled to the amount the city has contributed to the employee's 401(k). The employees personal contributions to the 401k and 457 plans shall be vested in the amount they have contributed and any associated increases in their contribution.
3. Full-time and part-time employees are eligible to participate in the City's 401(k) loan program as defined in the provider's loan policy.
  - a. If an employee's employment status is terminated for any reason, the employee shall be solely responsible for all early withdrawal penalties or interest payable resulting from any unpaid loan balances as required by the provider's loan policy, IRS, or State of Utah regulations.

## B. SOCIAL SECURITY/FICA

1. All employees are covered by the benefits of Old Age, Survivors, and Disability Insurance as provided by law. Contributions of the employee and the City will be made following the provisions of the law.

## C. INSURANCE

Eligible employees may receive insurance coverage during annual open enrollment or a qualifying life event. If no selection is made during the eligible period, then the employee will be eligible for minimum coverage until the next qualifying enrollment period.

1. All qualifying life events must be reported to Human Resources within 30 days of the events.
  - a. Qualifying life events are as follows:
    - i. Marital Status Change (marriage, legal separation, divorce)
    - ii. Dependent status change (birth, death, change in custody, or adoption of a child)
    - iii. Death of an employee or spouse
    - iv. Spousal coverage changes (begins or ends employment, or loss of coverage)
2. Medical Health and Dental Insurance
  - a. Medical health insurance and dental insurance are offered to full-time employees and their dependents. Plans are subject to the terms and conditions of the Plan Provider. The City shall pay a portion of the premium as the budget allows.
  - b. The employee shall pay for the remaining portion of insurance premiums, all fees charged as deductibles, all co-payments, and other medical costs.
3. Disability and Life Insurance
  - a. Basic disability and life insurance shall be offered to each full-time employee, spouse, and eligible dependents. The City shall pay the entire premium as the budget allows.
  - b. The City offers voluntary life insurance and disability for full-time employees, their spouses, and eligible dependents. The employee shall pay the premium for voluntary benefits.
4. Workers' Compensation

- a. Accidental injuries or occupational disease arising out of, or during, an employee's employment with the city is covered by a workers' compensation program as required by law.
- b. Employees must promptly report any injuries to Human Resources and their Department Head at or near the time of the incident by submitting an "Accident or Injury" report located on the city's website at [www.northogdencity.com/hr](http://www.northogdencity.com/hr).
  - i. An unreasonable delay or failure to report will result in disciplinary action that may affect the claim's viability.

5. Unemployment Insurance

- a. The city participates in unemployment compensation benefits through the Utah State Employment Security Administration, state, and federal law.

6. Employee Assistance Program (EAP)

- a. The Employees Assistance Program (EAP) is available to all city employees and their family members at no cost to the employee.
- b. Employees can access consultants by telephone, resources, and online tools. Employees may also have face-to-face visits with consultants for help with short-term problems. See "Exhibit S" for more information.

D. PARENTAL LEAVE

- 1. North Ogden City will provide two weeks of paid parental leave for employees who add a new child to their family by birth or adoption. This leave will coincide with FMLA and short-term disability. Employees must be employed in a full-time, benefit eligible position, and must be employed with the city for the preceding 12 months. All parental leave must be used within the first two months of birth.

E. UNIFORM ALLOWANCE

Employees may be paid a uniform allowance above their regular salaries or furnished with uniforms at the City's option. See "Exhibit Z" for authorized items for each department.

- 1. All uniform allowances are taxable compensation and must be processed through the payroll system as required by the IRS Publication 15. However, each employee who receives a uniform allowance shall be responsible for reporting to the IRS for the uniform allowances.
- 2. As part of the safety program, the city provides safety shoes, helmets, vests, back braces, and eye protection for every employee working in a safety-sensitive position.

F. POOL PASSES

1. Employees receive pool passes each season as authorized by the mayor.
  - a. All passes are taxable compensation and must be processed through the payroll system as required by the IRS Publication 15. The city will contribute to income and employment taxes relating to the award in the amount approved by City Council.

## Policy 8.2 LEAVES OF ABSENCE

There are many types of leaves of absence from the workplace. Employees should consistently and conscientiously account for their use of leave time. This policy should be understood and applied to further that objective.

### A. CONDITIONS OF LEAVE

1. Full-time and part-time employees can accrue compensatory, vacation, and sick leave accrual.
2. Accrued annual, sick, and compensatory leave shall begin on the start date, calculated each pay period, and stated on each pay statement.
3. Eligible employees can only use leave time if adequate leave time has been accrued.
4. Observed holidays occurring during the use of leave time will not be charged as a day of leave.
5. Leave time shall not accrue during leave without pay status.
6. Employees on leave without pay will not be paid holiday time, including the day before or the day after a holiday.
7. Official annual leave records will be maintained and kept current by Human Resources.

### B. ANNUAL LEAVE

All compensatory time off must be used before using annual leave.

1. Annual leave for employees will be scheduled to meet the City's operating requirements and, if possible, the employees' preference. The frequent use of annual time is subject to the approval of the Supervisor and Department Head.
  - a. Employees shall only schedule up to ten (10) working days off at once with their supervisor. Employees must obtain permission beyond ten days from the Department Head.
  - b. Maximum carry-over hours (cap) to next calendar year:
    - i. Full-time employees - 240 annual leave hours.

- ii. Sworn Police Officers - 258 annual leave hours.
  - iii. Part-time employees – 120 annual leave hours.
- c. The cut-off date for calculating excess hours is the last pay period in April. It is the employee’s responsibility to maintain knowledge of accrued annual leave and schedule leave appropriately.
2. Full-time, sworn police officers and permanent part-time employees shall accrue annual leave at the following rate:
- a. Employees who leave city employment and return within one year may return at the accumulated rate upon leaving.

FULL-TIME: BASED ON 40 HOUR WORK WEEK	
YEARS OF SERVICE	HOURS ACCUMULATED BI-WEEKLY
0-3 complete years	3.09
3 complete years and 1 day-6 years	4.62
6 complete years and 1 day-9 years	5.31
9 complete years and 1 day-12 years	6.00
12 complete years and 1 day-15 years	6.46
15 complete years and 1 day-18 years	6.92
18 complete years and 1 day-20 years	7.62
20 complete years and 1 day-over	8.31

FULL-TIME: SWORN POLICE OFFICERS	
YEARS OF SERVICE	HOURS ACCUMULATED BI-WEEKLY
0-3 complete years	3.32
3 complete years and 1 day-6 years	4.96
6 complete years and 1 day-9 years	5.71
9 complete years and 1 day-12 years	5.99
12 complete years and 1 day-15 years	6.95
15 complete years and 1 day-18 years	7.44
18 complete years and 1 day-20 years	8.19
20 complete years and 1 day-over	8.93

PERMANENT PART-TIME	
YEARS OF SERVICE	HOURS ACCUMULATED BI-WEEKLY
0-3 complete years	.038625
3 complete years and 1 day-6 years	.05775
6 complete years and 1 day-9 years	.066375
9 complete years and 1 day-12 years	.075
12 complete years and 1 day-15 years	.08075
15 complete years and 1 day-18 years	.0865

18 complete years and 1 day-20 years	.09525
20 complete years and 1 day-over	.103875

- b. Part-Time employees' years of service shall be based upon their hire date. No annual leave shall be considered earned for Part-Time employees prior to January 2, 2022.
- c. Part-Time employees shall accrue annual leave based on the average number of hours worked weekly in the prior 26 pay periods. The calculation shall be made twice a year on October 1 and April 1 looking back and the prior 26 pay periods. Part-Time employees shall receive annual leave based on the charge below taking into account years of service and multiplying the average hours per week (rounded to first decimal) by the number in the right-hand column.

C. HOLIDAYS

North Ogden City has designated thirteen (13) paid holidays for full-time and part-time employees. Temporary, Interns or seasonal employees do not qualify for holiday pay. The following days are observed:

Holiday Observed	Date of Holiday
New Year's Day	January 1
Martin Luther King Jr. Day	Third Monday in January
President's Day	Third Monday in February
Memorial Day	Last Monday in May
Juneteenth	June 19
Independence Day	July 4
Pioneer Day	July 24
Labor Day	First Monday in September
Columbus Day	Second Monday in October
Veteran's Day	November 11
Thanksgiving Day	Fourth Thursday in November
Day after Thanksgiving	Fourth Friday in November
Christmas	December 25

1. A Sunday holiday will be observed the following Monday. A Saturday holiday will be observed on the preceding Friday.
2. All employees who are explicitly required to work on any holiday, in addition to holiday pay (if eligible), their regular hourly wage or compensatory time at a one-and-one-half (1½) rate.
3. Full-time employees are paid eight (8) hours at their straight-time rate for holiday pay.
4. Part-time employees will be paid the average daily hours rounded to 1 decimal point. This amount shall be calculated twice a year.



#### D. SICK LEAVE

1. Sick leave shall not be considered a right that employees may use at their discretion but shall be allowed only in cases of necessity, actual sickness, or disability of the employee or the immediate family of the employee.
2. Annual or compensatory time may be used in place of sick leave.
3. Sick leave may not be used during scheduled annual leave time.
4. Sick leave bi-weekly accrual rates are as follows:
  - a. Full-time employees - 3.70 hours
  - b. Sworn Officers – 3.97
  - c. Part-time employees - .0925 multiplied by the average number of hours worked per week over the 26 pay periods. This shall be calculated twice per calendar year.
5. Maximum accrued sick leave hours. Hours accruing more than stated shall be forfeited:
  - a. Full-time employees - 960 sick leave hours
  - b. Sworn Police Officers - 1,032 sick leave hours
  - c. Part-time employees - 480 sick leave hours
6. Sick leave may be used with the approval of the Department Head for any of the following reasons:
  - a. Illness or injury to the employee.
  - b. Injury on the job, when the employee cannot perform regular duties or other temporary work to which the employee may be assigned.
  - c. Visits to hospitals, clinics, doctor's and dentist's offices for diagnosis, or treatment of illness, injury, and emergencies for the employee or immediate family members.
7. Employees (or a member of the employee's immediate family if incapacitated) must notify the Department Head before the employee's scheduled reporting time on each day of absence. The Department Head should be kept apprised of the employee's progress and the expected date of return to duty.
8. During sick leave periods longer than thirty (30) calendar days, annual leave, sick leave, and other benefits shall not accrue. In addition, any sick leave over thirty (30) days shall not be counted as time worked to receive a yearly performance evaluation.

9. If the Supervisor or Department Head believes that the circumstances indicate an abuse of sick leave, the Department Head or the City Administrator/Manager may require a certification from the attending physician stating that illness or injury prevented the employee from working.
10. Hours of sick leave time may be coordinated with workers' compensation if the employee is absent due to an injury that occurred while the employee was on duty. An employee who was injured on the job and who is entitled to workers' compensation benefits may use accrued compensatory time first or annual leave during the time the person is off work due to an injury on the job provided that the city cannot require the employee to use accrued leave during this time.
11. Any absence for illness or injury (except on-the-job injuries, which shall be governed by the applicable provision of the worker's compensation statutes) beyond the employee's accrued sick leave will result in the employee being carried on annual leave status until all accrued annual leave has expired.

#### E. EMPLOYEE SICK LEAVE BANK

1. Employees may request a grant of sick leave from the Bank through their Department Head after they have exhausted all available annual, compensatory, and sick leave.
2. The Sick Leave Bank allows employees to donate their annual leave to assist fellow employees. All employees may voluntarily donate any amount of their annual leave to the Bank at any time.
3. Human Resources shall maintain a record of donations and use of the Bank.

#### F. BEREAVEMENT LEAVE

1. Employees may be granted up to five (5) days' leave with pay in the case of the death of a spouse, domestic partner, child, or stepchild.
2. Employees may be granted up to three (3) days' leave in the case of a son-in-law, daughter-in-law, parent, stepparent, brother, sister, stepbrother, or stepsister.
3. Employees may be granted up to three (3) days' leave following the end of the employee's pregnancy by way of a miscarriage or stillbirth or following the end of an employee-related individual's pregnancy by way of a miscarriage or stillbirth if:
  - a. The employee is the individual's spouse or partner; or
  - b. The employee would have been a biological parent of a child born as a result of the pregnancy; or

- c. The employee provides documentation to show that the individual intended for the employee to be an adoptive parent, as that term is defined in Section 78B-6-103, of a child born as a result of the pregnancy.
  - d. Under a valid gestational agreement by Title 78B, Chapter 15, Part 8, Gestational Agreement, the employee would have been a parent of a child born due to the pregnancy.
4. Employees may be granted up to two (2) days' leave with pay in the case of the death of a grandparent, grandchild.
  5. Employees may be granted up to one (1) day leave with pay in the case of the death of an aunt, uncle, brother-in-law, sister-in-law, great-grandparent, or a spouse's grandparent.
  6. Bereavement leave shall not be a charge against accrued sick or annual leave.
  7. Part-Time employees shall receive their holiday pay rate for qualifying days.

G. CASH OUT POLICY

1. Eligible employees may convert leave hours to cash each year as approved by City Council. Cash-outs are paid by submitting a "Leave to Cash Form" attached as "Exhibit T" to the Payroll Department. Cash-outs are subject to withholdings under state and federal law.
  - a. Full-time employees may convert up to 40 hours of annual leave to cash once each fiscal year. Part-Time Employees may convert up to 20 hours of annual leave each fiscal year.
  - b. Full-time employees may convert or cash out up to 40 hours of sick leave once each fiscal year (December). Part-time employees may convert or cash out up to 20 hours of sick leave each fiscal year.
    - i. After cashing out annual or sick leave, employees must retain a balance of at least 80 hours in each category (a total of 160 hours). Part-time must retain at least 40 hours in each category (a total of 80 hours).
    - ii. Once leave time is recorded and paid, employees may not request to revise leave times.
    - iii. Compensatory time cannot be converted to cash except upon retirement or termination of employment.
2. Full-time employees with at least ten years of service upon retiring from service with North Ogden City shall be paid unused sick leave.

- a. Upon retiring, full-time employees who work a 40-hour work week with the City shall be paid up to 640 hours of unused sick leave depending on their years of service.
  - i. 10-14 years up to 80 hours
  - ii. 15-19 years up to 160 hours
  - iii. 20-24 years up to 240 hours
  - iv. 25-29 years up to 320 hours
  - v. 30-34 years up to 480 hours
  - vi. 35+ years up to 640 hours
- b. Upon retiring, Sworn Police Officers shall be paid up to 676 hours of unused sick leave depending on their years of service.
  - i. 10-14 years up to 86 hours
  - ii. 15-19 years up to 172 hours
  - iii. 20-24 years up to 258 hours
  - iv. 25-29 years up to 344 hours
  - v. 30-34 years up to 516 hours
  - vi. 35+ years up to 676 hours
- c. Employees with a start date on or after February 1, 2024, and with 20+ years of service will be eligible to cash out 50% of up to 480 accrued hours.

#### H. FAMILY AND MEDICAL LEAVE ACT

- 1. The City's family and medical leave policies are described in Policy 7.1

#### I. MILITARY LEAVE

- 1. A military leave of absence will be granted to all employees if called to active duty with the United States Armed Services, except those temporarily occupying positions.
- 2. Employees of the organized Reserve of the United States Armed Forces, including the National Guard, shall be allowed full pay for all time spent on scheduled military training assignments, not to exceed 15 days per year. Subject to the terms, conditions, and limitations of the applicable plans for which these employees are otherwise eligible,

health insurance benefits, annual, sick leave, and holiday benefits will continue to accrue during a military leave of absence not to exceed 15 days per year.

3. The City Administrator/Manager shall grant additional military leave based on official military orders. An employee may elect to use annual leave or compensatory time to cover other absences beyond the standard 15 days per year, but the employee must not be compelled to do so and may choose to leave without pay. (See Policy 8.2.J.)
4. Employees granted such leave of absence will be restored to the same position or to a position equivalent to the same one the person held immediately before the commencement of active military duty. Such employees must apply for reinstatement by all applicable state and federal laws. Every reasonable effort will be made to return eligible employees to their previous or comparable positions. They will be treated as though they were continuously employed to determine benefits based on length of service.
5. The City shall comply with Utah Code Ann. §39-3-1 & 2 and all applicable federal laws.

#### J. JURY LEAVE

1. Full-time or part-time employees may be granted administrative leave with their full pay based on hours worked in a regular work week when performing jury duty or when required to serve as a witness in litigation or administrative proceedings based on the employee's official duties performed on behalf of the City.
2. To qualify for payment from the City under this section, the employee must surrender any compensation to the City, excluding travel and expense allowance, which the employee received due to jury duty or appearance as a witness.
3. Paid administrative leave will not be granted when the employee participates as a witness in litigation or administrative proceedings unrelated to their official duties with the City.

#### K. LEAVE WITHOUT PAY

1. Any unauthorized absence of an employee from duty shall be grounds for disciplinary action by the Department Head. Any employee absent for three (3) or more consecutive shifts without authorized leave shall be deemed resigned, and employment shall be terminated. The Department Head shall fully document the absences.
2. Employees are expected to apply for leave without pay in advance by submitting a Time Off/Leave Request attached as "Exhibit U" and providing as much detail as possible to the Department Head and City Administrator/Manager for approval.
3. Leave without pay may be granted for special exceptions as approved by the Department Head and City Administrator/Manager.

4. Suppose exigent circumstances prevent the employee from applying for a leave without pay in advance. In that case, the employee shall contact the City Administrator/Manager as soon as possible to explain the exigent circumstances and the need for leave without pay.
5. A leave without a pay period shall not constitute a break in service. However, no compensation or benefits shall accrue during a leave without pay. Previously accrued benefits will be retained.
6. The accrual or retention of medical and retirement benefits during a period of leave without pay shall be subject to the provisions of the group medical insurance contract and the state retirement policy.
7. If employees desire to use annual leave in conjunction with leave without pay, the annual leave must precede the leave without pay. There shall be a written agreement between the City and the employee regarding the amount of annual leave the employee will take and the amount of leave without pay the employee shall be allowed.

Policy 8.3 TRAVEL

North Ogden City recognizes the need for its employees to travel outside the city limits at various times to receive training, information, briefing, etc. All requests for reimbursement of expenses are subject to documentation, budget approval, and reasonableness.

A. AUTHORIZATION AND VEHICLE USE

1. Department Heads will determine whether their staff will take a city or a private vehicle on authorized trips based on budget and other considerations. Family members may accompany the staff member in the city vehicle, but they may not drive the city vehicle.
2. Each vehicle shall have a city fuel card to be used only with that vehicle. Employees may not use a fuel card for another vehicle, or personal vehicle. Personal use shall result in immediate discipline, up to and including termination.
3. Employees taking their private vehicle will be reimbursed for fuel according to Policy 8.3.B.6.b.

B. PAYMENT FOR TRAVEL EXPENSES AND SALARY

1. Per diem payments will be authorized for personnel who must be away from home overnight or during mealtimes on official business. Per diem rates are set by the United States General Services Administration (GSA). A "Travel & Training Request Form" attached as "Exhibit V" shall be completed before the reimbursement for travel.
2. Costs and expenses incurred by spouses accompanying employees to conventions, conferences, and other lawful City business shall not be reimbursed or provided by the City except where the conference or convention registration includes spousal

participation, and the employee has received approval for an accompanying spouse before attending the event.

3. The City will pay double occupancy room rates.
4. The City shall reimburse the employee the costs incurred after submitting the appropriate receipts to verify that the employee has expended their own money for City purposes. Employees who fail to produce receipts in these circumstances will not be entitled to reimbursement. The employee shall turn in receipts for hotel accommodations to the Department Head as verification of attendance, no matter the payment form.
5. Time at conferences, training, and travel is considered part of the job duties, and the employee will be paid at their regular hourly rate for this time. Employees must work their total hours on the day of travel or use vacation or comp time to make up the remaining hours. No overtime will be paid.
6. The city will reimburse employees for travel as follows:
  - a. Cost of airline travel – The City will reimburse only the cost for coach or business class travel.
  - b. Costs of using a private automobile – As set forth above, the City will reimburse costs of the authorized use of a personal vehicle. If the employee chooses to take a private vehicle when a city vehicle is available, reimbursement for the use of a private car shall be paid at 50% of the IRS standard business mileage rate. If a city vehicle is unavailable, expenses for personal automobile use shall be paid at the total IRS standard business mileage rate. See “Exhibit V.”
  - c. Costs of rental cars – The City will pay only if the travel involves airline travel to another city. The City will reimburse employees for renting a mid-size automobile unless the employee demonstrates that only a full-size car is available.
  - d. Tolls, parking fees, baggage handling, official telephone messages
  - e. Registration and related fees at official meetings or functions
  - f. Taxi fares to and from a common carrier, to and from the place of lodging, business meetings, and tips not to exceed 15% of the fare.
  - g. Travel:
    - i. Non-overnight travel – When a non-exempt employee is required to travel to and from outside of Weber County for a work assignment, either as a driver or passenger, and no overnight stay is involved, the time spent traveling to and from the destination is counted as work time.

- ii. Overnight travel – when a non-exempt employee is required to travel outside of Weber County for a work assignment, and an overnight stay is involved, travel that occurs during regular working hours is counted as work time regardless of the day of the week upon which the travel occurs; however, travel as a passenger on a bus, plane, train, or automobile that occurs outside of what would be the employee’s regular working hours, regardless of the day of the week upon which the travel occurs, is not counted as work time.

Policy 8.4      USE OF CITY EQUIPMENT

B. CITY VEHICLES, EQUIPMENT AND TOOLS

1. The City’s vehicles, equipment, and tools are to be used for the benefit of the public. Notwithstanding the foregoing, incidental and occasional personal use of city owned property is permitted. Reasonable use of the City’s tools and equipment to protect property and preserve life is authorized. If an employee’s personal use of City property creates more than a de minimis cost to the City or benefit to the employee, the employee shall reimburse the City for the cost of the personal use. For employees who are authorized or required to take vehicles home, personal errands during travel to or from work are considered de minimis provided they are no more than 10 miles from the shortest route to the employee’s home. City vehicles shall not be used to haul construction materials, tow trailers, or haul aggregate materials for personal uses. Earth moving equipment and landscaping equipment is not authorized for personal use.
2. Employees will receive the proper training necessary for the accomplishment of the employees’ duties. This training shall include an explanation of job hazards, safety procedures and training on all equipment, tools, etc.
3. Pursuant to the Motor Vehicle Safety Act, a commercial driver’s license (CDL) is required for operators of commercial motor vehicles. No individual shall be allowed to operate such vehicles unless they have a current CDL in their possession. The CDL must be renewed according to State Law.
4. Operators and passengers in City vehicles equipped with seat belts must be belted in when the vehicle is in operation. All employees operating City vehicles shall observe all local traffic laws, including speed limits, except for Sworn Police Officers who will follow the Public Safety requirements,
5. Employees who are assigned to a City vehicle shall keep the vehicle clean, presentable, and serviceable. Employees who receive a car allowance shall also keep their vehicles clean, presentable, and serviceable.
6. Employees shall not use City vehicles for unauthorized purposes.



7. Except for on-call employees, animal control officers, Sworn Police Officers, and Supervisors/Department Heads authorized by the Mayor, no City employees will be allowed to take a city vehicle home.
  - a. Supervisors/Department Heads will pay a daily rate to take a City vehicle home as set forth in the IRS fringe benefit guidelines. No personal use of a vehicle is allowed.
8. All tobacco, including vaping is prohibited in all City vehicles.
9. Personal Electronic devices are not to be used while operating a vehicle on company time. If a vehicle operator needs to make or answer a phone call, then the vehicle must be pulled out of travel lanes and placed in park for the duration of the call. The only exception is for employees who are snow plowing and communicating with other plow trucks using a hands-free device.

Policy 8.5 EDUCATIONAL ASSISTANCE PROGRAM

North Ogden City recognizes that the skills and knowledge of its employees are critical to the organization's success. The City's Educational Assistance Program encourages personal development through formal education.

- A. Three types of education may qualify for educational assistance.
  1. For those positions requiring certifications, including CDL, and for which the city will incur expenses to facilitate the employee obtaining the needed certification, the applicant shall be required to sign an agreement that stipulates their commitment to work for the city for a minimum of one (1) calendar year after such certification is acquired. Failure to complete the one-year minimum shall result in a charge against the employee to cover the cost of certification unless waived by the City Administrator/Manager. Re-certifications are not subject to this requirement. In the case of a Department Head position or City Administrator/Manager position, the City Council must approve any decision to change the offer.
  2. On-the-job training to maintain required certifications or skills required for the position currently held by the employee.
    - a. This type of training will be approved by the City Council in budget approval for specific departments under training or other similar categories, even if not explicitly identified by the job title.
    - b. These classes will be paid for up-front and covered 100% by the city with no reimbursement agreement required. Refer to Policy 8.3 for travel and training expenses and reimbursements.
  3. Specialized job training to qualify for a new position, newly acquired position, or to qualify for pay raises.

- a. This type of training will be recommended by the Department Head and City Administrator/Manager to the City Council. The City Council will approve any non-budgeted expense.
  - b. This type of training may be covered up-front and up to 100% by the city, as the budget allows, with no reimbursement required. However, the City may need the employee to enter into an “Educational Reimbursement Agreement” as outlined in “Exhibit W.” This type of training may be subject to all the provisions under subsection 3, including reimbursement occurring after satisfactory completion of the course.
- 4. General training and education which may indirectly benefit North Ogden City
  - a. This type of training may be covered up to 50% by the City, as the budget allows, with no reimbursement. However, the City may require the employee to an “Educational Reimbursement Agreement” as outlined in “Exhibit W.”
  - b. The total assistance granted to any employee shall not exceed \$4,000.00 per year employees per person. Only full-time employees are eligible for the education assistance program.
  - a. An employee seeking educational assistance for general training and education must submit an “Educational Assistance Program Request” attached as “Exhibit X” and receive approval before enrolling in the program or class.
  - b. Within thirty (30) days of the successful completion of any approved course, the City requires the employee to submit a completed “Education Reimbursement Request” attached as “Exhibit Y” with documentation of successful completion of the course to the City Administrator/Manager on proper form(s) available from Human Resources.
  - c. If a course is changed, modified, or deleted as a curriculum offering after the employee has obtained approval for reimbursement, the employee must notify the City Administrator/Manager and their Department Head immediately upon first knowledge of the change, modification, or deletion. New, changed, or modified course(s) must receive written approval for reimbursement.
- B. To maintain eligibility, employees must remain on the active payroll and perform their job satisfactorily throughout the course completion.
- C. The City has the sole discretion to determine approval for any education assistance requested. The employee must receive support before enrolling in the program or class. Authorization must occur first through the Department Head and next through the City Administrator/Manager before enrollment in the course, training, or class offering. The City’s Finance Director must verify the education assistance funds' availability before requesting approval from the City Administrator/Manager.

- D. While educational assistance is expected to enhance employee performance and professional abilities, the City cannot guarantee that participation in formal education will entitle the employee to automatic advancement, a different job assignment, or pay increases.
- E. The City retains the right, at the City Administrator's/Manager's discretion, to refuse educational assistance if, based upon the availability of funds as appropriated by the City Council, there are insufficient financial resources to provide for a request for educational assistance adequately. Requests for approved academic and financial assistance under this policy shall be handled on a "first-come, first-serve" basis. However, those individuals in the middle of a program may have precedence over a first-time requestor. Funds shall not be reserved for anticipated future courses, and past receipt of educational assistance shall not guarantee any employee future educational assistance.
- F. Receipt of funding support under this policy shall be on a "Secondary Payer" basis only. That is, if an employee has obtained funding, whether, from grants, loans, or other sources that pay the cost of approved tuition, City funds will not be authorized when such payment would create a "double dipping" or "unjust enrichment" reimbursement to the employee in an amount greater than the cost of the approved tuition or to repay amounts paid from other sources, as determined by the City Administrator/Manager.
- G. If an employee voluntarily separates from the City's employment within the term specified by a reimbursement agreement after completion of any course, the education financial assistance for that course(s) will be only a loan. The City-paid portion of the educational costs will be deducted from the employee's last paycheck. Further, the employee will be liable for collecting any outstanding fees of the City-paid portion of the educational expenses. Exceptions to this repayment requirement may be made at the discretion of the City Administrator/Manager. They will be limited to compelling circumstance(s) beyond the employee's immediate control and for which a reasonable accommodation is requested.
- H. Employees should contact Human Resources for more information or questions about educational assistance.

## Policy 8.6 RECOGNITION AND PERFORMANCE AWARDS

### A. YEARS OF SERVICE AWARDS

The City intends to recognize those employees whose loyalty and dedication to public service are reflected in their length of service to the City. The City expresses this recognition and attempts to show a measure of its appreciation through a service award program.

1. Awards for years of service are presented at the annual holiday dinner.
2. Employee recognition for the length of service shall be recognized by the following:
  - a. After every 5<sup>th</sup> year of continued, uninterrupted service.
  - b. Awarded \$10 for each year of service.

- c. Plaque
  - d. Service pin
3. Employees retiring from the City shall be recognized by a gift valued at \$10 for each year of service and an in-house celebration of \$250.

F. EMPLOYEE RECOGNITION AND PERFORMANCE INCENTIVE PROGRAM

Based on budget approval, the City may allocate funds for an employee recognition and performance incentive program to reward staff on an instant basis. These funds incentivize employees who go above and beyond their regular routine and call of duty. This incentive can be given any time of the year and is not linked to annual performance evaluations. Rewards may include cash, gift cards, or other appropriate forms of recognition. Any employee, citizen, or Council Member can recognize another employee by notifying Human Resources.

1. EMPLOYEE OF THE YEAR AWARD

One employee from each department (Public Works, Park, and Recreation; Police and Court; Planning, Building, and Administration) is chosen. Employees make nominations, and no Department Head can nominate someone in their department. The Department Head will determine which employee should receive the award if there is a tie. The employee shall be recognized by the following:

- a. \$100
- b. Plaque

2. PEAK AWARD (Progressive, Enthusiastic, Ambitious, Knowledgeable)

The Department Heads and Mayor shall choose up to two (2) employees. The employee shall be recognized by the following:

- a. \$350
- b. Plaque

3. OTHER RECOGNITION

Gift cards or tangible personal property may be awarded at the discretion of the Mayor, City Council, City Administrator/Manager, and Department Heads.

All gift card or cash awards are taxable compensation and must be processed through the payroll department as required by the IRS Publication 15. The city will contribute to income and employment taxes relating to the award in the amount approved by City Council.

CHAPTER 9 SEPARATION FROM EMPLOYMENT

Policy 9.1      TYPES OF TERMINATION

All employees can be terminated at will. Likewise, employees can terminate employment with the city with or without notice.

A. INVOLUNTARY SEPARATION

1. Involuntary termination- From time to time, it may be necessary to separate employees from service with the city for reasons other than disciplinary reasons. This policy describes the procedures to be followed in that event. Notwithstanding the following, nothing in this section shall be interpreted to create any expectation of continued employment or limit or restrict the employee's at-will employment status.
2. Reduction in force layoff - The City Administrator/Manager, with the Mayor's concurrence, may recommend the termination of employees because of lack of funds or curtailment of work.
  - a. If more than one employee is serving in the same capacity in a department, the selection of the employee to be terminated shall be based on the individual's ability to perform the work assignments within the affected department. All terminations under this paragraph shall be subject to the Mayor's approval.
  - b. The Council may approve a severance package which exceeds the provisions outlined above, and may include benefits, salary, and other perks.

B. APPEAL

1. Some full-time employees have the right to appeal their termination to the Appeal Board/Hearing Officer, as described in Utah Code Ann. §10-3-1106. A full-time employee wishing to appeal a termination shall file an appeal with the City Recorder as described in Policy 3.1.

C. VOLUNTARY SEPARATION

1. Resignation (not considered retirement) - Any employee wishing to resign in good standing from city employment shall submit a written notice to the Department Head, giving at least a two-week notice, except that exempt employees must provide at least a four-week notice. The notice of resignation shall be on the City's "Voluntary Resignation Form" attached as "Exhibit P."
  - a. A Department Head may, with the concurrence of the City Administrator/Manager, agree to permit a shorter period of notice due to extenuating circumstances or when it is in the best interest of The City.
2. Retirement – Voluntary separation at the end of an employee's career.

Policy 9.2      PROCEDURES FOR EMPLOYEE SEPARATION.

#### A. EXIT INTERVIEW

1. Each employee shall have the opportunity to have an exit interview with Human Resources. Return of City property – All employees are required to return all issued, in possession, or control of city-owned property such as equipment, vehicles, tools, keys, gas cards, identification badges, security passes, \*written materials, protective equipment, credit cards, \*Written materials include those produced or developed because of work performed for or otherwise directly for the city.

#### B. PAYMENT OF WAGES

1. If an employee's termination is involuntary, the employee will receive compensation for time worked, unused annual leave, and compensatory time accrued within 24 hours of employment separation. If an employee's resignation is voluntary, the employee will receive compensation for time worked, unused annual leave, and compensatory time accrued to that date on the next scheduled payment date.

#### C. COBRA

1. An employee separated from the city is entitled to be carried on the City's health and dental insurance program per the mandates of the Consolidated Omnibus Budget Reconciliation Act of 1985 (COBRA) for a period of at least 18 months. The employee must pay the entire premium to be entitled to health and dental insurance through the COBRA program. It is the employee's responsibility to notify the city of a qualifying life event that may affect coverage.

#### D. REFERENCES FOR SEPARATED EMPLOYEES

1. The City shall not provide references for former employees. No information is to be released regarding the employee's compensation, title, position, or circumstances regarding their separation. When a reference is requested, all such requests should be forwarded directly to Human Resources. Human Resources will only confirm the former employee's employment and dates, except as provided under Utah Code 53-14-101.

#### E. PAPERWORK CLOSEOUT

1. Human Resources shall complete all paperwork and make appropriate changes in computer systems and files within 30 days of employee separation.

### Policy 9.3 EMPLOYEE CHANGE OF STATUS

In order to conduct the City's operations, the City needs to have current information regarding its employees. Employees have the responsibility to ensure that the City's information on them is kept current.

#### A. EMPLOYEE STATUS

1. Employees shall keep the City updated on their current marital status, name change, address, phone number, and emergency contact person.

Whenever this information changes, the employee shall notify the City by submitting an “Employee Information/Change of Status Form” attached as “Exhibit Q”.