

ORDINANCE 2019 - 19

AN ORDINANCE OF THE NORTH OGDEN CITY COUNCIL TO ADOPT PERSONNEL POLICY AMENDMENTS

WHEREAS; North Ogden City has maintained a personnel policy for several years and routinely updates the policy; and

WHEREAS; the City Council believes it is necessary to review and revise the entire policy to ensure compliance with any recent changes in state and federal laws as well as to accommodate best practices to provide a quality working environment for the city employees; and

WHEREAS; the City Council has reviewed the proposed changes to the personnel policy; and

WHEREAS; the City Council wishes to stay maintain a positive work environment and to continue to attract quality employees for vacant positions with the City; and

WHEREAS; the City Council has determined that the changes suggested by the personnel policy committee are in the best interest of the City, though they may be revised from time to time in the future as seen fit by the City.

NOW THEREFORE BE IT ORDAINED by the Council of North Ogden City, Utah that attached personnel policy be adopted and incorporated as the official personnel policy of North Ogden City.

PASSED and ADOPTED this 3rd day of September, 2019.

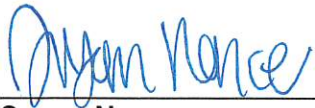
North Ogden City:


Brent Chugg
North Ogden City Mayor

CITY COUNCIL VOTE AS RECORDED:

	Aye	Nay
Council Member Barker:	<u> X </u>	___
Council Member Cevering:	<u> X </u>	___
Council Member Stoker:	<u> X </u>	___
Council Member Swanson:	<u> X </u>	___
Council Member Turner:	<u> X </u>	___
(In event of a tie vote of the Council):		
Mayor Chugg	___	___

ATTEST:



Susan Nance
Deputy City Recorder



Personnel Policies and Procedures

AUGUST 2019



Dear Employees:

On behalf of the City Council and myself, we welcome you to employment with North Ogden City. You join an elite group of employees and managers who are dedicated to high values and performance in making our city a success. Your responsibility is to make North Ogden City a great place to live and raise a family.

Each employee contributes to the success and growth of this community and should take pride in the contribution they make. Your input on how to make things better is always welcome.

This hand book was developed as a guide to let you know the expectations of your employment. It also outlines the policies, programs, and benefits available to you an an employee of the City. You should familiartize yourself with the contents of thei employee handbook as soon as possible, for it will answer many questions about your employment. Please understand that no employee handbook can address every situation in the work place. If you have additional questions about your employment, feel free to discuss them with your supervisor or contact out Human Resource Director. We will have training sessions on these policies on a regular basis and if you have suggestions related to these polices or procedures, please feel free to discuss them with us.

We hope your employment with North Ogden City will be challenging, enjoyable, and rewarding.

Sincerely,

A handwritten signature in black ink, appearing to read "M. Brent Chugg". The signature is fluid and cursive, with a large, sweeping flourish at the end.

M. Brent Chugg
North Ogden, City Mayor

Table of Contents

INTRODUCTION.....1

ORGANIZATIONAL CHART.....3

DEFINITIONS.....4

CHAPTER 1 EMPLOYEE RECRUITMENT AND HIRING6

 Policy 1.1 POSTING OF JOB OPENINGS6

 Policy 1.2 EMPLOYEE RECRUITMENT AND HIRING7

 Policy 1.3 CLASSIFICATION AND JOB DESCRIPTION10

 Policy 1.4 EMPLOYMENT OF RELATIVES11

 Policy 1.5 EMPLOYMENT TYPES12

 Policy 1.6 INDEPENDENT CONTRACTORS13

CHAPTER 2 EMPLOYEE CONDUCT16

 Policy 2.1 EMPLOYEE CONDUCT16

 Policy 2.2 EMPLOYEE DISCIPLINE24

 Policy 2.3 SUBSTANCE ABUSE AND DRUG FREE WORKPLACE26

 Policy 2.4 SMOKING POLICY32

 Policy 2.5 HARASSMENT32

 Policy 2.6 ELECTRONIC RESOURCES34

 Policy 2.7 FIREARMS AND WEAPONS40

CHAPTER 3 GRIEVANCES AND APPEALS.....41

 Policy 3.1 EMPLOYEE GRIEVANCES AND APPEALS.....41

CHAPTER 4 TERMINATION AND EMPLOYEE STATUS.....45

 Policy 4.1 TERMINATION.....45

 Policy 4.2 EMPLOYEE CHANGE OF STATUS.....46

CHAPTER 5 SALARY PLANNING AND COMPENSATION47

 Policy 5.1 PAY PLAN AND ADMINISTRATION47

CHAPTER 6 PERFORMANCE EVALUATIONS.....51

 Policy 6.1 EVALUATIONS51

 Policy 6.2 PROBATION.....51

CHAPTER 7 DAYS, HOURS OF WORK AND COMPENSATION54

 Policy 7.1 DAYS, HOURS OF WORK AND COMPENSATION54

 Policy 7.2 OVERTIME PAY AND COMPENSATORY TIME OFF.....56

Policy 7.3	PUBLIC WORKS DEPARTMENT AND PARKS DIVISION ON-CALL POLICY	57
CHAPTER 8	BENEFITS	59
Policy 8.1	BENEFITS	59
Policy 8.2	LEAVE OF ABSENCE	61
Policy 8.3	TRAVEL	71
Policy 8.4	USE OF CITY EQUIPMENT	73
Policy 8.5	EDUCATIONAL ASSISTANCE PROGRAM	74
CHAPTER 9	SAFETY PROCEDURES AND REQUIREMENTS	77
Policy 9.1	GENERAL SAFETY	77
Policy 9.2	UOSHA REQUIRMENTS	80
CHAPTER 10	FAMILY AND MEDICAL LEAVE ACT	80
Policy 10.1	FAMILY AND MEDICAL LEAVE ACT	81
EXHIBITS.....	86

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 on the basis of political or religious opinions or affiliations or based on race, color, national origin, sex (including pregnancy, childbirth, or pregnancy-related conditions), age (40 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 rights to modify, amend, revoke, suspend, terminate, or change any or all of 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) and 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/or 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 that such an employment contract will be in the best interest of the City. Employment contracts with individual employees must be in writing to be binding upon the City, and 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 deemed valid to the extent of the scope or breadth permitted by law.

ORGANIZATIONAL CHART

Commissions/Committees

DEFINITIONS

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

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

Department Head - An Employee who is 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.D

Emergency employment - Employment during an emergency that does not typically continue past the duration of the emergency. The purpose of emergency employment is to prevent undue delay or serious interference of the provision of vital city services during the emergency.

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 employee or full-time 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 legal 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 - See Policy 1.6.

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 employee or part-time employment - See Policy 1.5.D and 1.5.E.

Permanent part-time employee or permanent part-time employment - See Policy 1.5.E.

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

Probationary employee - See Policy 1.5.B.

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 that a company takes against an employee because he or she 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.

Seasonal employee or seasonal employment - See Policy 1.5.F.

Selection Committee - The committee determined by the Department Head and Human Resource Director 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 of 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.C.

Weapons - Any item that, in the manner of its use or intended use, is capable of causing 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 chapter shall not be interpreted so as to create an expectation of continued employment or in any way limits or restricts an employee's at-will employment status.

Policy 1.1 POSTING OF JOB OPENINGS

North Ogden City encourages current employees to apply for current job opportunities within the City for which they are qualified.

- A. Department Heads shall consult with the City Administrator/Manager regarding staffing needs and shall not advertise any job opening until the City Administrator/Manager has approved recruitment. At the discretion of the City Administrator/Manager, Mayor, or Mayor Pro-Tem, some positions (excluding Department Heads) may be advertised in-house for a period of three (3) business days in the following manner: an email will be sent to all current employees' email addresses and each department will post a copy of the announcement in a conspicuous place within the department for all employees to see. After three (3) business days, if there are no qualified employees who have met all minimum requirements and/or completed an interview process, then the position will be advertised for open recruitment.
- B. The Human Resource Director will post all job positions for open recruitment for the employees and general public on the City's website, Utah League of Cities and Towns website, and other sites that are deemed appropriate. Current City employees who meet the minimum job qualifications will be encouraged to apply.
- C. An employee applying for a job opening shall submit an application. All applications received from internal and external applicants will be given equal consideration.
- D. An employee's current Department Head will be informed when an employee has been accepted for a new position.
- E. The transfer of a full-time employee to a different salary range normally will not be considered until after one year of continuous employment. Where it is in the best interest of the City, and if both Department Heads concerned agree, then an earlier transfer may be negotiated with the approval of the City Administrator/Manager.
- F. The City may fill a position by transferring an employee from another position of the same or similar salary range after the employee has completed six months employment in their current position. If it is in the best interest of the City, and if both Department Heads concerned agree, an earlier transfer may be negotiated with the approval of the City Administrator/Manager.
- G. Interdepartmental transfers must be approved by the City Administrator/Manager after consultation with both Department Heads and the employee concerned.
- H. Part-time employees can be transferred from one position to another when it is in the best interest of the City if both Department Heads concerned agree and if the City Administrator/Manager approves the transfer. If the transfer is involuntary, the employee can appeal the decision by following the procedure in Chapter 3.

Policy 1.2 EMPLOYEE RECRUITMENT AND HIRING

It is the policy of North Ogden to comply with all applicable laws regarding discrimination on the basis of 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 in its hiring decisions. To help hiring departments meet their equal employment opportunity (EEO) responsibility, all Department Heads and employees shall comply with this policy with regard to all recruitment and hiring actions.

A. APPLICATIONS

1. All personnel selection decisions shall be made by a selection committee, which shall evaluate applicant responses using a sound decision making method that weighs the importance of advantages in each of the evaluation factors, as decided on and developed by Department Heads and the Human Resource Director.
2. The Human Resource Director will draft an advertisement for the position. The advertisement shall contain all of the relevant information regarding the job that is reasonably necessary and appropriate to generate a qualified applicant pool. The advertisement shall be published on the City website for at least five (5) days prior to the closing of the time to submit applications.
3. The qualifications required of applicants will be related to the duties of the specific job and reviewed for compliance with all City policies.
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. In the event the applicant resides outside of the 15 mile radius, they will be allowed 90 days from their hire date to meet said requirement. This residency condition shall be ongoing and continuous through the employment term.
5. As a condition of employment, any Public Works Maintenance applicant shall be required to live within a 30-minute response time of North Ogden. In the event the applicant resides outside of the 30-minute response time, they will be allowed 90 days from their hire date to meet said requirement. This residency condition shall be ongoing and continuous through the employment term.
6. As a condition of employment, any Parks Division applicant shall be required to live within a 30-minute response time of North Ogden. In the event the applicant resides outside of the 30-minute response time, they will be allowed 90 days from their hire date to meet said requirement. This residency condition shall be ongoing and continuous through the employment term.
7. In order to be considered for employment with the City, an applicant must file an application and submit it to the Human Resource Director on or before the closing date of the announcement. The application form will essentially be in the same format contained in "Exhibit A, B, or C". The City will immediately reject all unsigned applications.

B. REVIEW OF APPLICATIONS

1. After the end of the time for submitting applications, the Human Resource Director and Department Head shall review all of the applications which have been received for the position. The Human Resource Director and Department Head shall eliminate all applicants who, on the basis of information provided in the applications, do not meet the necessary qualifications and shall transmit the remaining applications to the Selection Committee.
2. In reviewing the applications, the Selection Committee, consisting of the Department Head(s), Human Resource Director, Mayor and City Administrator/Manager, will consider each applicant individually and will not consider an applicant to be unqualified if the individual is able to perform the essential functions of the job with reasonable accommodations.

C. INTERVIEWS AND REFERENCES

1. The Selection Committee shall interview and rank the applicants using a sound decision making process.
2. The Human Resource Director will contact references provided by an applicant. The Human Resource Director will keep records of all contacts with references and keep the records as part of the applicant's file. With exception to the Sworn Officers only the Human Resource Director or designee will be permitted to perform reference checks. (See #3)
3. The Police Department will provide their own reference checks and background checks for Sworn Officers. The Human Resource Director will keep records of all contacts with references and keep the records as part of the applicant's file.

D. RECOMMENDATION AND HIRING FOR ALL EMPLOYEES EXCEPT DEPARTMENT HEADS AND APPOINTED EMPLOYEES

1. At the conclusion of the interviewing process, the Department Head shall recommend one candidate to the City Administrator/Manager to fill the position. The recommendation shall include a recommendation for the salary to be paid to the applicant upon hiring.
2. After receiving the recommendation of the Department Head, the City Administrator/Manager together with the Department Head, may interview the recommended applicant. The City Administrator/Manager shall have discretion regarding whether an additional interview is necessary.
3. The City Administrator/Manager shall then concur with the recommendations of the Department Head or reject the recommendation. If the City Administrator/Manager rejects the recommendation, the Department Head shall recommend a different applicant for the position and the City Administrator/Manager shall review the new recommendation and may, at his or her discretion, interview the person who has been recommended to fill the position.

4. All offers of employment shall be conditioned upon a background check and drug testing prior to commencing employment with the City. 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 that are specifically required prior to 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 reasonable accommodations which are available, 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.
 - c. The City shall bear all costs of any required pre-employment testing.
5. Job offers made to Department Heads shall be made in writing by the Mayor. Job offers for hourly employees shall be made in writing by the City Administrator/Manager. The offer shall instruct the applicant to sign the letter and return it to the City office to indicate acceptance of the offer. Offers which are not returned within two weeks shall be deemed to be rejected.
 6. For those positions requiring certifications, including CDL, and for which the City will be required to incur expense to facilitate the employee obtaining the needed certification, the applicant shall be required to sign an agreement which stipulates their commitment to work for the City for a minimum of one calendar year after such certifications are acquired. Failure to complete the one-year minimum shall result in a charge against the employee to cover the cost of certification unless waived at the consent of 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.
 7. If the initial job offer is not acceptable to the applicant or if the applicant makes a counter-offer of employment by modifying any of the substantive terms of the City's offer, the City Administrator/Manager must approve any decision to change the offer.
 8. Upon accepting an offer for employment, the selected applicant must receive a copy of the Personnel Policies and Procedures Manual and must sign a "Receipt of Personnel Policy Manual" attached as "Exhibit E" upon receipt of the manual.

E. RECOMMENDATION FOR DEPARTMENT HEADS AND APPOINTED EMPLOYEES

1. Department Head positions shall be filled with advice and consent of the City Council.

F. DISPOSITION OF NON-SELECTED APPLICATIONS AND NOTIFICATION LETTERS TO APPLICANTS

1. When an applicant is not selected, all forms and information relating to the applicant must be returned immediately to the Human Resource Director who will file them according to the State's Retention Schedule.
2. After the job offer has been accepted, the Human Resource Director shall notify the non-selected applicants within a reasonable length of time.

G. 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 7am or after 7pm, except between June 1 and Labor Day when the evening hour is extended to 9pm.
 - 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 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 pursuant to State Vehicle Laws and Regulations and is incidental to the job.
5. Ages of prospective applicants cannot be asked until after an offer of employment has been made. Job offers made to individuals who do not meet minimum age requirements by the FLSA will be withdrawn.

All positions shall be classified under a plan that is composed of a list of positions. Each position shall be supported by written specifications setting forth the duties and responsibilities of the position and the qualifications necessary for designation to the position. These specifications will be periodically reviewed and updated by the Department Heads at the request of the Human Resource Director.

A. CLASSIFICATION PLAN

1. The purpose of the classification plan shall be to:
 - a. Provide fair and equitable compensation for services
 - b. Establish minimum qualification standards for recruiting purposes. (This includes minimum requirements of training and experience as well as minimum requirements of skills, knowledge, abilities, and other qualifications necessary for entry into the position)
 - c. Provide Department Heads and supervisors with a means of analyzing work distribution, areas of responsibility, lines of authority, and other important relationships between positions
 - d. Provide a basis for establishing standards of work performance
 - e. Indicate training needs
 - f. Provide uniform titles for positions

B. JOB DESCRIPTION

1. When a new position is created the Department Head shall send the City Administrator/Manager a request for classification of the position with a description of the applicable duties and responsibilities to be assigned to the position.
2. The Human Resource Director shall then create a formal job description for the position after analysis and evaluation of the duties and responsibilities without regard to the personal characteristics, abilities, or qualifications of the prospective incumbent.
3. The job description shall describe the department in which the position is located, the position's direct supervisor, the salary range for the position, the duties of the position, and the qualifications for the position.

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 employment** is the employment type of most City employees. For employees who have not been classified as exempt under FLSA, full-time employment shall begin on the date of hire. Appointed positions are full-time. Full-time employment is a minimum of 30 hours a week. Full-time employees qualify for all regular benefits.
- B. **Probationary employment** means the employment status of all new employees during the first six months of employment with the City with the possibility of an extension of the probation period if necessary. Sworn Police Officers have a required year-long probationary period. An employee who is transferred shall commence a new probationary period, which shall last six months from the transfer. Issues surrounding probationary employment are more fully described in Policy 6.2.
- C. **Temporary employment** means employment by the City, which cannot exceed 6 months in any calendar year. Applicants for temporary employment must meet the minimum qualifications of the position for which they are employed. Temporary employees do not qualify for regular benefits.
- D. **Part-time employment** means employment by the City, which cannot exceed more than 29 hours per week. Applicants for part-time employment must meet the qualifications of the position for which they are employed. Elected Officials and Planning Commission Members are part-time. Part-time employees do not qualify for regular benefits.
- E. **Permanent part-time employment** means employment which cannot exceed more than 29 hours per week for a position that is currently permanent. Applicants for permanent part-time employment must meet the qualifications of the position for which they are employed. Permanent part-time employees may qualify for COLA, merit pay as stated in Policy 5.1.E.3.a, and retirement benefits as stated in Policy 8.1.A.1.
- F. **Seasonal employment** may mean full-time employment by the City 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 may be hired by Department Heads without following all of the procedures described in Policy 1.2 provided the creation of the seasonal position has been approved by the City Administrator/Manager. Applicants for seasonal employment must meet the minimum qualifications of the position for which they are employed. Seasonal employees do not qualify for regular benefits.
- G. **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 serious interference with the provision of vital City services during the emergency. In an emergency, Department Heads may hire emergency employees for a period not to exceed thirty (30) calendar days. Such employees may be hired using the most expedient methods that are practicable and reasonable under the circumstances and without following the procedures of Policies 1.1 and 1.2, although the City Administrator's/Manager's approval shall be necessary to hire an emergency employee. The City Administrator/Manager must also approve the hourly rate of pay for all emergency employees prior to the hiring of the emergency employee. No emergency employee will remain

employed with the City past the duration of the emergency unless the emergency employee completes the hiring process as described in Policy 1.2 and the retention of the emergency employee is approved by the City Administrator/Manager. Emergency employees do not qualify for regular benefits.

Policy 1.6 INDEPENDENT CONTRACTORS

Because North Ogden retains a skilled and qualified work force, there should be little need for the hiring of Independent Contractors. This policy describes the procedure for hiring Independent Contractors. This policy does not apply to the letting of contracts for public improvements or for repair of streets, water lines, sewer lines, storm sewer lines, or other utilities.

As a guide for Department Heads and other employees, the City believes that it will be beneficial to describe the differences between employees and Independent Contractors. Employees who will be working with Independent Contractors should understand these differences in order to appreciate the reasons that Independent Contractors are treated differently than employees and to avoid committing errors which might transform an Independent Contractor relationship into an employee relationship.

In general terms, an employee is one who is hired and paid a salary, a wage, or a fixed rate to perform the employer's work as directed by the employer. An employee is subject to a comparatively high degree of control in performing those duties. In contrast, an Independent Contractor is one who is engaged to do some particular project or piece of work, usually for a set total sum, which may do the job in the person's own way, is subject to only minimal restrictions, or controls and is responsible only for the satisfactory completion of a project or piece of work.

A number of factors may be considered in determining whether an individual is an employee or an Independent Contractor. No one of these factors is determinative; it is necessary to examine all of the circumstances in order to determine whether an individual is an employee or an Independent Contractor. Factors that are commonly examined are control, opportunity for profit or loss, investment, permanency and skill.

- A. A Department Head who believes that he has a project that requires the hiring of an Independent Contractor shall inform the City Administrator/Manager, in writing, of the need for an Independent Contractor. The Department Head shall describe the project for which the Independent Contractor is needed and the skills which the Independent Contractor should have. The Department Head shall also describe the steps taken to locate a person with the necessary skills among the City's existing employees.
- B. The City Administrator/Manager shall review the request from the Department Head to hire an Independent Contractor. If the City Administrator/Manager believes the request is unjustified, the Department Head shall be notified of the decision and no Independent Contractor shall be hired. If the City Administrator/Manager believes the request to retain an Independent Contractor is justified, the City Administrator/Manager shall consult with the Mayor regarding the hiring of an Independent Contractor.
- C. No Independent Contractor shall be hired without the consent of both the Mayor and City Administrator/Manager.

D. If the Mayor and City Administrator/Manager decide to hire an Independent Contractor, they shall place an advertisement, interview applicants, and choose an Independent Contractor to fill the position. The Department Head who requested the Independent Contractor may participate in the selection process, but the decision regarding which applicant to retain shall be made by the Mayor, City Administrator/Manager, and City Council as required by the procurement policy.

E. All Independent Contractors must be hired by contract in order to ensure compliance with specific protection provisions of the Fair Labor Standards Act and to protect the City from potential financial liabilities. The City Administrator/Manager, working with the City Attorney and with the participation of the Mayor, will negotiate the terms of the contract and draft the specific terms of the contract. The Mayor shall execute these contracts as required by law.

F. Each contract with an Independent Contractor MUST contain the following provisions:

1. All contracts must contain indemnity and liability defense provisions in which the contractor assumes all liability arising out of their work and agrees to assume all of the costs of defending any claims brought against the City as a result of the Independent Contractor's work for the City.
2. All contractors must provide evidence of comprehensive general liability insurance, including contractual liability covering the contract concerned including listing the City as a "named insured" where required by the City Administrator/Manager, and provide evidence of workers' compensation insurance prior to the execution of the contract.
3. The City, City officials, employees, agents, and volunteers must be named as additional insured on the Independent Contractor's liability insurance policy.

G. CONTROL

1. Independent Contractors are largely independent of their manager's control. The right to hire helpers and the right to set one's hours are indicative of Independent Contractors. Control is especially helpful to determine if a person is an Independent Contractor when it appears that an individual exerts control over a meaningful part of all activities and operates as a separate economic agency.

H. OPPORTUNITY FOR PROFIT OR LOSS

1. Independent Contractors have opportunities for financial profit and loss. For instance, if an Independent Contractor completes a project, the Independent Contractor will make a profit. On the other hand, if an Independent Contractor does not complete a project or does not have a sufficient number of projects at any one time, the Independent Contractor will experience losses. If an alleged Independent Contractor has no such opportunities, the individual's status as an Independent Contractor must be closely examined.

I. PERMANENCY

1. Independent Contractors usually have the ability to terminate the relationship according to guidelines of the contract and perform their operations elsewhere. If it is not possible for the Independent Contractor to terminate the relationship pursuant to the contract, it is likely that the individual is dependent on the organization and is therefore not an Independent Contractor. In addition, Independent Contractors usually are hired to perform a specific task or project. When that task or project is completed, the Independent Contractor's relationship with the City is usually terminated.

J. SKILL

1. Routine work that requires industry and efficiency is not indicative of independence and non-employee status. Operators should have the ability to initiate all major components of their work, including advertising, pricing and the hiring of subcontractors necessary to complete the work.

K. METHOD OF PAYMENT

1. An Independent Contractor is usually paid in one lump sum at the conclusion of the job or in a number of lump sums as the work progresses. In contrast, an employee is typically paid by the hour or on a salary basis.

CHAPTER 2 EMPLOYEE CONDUCT

At Will Status: Any provision listed in this chapter shall not be interpreted so as to create an expectation of continued employment or in any way limits or restricts an employee's at-will employment status.

Policy 2.1 EMPLOYEE CONDUCT

Employees of North Ogden City are expected to accept and adhere to high standards of personal and professional conduct at all times. This not only involves sincere respect for the rights and feelings of others, but also demands that an employee refrain from behavior that might be harmful or threatening to themselves, their co-workers, and/or North Ogden City, or that might negatively impact the perception of the City held by current or potential residents, and/or the public at large. Should 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, an employee may be subject to disciplinary action which may include 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 in a timely manner. Should an employee fail to perform these job duties and responsibilities at prescribed levels, the employee may be subject to disciplinary action which may include 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 or accepting 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. Non-monetary gifts of less than \$50.00 per year from any one person or entity are excluded from the prohibition in this paragraph.
3. City employees shall not solicit or accept any gift, gratuity, favor, entertainment, loan, or other item of monetary value on behalf of their family members. For purposes of this paragraph, the term "family members" includes spouses, children, step-children, grandchildren, siblings, aunt, uncles, first cousins, grandparents, and domestic partners.

B. OUTSIDE EMPLOYMENT

1. Employees wishing to enter into outside employment shall notify the City of this fact and give all relevant information to the City using 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 approval 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 employment 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 notification in writing by 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, for personal financial gain, or for the personal financial gain of any family member.

C. PRIVILEGED INFORMATION

1. City employees who are 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 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 of 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 interest. Failure to make this report in a timely manner 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, who have not been designated by the City Administrator/Manager, attempt to determine which information the public is entitled to and which information 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 for the purposed interfering with or affecting 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, which has been 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 the implementation of this policy. When the City PIO is unavailable, the City Administrator/Manager shall designate one of the authorized City spokesperson 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 in a courteous, polite, and professional manner. Any media inquiries received by City staff will be referred immediately to their Department Head who, in turn, will immediately forward the contact to the City PIO for response.
 - c. Inquiries from the news media are given a high priority by North Ogden City and should be responded to as quickly and efficiently as possible. 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 the most accurate and complete information available 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 of the City's official response. They shall be notified of all official City press releases and other proactive media contact prior to release of information to the media.
 - g. The City PIO shall keep a log of all media contacts indicating the date and time of the contact, the substance of the inquiry, the substance of the City's response, the identity of the person making the response for the City, and the date and time of the response.
 - h. 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 and elected officials. Responses to the media shall be sent in writing and copied to the City PIO and 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:
 - 1. The Mayor and City Council members
 - 2. The City Attorney
 - 3. All Department Heads
 - 4. The Police Chief
3. Records Request
- a. Media /GRAMA requests for records will be handled in accordance with this policy, to the extent it is 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, then forward the request to the City Recorder, who is the official custodian of all the City records.

- c. The City Recorder will be responsible to see that media records requests are handled in accurate, complete, and timely manner.
 - d. The City Recorder will immediately notify all elected officials by telephone or email of each media records request received by the City.
 - e. The Police Department shall continue to respond to media requests for records concerning investigations according to police 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:
 - 1. An accurate and complete description of the record(s) requested
 - 2. The name of the person and organization making the request
 - 3. The date and time of the request
 - 4. The telephone number and mailing address of the requestor
 - 5. The name of the City employee assigned by the City Recorder to respond to the request
 - 6. 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. The vast majority of the records and affairs of North Ogden City are public information which 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, 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 for records appears to involve subject matter that may be privileged or private, the City PIO, Police 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. Therefore, City employees who write letters to the editor may not use official City stationary. If an employee chooses to identify as a City employee in a letter or email to the editor, the employee must state that the views set forth 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 employee has been designated by the City PIO 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 needing to collaborate 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, prior to the information being released.

7. Public Safety Issues

- a. Because the Police Department operates 24/7 and its work generates a high volume of media calls, it shall designate an officer or officers as Police Public Information Officers or "Police PIO's" and follow specific guidelines when releasing information.
- b. When the City PIO is notified by a City staff member of a media call regarding a Police investigation or general criminal activity, the City PIO will immediately forward the contact to the Police PIO for the appropriate response.

- c. All information released to the media by the Police 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 matters of police personnel, general police policies and procedures, or in any way reflecting upon the competency or integrity of police personnel or police 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 Police 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 while performing the public's business. Clothing should be clean and appropriate for the job duties assigned. Reasonable grooming and hygiene standards should be followed. Extreme or immodest styles of clothing, hair, body piercings, and tattoos that draw attention to the employee and detract from the dignity of the public office are prohibited. An employee shall wear clothing that promotes high standards of personal and professional conduct at all times.

G. GROUNDS FOR DISCIPLINE

- 1. In addition to the matters addressed elsewhere in this policy and in this personnel policy manual, the following are some, but not necessarily 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. With the exception of Sworn Police Officers, having explosives in City-owned vehicles is not permitted.
 - 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, or the unofficial use of City property or property of any employee

- g. Gambling or engaging in a lottery at any City work area while on duty or during work hours
- h. Misusing, destroying, or damaging any City property or the property of another
- i. Deliberately restricting or slowing work or output
- j. Drinking any alcoholic beverage, taking or using any illegal drugs, or being under the influence of any such substance during work hours or while on duty
- k. Taking any drug or medication while on duty which 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 the Human Resource Director if they are prescribed a controlled substance.
- l. Refusing to submit to drug testing
- m. Immoral conduct or indecency
- n. Unauthorized sleeping on the job during working hours
- o. Incompetence
- p. Inability or unwillingness to work with or get along with other employees
- q. Inability or unwillingness to interact acceptably with the public
- r. Conviction of any felony
- s. Conviction of any misdemeanor involving violence, use of alcoholic beverages, driving under the influence, or use of illegal drugs
- t. Unauthorized interference or participation in the City's personnel decisions or relations, including unauthorized interference or participation in hiring procedures or disciplinary procedures involving other employees
- u. Conducting unauthorized investigations into City affairs or matters
- v. Rudeness or intimidation of others, regardless of whether the others are members of the public or other City employees
- w. Taking and maintaining outside employment which interferes with the employee's performance and duties for the City or which creates a conflict of interest for the employee
- x. Using the City's information for personal gain, or to provide gains for friends, family members or acquaintances

- y. Releasing City information without authorization
- z. Engaging in political activities while on duty and/or with City equipment in violation of Policy 2.1.D
- aa. Committing acts of harassment which may be reasonably construed as creating or contributing to a hostile work environment
- bb. Conditioning any benefit of employment or intimating that any benefit of employment (including continuation of employment) on an employee's participation in, or toleration of, unwanted or unwelcome sexual advances
- cc. Committing any act of discrimination on the basis of another person's race, national origin, color, sex (including pregnancy-related conditions), sexual orientation, gender identity or expression, age (40 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
- dd. Committing any act which may reasonably be construed as a denial of, or interference with, the civil rights of another person
- ee. Any violation of the City's drug-free workplace rules described in Policy 2.3
- ff. Any violation of the City's Internet policy
- gg. Any violation of the City's Cellular Phone policy
- hh. Any misuse of a City computer, copy machine, etc.
- ii. Any other action that may be detrimental to the City as determined by the Mayor or City Administrator/Manager
- jj. Damage to City property including vehicular accidents

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 will usually use progressive discipline, it is not required to do so. Nothing in this policy or in this Personnel Policies and Procedures Manual shall be construed as a guarantee or contract that the City will follow any particular order of discipline or that any particular form of discipline will precede any other form of discipline.

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 the supervisor's 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 shall notify the Department Head and City Administrator/Manager of the warning.
3. Documentation shall be provided to the Human Resource Director 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, after consultation with the City Administrator/Manager, reprimand an employee. Such reprimand shall be in writing and be addressed to the employee and shall state 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 the Human Resource Director for inclusion in the employee's personnel file.

D. SUSPENSION

1. A Department Head, with the concurrence of the City Administrator/Manager, may suspend without pay an employee for up to but not exceeding (1) 40 consecutive work hours, (2) 43 hours for Sworn Police Officers, or (3) 1 week for part-time employees.
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 statement of suspension, the employee may appeal as provided in Policy 3.1.

4. An employee suspended for disciplinary reasons shall continue to receive City contributions to retirement, health, dental and disability and life insurance programs. However, the employee shall pay their portion of benefits to continue coverage through the period of 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 either 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".
2. An employee (with the exception of 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 approval of the Mayor, 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 statement of dismissal, the employee may appeal as provided in Policy 3.1. In any such case, a hearing shall be held that allows the employee to respond to the stated reasons for the dismissal and provide relate information before the dismissal takes place.
3. An employee (with the exception of 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 separation interview with the Human Resource Director.

G. ORDER OF DISCIPLINE

1. A Department Head or supervisor may impose the forms of disciplinary action described above, either separately or in combination with other such disciplinary actions. No form of disciplinary action is a necessary prerequisite to the imposition of any other form of disciplinary action.

Policy 2.3 SUBSTANCE ABUSE AND DRUG FREE WORKPLACE

The City believes in the importance of a healthy and productive work force, 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, increased absenteeism, increased workplace theft, decreased employee morale, decreased productivity, and a decline in the quality of products and services.

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

A. DRUG AND ALCOHOL TESTING POLICY DEFINITIONS

For the purposes of 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, any of which were not prescribed by a licensed physician/dentist in the United States for the person taking or in possession of the drug or substance, or which have not been used as prescribed or directed.
4. **Drug paraphernalia** - objects used to manufacture, compound, convert, produce, process, prepare, test, analyze, pack, store, contain, and/or inject, ingest, inhale, or otherwise introduce a drug into the human body.
5. **Employee** - any person, excluding elected officials, in the service of the City whether for compensation or as a volunteer.
6. **Prospective employee** - any person who has made application for employment with the City and to whom the City has offered employment, conditional upon the results of a drug and alcohol test.
7. **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 violations of the federal or state criminal statutes.
8. **Criminal Drug Statute** - a federal or state criminal statute involving the manufacture, distribution, dispensing, possession, or use of any controlled substance.
9. **MRO (Medical Review Office)** - charged with reviewing and interpreting test results and determining any alternate medical explanation.
10. **Drug Policy Coordinator** - The Human Resource Director, who will administer the Drug and Alcohol Testing Policy and through whom any procedures or disciplinary or rehabilitative action regarding this policy must be reviewed and approved. The Drug Policy Coordinator is the Human Resource Director or other person designated by the City Administrator/Manager.
11. **CDL (Commercial Driver's License)** - the license required to operate a commercial vehicle.

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 if employed, shall be subject to termination. 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, on a periodic basis 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 prior to employment. 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. All prospective employees shall be required, prior to being hired by the City, to sign the acknowledgement form, agreeing to abide by the terms of this policy. The City will exclude from employment any job applicant or prospective employee who refuses to abide by the terms of this policy. Any prospective employee whose pre-employment drug and alcohol test results in a confirmed positive and who does not have a medically sufficient explanation (as determined in the sole, but reasonable, discretion of the MRO,) may reapply for employment with the City after six months from the date of such test. If the City hires a prospective employee, the person must have first successfully passed the above-referenced pre-employment drug and alcohol test, and thereafter the person will be subject to all the procedures and requirements for the drug and alcohol testing as set forth in this policy.

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

- b. **Reasonable suspicion (for cause) testing** - certain supervisors shall be trained to look for behaviors which may indicate drug or alcohol usage. These behaviors include, but are not limited to, direct observation of drug or alcohol used; 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 provide a urine sample, as defined below, when such reasonable suspicion arises and at least one supervisor or manager, and the designated Drug Policy Coordinator, concur that a reasonable suspicion of drug or alcohol use exists. The decision to test for drug or alcohol use by an employee is based on specific contemporaneous, physical behavior, and/or performance indicators. Once the authorized supervisor has determined that a reasonable suspicion exists, and after consent of 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 successfully completed rehabilitation, such employee shall be entered into a program of unannounced drug and alcohol tests for a predetermined period of time 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 has occurred.
 - 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 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 the Human Resource Director may be subject to discipline.
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 and/or state law.
4. Any drug or alcohol testing shall occur during or immediately after the regular work period of current employees and shall be deemed work time for the purposes of compensation and benefits for current employees.
5. Individuals will be tested on City premises or sent to an outside clinic or testing facility licensed to perform such tests. If an employee is sent to an outside clinic for a "Reasonable Suspicion" test, the employee must be driven to the facility by the supervisor or designee. The employee must then be put on administrative leave until the results of the test are available. The supervisor must make arrangements or help the employee make arrangements to get home without driving.
6. The City shall pay all costs of testing and transportation associated with a test required by the City.
7. All sample collection and testing shall be performed under the following conditions:
 - a. The collection of samples shall be performed under reasonable and sanitary conditions.
 - b. Samples shall be collected and tested with due regard to the privacy of the individual being tested, and in a manner reasonably calculated to prevent substitutions or interference with the collection or testing of reliable samples.

- c. The collection of samples shall be documented, and the documentation procedures shall include labeling of samples, to reasonably preclude the probability of erroneous identification of test results. An opportunity shall be provided for the employee or prospective employee to provide notification of any information that the person considers to be relevant to the test, including identification of currently or recently used prescriptions or non-prescription drugs or other relevant medical information.
 - d. Sample collection, storage and transportation to the place of testing shall be performed in a manner that reasonably precludes the probability of a sample misidentification, contamination or adulteration.
 - e. Sample testing shall conform to scientifically accepted analytical methods and procedures.
 - f. Testing shall include verification or confirmation of any positive initial screening test by gas chromatography, gas chromatography-mass spectroscopy, or other comparably reliable method.
 - g. In the case of urine testing, an employee or prospective employee will submit a split urine sample. A split urine sample shall consist of at least 45 ml of urine. The urine shall be divided into two specimen bottles, with at least 30 ml of urine in one bottle and at least 15 ml of urine in the other. If the test results of the of drugs, the donor of the test shall have 72 hours from the time the person is so notified to request, at the person's option that the 15 ml urine sample be tested for the indicated drugs, the expense of which shall be divided equally between the donor and the City. The test results of both samples may be considered at any subsequent disciplinary hearing.
8. 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 (and in the case of urine testing after providing the employee or prospective employee notice of the result of the initial test and the option to have the 15 ml urine sample tested), or upon the refusal of any employee or prospective employee to provide a sample, the City may use that test result or refusal as the basis for disciplinary or rehabilitative actions, which may include, but not be limited to, the following as determined by the Human Resource Director and the City Administrator/Manager or Mayor (See Policy 3.1):
 - 1. Termination of employment
 - 2. Refusal to hire a prospective employee.
 - 3. Any other disciplinary measures in conformance with the City's practices, policies, or procedures.

4. Rehabilitation

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

c. **Work place rules**

1. Employees who possess, dispense, manufacture, or distribute alcohol, drugs, or drug paraphernalia on City premises or on City time will be subject to disciplinary action, including termination.
2. Employees undergoing prescribed medical treatment with a drug that may alter physical or mental abilities must report that to the Human Resource Director.
3. 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 as a consequence.
4. No employee may use or be under the influence of drugs or alcohol on the City's premises, in the City's vehicles, or any time the employee is representing the City on City business, except in cases involving a current prescription prescribed in the United States, or over-the-counter drug, taken as prescribed or directed.
5. Employees may continue to work while taking prescription drugs needed for the treatment of an illness, providing the medications prescribed do 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 medication is safe to use in the workplace, and a safety sensitive evaluation may be required if the medication(s) could affect the employee's ability to safely perform their job functions. The employee is responsible for awareness of all cautions associated with the use of prescription drugs.
6. 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 they are taking a non-prescription or over-the-counter drugs. Non-prescription or over-the counter drugs must be taken in accordance with the manufacturer's dosage recommendations and usage cautions. The employee is responsible for awareness of all cautions associated with the use of these types of medications.

d. **Miscellaneous.**

1. A copy of the City's Drug and Alcohol Testing Policy shall be distributed to and posted for all employees, and all employees shall be required to acknowledge receiving, reading, and acknowledging the policy. Copies shall be made available to prospective employees.
2. This policy applies to all employees as well as management, City Council, and volunteers. Though no Elected Official may be removed from office for violating this policy, restricting access to city vehicles and equipment shall be implemented
3. Employees wishing assistance with overcoming drug or alcohol abuse may contact their supervisor or the Human Resource Director for information about counseling and rehabilitation programs including, but not limited to 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 this policy and agree to abide by its terms as a condition of continued employment. The signed acknowledgment shall be kept in each employee's personnel file.

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

Policy 2.4 SMOKING POLICY

Employees that 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 25 feet of any public building entrances, exits, air intakes, or windows.

Employees that 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 general 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 making application for employment with the City have the right to expect an environment free from harassment.

Harassment is an unlawful activity, which violates City policy and is prohibited as a form of discrimination. 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 take reprisal in any way against anyone who has filed a complaint about harassment or discrimination.

The City and its supervisors, employees, and agents are under a duty to investigate complaints about such conduct and eradicate any form of harassment, or discrimination. In addition to prohibiting harassment by its employees, the City will not tolerate harassment towards its employees by its citizens, contractors and/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 in effect at all times and in all places.

A. STATEMENT OF PENALTIES FOR MISCONDUCT.

1. An employee's commission of acts of harassment and/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 they have been 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:
 - (1) Department Head
 - (2) Human Resource Director
 - (3) City Attorney
 - (4) City Administrator/Manager
 - (5) Mayor
 - b. Identities and information from complainant, witnesses, and others will be kept confidential.

C. INVESTIGATION

1. The City will promptly conduct a thorough investigation of the alleged harassment complaint. The investigation will be handled in a confidential manner with information disseminated on a strict need to know basis. Every employee who is given information regarding the grievance will be informed of the need to preserve the confidentiality of the information they receive. The Human Resource Director, Mayor, and City Attorney will determine how the investigation will proceed.
2. Any employee of the City who is 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 who is 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 be given a copy of the City's Personnel Policies, including the Harassment Policy and sign a statement that they have received both of these 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 will be held to familiarize management with the contents of this policy and to further inform them of their specific and individual responsibilities.
3. All levels of management within the City organization are responsible for proper implementation of this program as outlined herein. Work performance of all levels of management shall be evaluated on the basis of the activity in promoting and insuring compliance with rules and regulations related to the implementation of such programs.

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 service 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 all over the world comes the availability of materials that may be considered to be inappropriate, illegal, obscene, or of no professional or business value. On a global network it is extremely difficult 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 who send inappropriate or illegal e-mail will be subject to disciplinary action, including the possibility of termination.

The smooth operation of the network relies upon the proper conduct of the end-users that must adhere to strict guidelines, rules, and regulations. Such are provided so that users are aware of the responsibilities they are about to accept. In general, 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, and/or referral to legal authorities. The City may limit, suspend, or revoke Local Service and/or Internet access, Personal Electronic Devices, and/or e-mail.
- b. **Acceptable Use** - The use of an assigned account (user login) must be in support of City business, research and/or within the personal employment goals, roles, responsibilities and objectives of the City. Each user is responsible for this provision when using the electronic resources. Reasonable personal use of electronic resources is authorized. Personal use includes non-commercial research, education, and communication.
 1. 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 pertaining to explosive devices, criminal activities or terrorist acts, sexism, sexual harassment, pornography, gambling, illegal solicitation, racism, inappropriate language, or political lobbying. Illegal or inappropriate activities, or activities of any kind that do not conform to the rules, regulations, and policies of North Ogden City, are forbidden. The Police Department has additional policies in their manual.

2. It is advised not to reveal personal information, such as home address, phone numbers, password, credit card numbers, or social security number; this also applies to others personal information or that of organizations.
 3. No software or data from any source may be loaded onto the City's computers without first being malware checked and approved by the system administrator.
 4. 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:
 - a. Be polite. Never send or encourage others to send abusive messages. Use appropriate language. Always act properly as a City representative.
 - b. 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 property of the user, another user of any agencies or networks that are 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, or the uploading, or creation of 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 portion 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 Administration be allowed to purchase their own electronic device and be compensated up to 50% of the cost of the device the City would have purchased to fulfill the technology requirements for the position, not necessarily 50% of the cost of the device purchased by the individual. The elected official or employee is required to 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 prior to the anticipated replacement schedule for city purchased devices.

1. At the time 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, though the typical life of an electronic device is expected to be two (2) years.

Any individual who is required to have a data, wireless, cellular, or other similar plan to perform the municipal business tasks assigned to them may receive a cell phone allowance as authorized by the Mayor. 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 are partially reimbursed by the City 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 not be deleted from any device unless properly backed up on a City computer or server.
- b. Under no circumstances may the Personal Electronic Devices be used in a manner which 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.
 1. 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 unacceptable 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.
 - 1. If cellular or data services are interrupted for any reason, including non-payment, the Department Head and City Administration shall take appropriate steps to make sure the service interruption does not disrupt the employee's ability to perform their responsibilities.
 - e. All Personal Electronic Devices which are subject to any municipal 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 which violates municipal policies during employees scheduled work hours, or on City property by any employee or City official.
6. Disposal of Personal Electronic Devices
- a. Municipal owned Personal Electronic Devices will be replaced in accordance with individual department standards and requirements.
 - 1. Some Devices may be sold to employees or the general public as determined by the City Administration. The City will establish a minimum price and devices will be sold as determined by the City Administration.
 - b. Personal Electronic Devices which were 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.
 - 1. In the event that an employee leaves the service of the City voluntarily or involuntarily, or transfers departments within the City to a position which 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 are the property of the City and may be removed upon employee termination, or the expiration of the useful life of the device.
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 City 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.

8. All employees and Elected Officials who participate in reimbursement for cellular or data services shall sign an agreement to keep all accounts current and paid in full, with the understanding that disciplinary action may be taken if the accounts are disconnected or turned off, and result in the inability of the employee to perform the duties their position requires.

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 hereby agrees to comply with the above-described conditions of acceptable use.

D. ELECTRONIC MAIL AND ELECTRONIC DOCUMENT RETENTION

1. Purpose

- a. Ensure that e-mail and electronic documents are maintained in accordance with 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 and 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 important information is not lost because of improper deletion or mismanagement of e-mail correspondence, North Ogden City employees are directed to adhere to the following e-mail use guidelines. Broadly speaking, e-mails fall into three main categories: (1) those that may be deleted; (2) those that must be saved for future reference or public/media access; and (3) confidential information.
- b. **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 program, policy, or decision-making e-mail are responsible for retaining the document.
- c. **Confidential information** - Generally speaking, confidential information should not be transmitted electronically.
- d. **E-mail that may be deleted** - All e-mail not falling into the above categories may be deleted when the user's need for the email has 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.
- e. **Attachment Policy** - You are required to 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.'
- f. **Responsibility of the Sender** - Primary responsibility of retention of important e-mail rests with the sender.
- g. **Responsibility of the Recipient** - If you are the direct recipient (not cc'd) of 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 property of the City and must not be deleted. All documents created in the course of City business that fall under the category of program, policy, or decision-making should be retained according to GRAMA and appropriate City guidelines.

Policy 2.7 FIREARMS AND WEAPONS

Except for Sworn Police 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, it is recommended that employees who desire to carry a concealed weapon during working hours report same to the Chief of Police.

CHAPTER 3 GRIEVANCES AND APPEALS

At Will Status: Any provision listed in this chapter shall not be interpreted so as to create an expectation of continued employment or in any way limits or restricts an employee's at-will employment status.

Policy 3.1 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. This 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 upon learning of the action.

B. GRIEVANCE AND APPEAL – GENERAL PROVISIONS

1. Among other matters, employees may bring grievances arising out of 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 amount of working hours to investigate and process 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 to be an acceptance of the decision and the grievance shall be considered completed.
4. Only the grievance originally presented shall be considered on appeal as the process progresses. If an employee wishes to change the allegations of the grievance, the employee should present a new grievance. To insure this limitation, a copy of the original grievance shall be filed with the City Administrator/Manager and the Human Resource Director.
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 occurrence of the incident in question, the employee shall present a written grievance to the Department Head or immediate supervisor with a copy to the City Administrator/Manager and the Human Resource Director. The employee shall use the "Employee Grievance Form" attached as "Exhibit O". If the cause of the grievance occurs at a higher level (i.e. the City Administrator/Manager) the grievance shall be filed at that level.
2. The grievance must be in writing and shall state the circumstances giving rise to 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 Department Head within ten (10) business days of the date of the filing. A failure to provide a written decision shall be considered a denial of the grievance. If the grievance remains unresolved or the employee considers the decision unacceptable, the employee may appeal as provided in the next paragraph.
4. Within ten (10) business days after the receipt of the decision described in preceding paragraph, or within ten (10) business days of the time the decision is due, the employee may appeal the decision to the City Administrator/Manager. If the City Administrator/Manager made the decision, which the employee is appealing, the employee shall appeal the decision directly to the Mayor as described in Policy 3.1.B. The appeal shall be in writing and shall include a copy of the original grievance and either a copy of the decision by the Department Head or a statement that the Department Head has not responded to the grievance with the required time.
5. The City Administrator/Manager shall schedule a conference with the employee and Department Head within five (5) business days after the receipt of the appeal. 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 next paragraph #6 and #7.
6. 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 the City Recorder who shall deliver the grievance to the Mayor. The appeal shall be in writing and shall 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 failed to respond within the time limits set in this policy.

7. The Mayor shall, within fifteen (15) days of receipt of the grievance, schedule a conference with the employee and the City Administrator/Manager to consider the grievance. Within five (5) business days after the conference, the Mayor shall deliver a copy of this written decision to the employee, City Administrator/Manager, and Department Head. The decision of the Mayor 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 adding any additional liability or in any other way justify additional claims against the City in relation to the grievance.

D. PROCEDURE UPON TRANSFER OR DISCHARGE

1. If a formal grievance is filed because an employee is transferred or discharged, the procedures outlined in this policy shall be followed. If the grievance remains unresolved or the employee considers the decision unacceptable, and the employee is not excluded from appealing to the Appeal Board/Hearing Officer pursuant to Utah Code Ann. §10-3-1106, the employee may use the following additional procedures.
2. Within ten (10) business days after the receipt of the decision described in this policy is made or after the decision is due, the employee shall present the grievance in writing to the City Recorder with a request that the Appeal Board/Hearing Officer be convened to hear the grievance. The Appeal Board/Hearing Officer, shall within thirty (30) business days of receipt of the grievance, conduct a hearing 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 in writing and certify its decision to the City Recorder. The decision of the Appeal Board/Hearing Officer shall be considered binding unless the employee appeals the decision to the City Council.
4. An employee may appeal a decision of the Appeal Board/Hearing Officer to the City Council as provided in Utah Code Ann. §10-3-1106 and Ordinance 2009-16. The decision of a majority of the members of the City Council shall be binding but shall not prevent the employee from seeking legal redress if appropriate. If an employee makes the decision to seek legal redress, the person forfeits access to the City's grievance process.

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.

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 so 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

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

CHAPTER 4 TERMINATION AND EMPLOYEE STATUS

At Will Status: Any provision listed in this chapter shall not be interpreted so as to create an expectation of continued employment or in any way limits or restricts an employee's at-will employment status.

Policy 4.1 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 in any way limit or restrict the employee's at-will employment status described above.

A. APPEAL

1. Some full-time employees have the right to appeal their termination to the Appeal Board/Hearing Officer as more particularly 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.

B. EMPLOYMENT TERMINATION

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". The 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. Normally, the last day worked by an employee shall be considered the date of separation, and the employee shall be compensated for all unused annual leave and compensatory time accrued to that date.
2. **Reduction in force layoff** - The City Administrator/Manager, with the concurrence of the Mayor, may recommend termination of employees because of lack of funds or curtailment of work.
 - a. Employees terminated from employment with the City in a reduction in force will be given severance pay as follows: the employee's final paycheck for hours worked but not yet paid, accrued annual, compensatory time and two (2) weeks of regular pay. Employees with more than (5) years of employment with North Ogden shall receive two (2) additional days of regular pay for each one (1) year of service, up to two (2) additional weeks for a maximum of four (4) weeks of severance pay.

- b. If there is more than one employee serving in the same capacity in a department, the selection of the employee to be terminated shall be based upon 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.

C. PAYMENT OF WAGES

1. If an employee's termination date does not coincide with the last day of a pay period, the employee will receive compensation for time worked within 24 hours of the time the employee separated from employment. If an employee's resignation date does not coincide with the last day of a pay period, the employee will receive compensation for time worked on the next scheduled payment date. All employees separating from employment shall be paid for all accrued annual leave and compensatory time accrued.

D. COBRA

1. An employee that has separated from the City is entitled to be carried on the City's health and dental insurance program as 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.

E. REFERENCES FOR SEPARTED EMPLOYEES

1. The City shall not provide references for former employees of the City. No information is to be released as to the employee's compensation, title, position, or circumstances regarding their separation. When a reference is requested, all such requests should be forwarded directly to the Human Resource Director. The Human Resource Director will only confirm the former employee's employment with the City and the dates of that employment.

Policy 4.2 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.
2. Whenever this information changes, the employee shall notify the City by submitting an "Employee Information/Change of Status Form" attached as "Exhibit Q".

CHAPTER 5 SALARY PLANNING AND COMPENSATION

At Will Status: Any provision listed in this chapter shall not be interpreted so as to create an expectation of continued employment or in any way limits or restricts an employee's at-will employment status.

Policy 5.1 PAY PLAN AND ADMINISTRATION

The Mayor, in conjunction with the City Council, shall be responsible for the development and maintenance of a uniform and equitable pay plan, which shall consist of minimum and maximum salary ranges for each grade and job description. This policy sets forth guidelines for establishment of a pay plan and provides salary adjustment procedures for all City employees.

A. PAY PLAN DEVELOPMENT AND ALLOCATION

1. The Mayor and 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 adjustment recommendations to the City Council at least every three years, which may include a method of adjusting the plan to provide for Cost of Living Adjustments (COLA).
2. The Mayor and City Administrator/Manager shall assign each position with the City to a salary range based upon the relationship to market data.

B. PAY PERIODS AND ADVANCES

1. Employees will be paid every two weeks so there will be 26 pay periods in a year. Pay statements will be distributed during regular working hours as quickly as possible after the pay period ends but no later than the Thursday following the end of the pay period. All payrolls will be by direct deposit only unless circumstances beyond the control of the employee dictate otherwise.

C. SALARY RANGES

1. Salary ranges shall be linked directly to the compensation plan and shall be determined with due regard to the following considerations:
 - a. Ranges of pay for other grades or positions
 - b. Prevailing rates of pay for similar employment in public organizations
 - c. Cost of living factors
 - d. Other benefits received by employees
 - e. The financial policy and economic conditions of the City.

D. ORDER OF SALARY CALCULATION

1. Multiple categories of pay increases awarded simultaneously shall be calculated in the following order:
 - a. Cost of living adjustment
 - b. Equity adjustments
 - c. Merit

E. PAY INCREASE CATEGORIES

1. Cost of living adjustments (COLA) shall be considered annually by the Mayor utilizing the Federal Government and Intermountain Regional data base. Adjustments may be recommended by the Mayor and implemented upon consent of the City Council. The City Council will consider any recommended adjustments as part of the City's annual budget.
2. Equity adjustments will be considered by the Mayor after reviewing current annual salary survey data and conferring with the City Administrator/Manager and Department Heads. The Mayor may prepare and present an annual report to the City Council. The Council will consider any recommended adjustments as part of the City's annual budget.
3. Merit increases may be granted for exceptionally good and consistent performance in a single position. They are not used to recognize increased duties and responsibilities and are granted without regard to cost-of-living factors. Merit increases recognize outstanding performance and are thus granted in conjunction with a performance evaluation of the employee, the results of which are one factor used in merit pay decisions.
 - a. Only full-time and permanent part-time employees are eligible to receive merit increases.
 - b. Temporary, part-time, seasonal, or probationary employees shall not be eligible to receive a merit increase.
 - c. Department Heads must complete an annual employee performance evaluation for all full-time and permanent part-time employees.
 - d. A merit increase may not cause the employee's salary to exceed the maximum salary assigned to the employee's position without consent from City Council.
 - e. New employees who haven't worked in their position for 6 months may be entitled to a merit increase at the anniversary date of their 6 months, if they pass their probation.

F. NEWLY HIRED EMPLOYEES

1. Pay for newly hired employees shall normally be set at the minimum of the pay range assigned to a job class.
2. Department Heads, with the concurrence of the City Administrator/Manager, may approve initial pay up to the range of midpoint as warranted by job qualifications and experience.
3. A new employee may be paid an initial salary above the midpoint of the position's salary range only with the concurrence of the City Administrator/Manager and the Department Head.
4. All recommendations for an initial salary shall be subject to the availability of funds to pay the recommended salary.

G. REASSIGNMENT

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

H. 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, although the duties of a position may be reclassified to decrease the responsibilities of a position. Reclassification also entails an adjustment in the pay range for the position.
2. If the City Administrator/Manager reclassifies a position to a higher level, the City Administrator/Manager may adjust the incumbent's salary.
3. A reclassification increase is subject to the availability of funds.
4. If the City Administrator/Manager reclassifies a position to a lower level, the incumbent's salary shall remain the same for a 2-year period. The salary for that position will be renegotiated.

I. DEMOTION

1. A demotion is a change of duty assignment of an employee from a position in one classification to a position in another classification 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, pay shall be set at the former rate in effect prior to the demotion.
4. Pursuant to the terms of Utah Code Ann. §10-3-1106, employees who are demoted may be eligible to appeal their demotions to the Appeal Board/Hearing Officer.

J. NOTIFICATION

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

CHAPTER 6 PERFORMANCE EVALUATIONS

At Will Status: Any provision listed in this chapter shall not be interpreted so as to create an expectation of continued employment or in any way limits or restricts an employee's at-will employment status.

Policy 6.1 EVALUATIONS

Employee performance and potential shall be evaluated at the end of the six-month probationary period and at least annually thereafter.

A. PERFORMANCE EVALUATIONS

1. Each employee shall have a written performance evaluation and a performance interview on a yearly basis. The performance evaluation will be based on the employee's fulfillment of duties as outlined in the job description for that position. Employment evaluations will be performed by the employee's direct supervisor.
2. The person conducting the performance evaluation shall use the authorized evaluation form and shall give a copy of the performance evaluation to the employee. A copy of the written performance evaluation will be filed in the employee's personnel file along with a certification by the person performing the evaluation stating that the employee has reviewed and received a copy of the performance evaluation.
3. Employees may respond in writing to any performance evaluation. This written response shall also be placed in the employee's personnel file.
4. A copy of the evaluation form shall be given to each newly hired employee during orientation to make the employee aware of the evaluation standards and criteria.
5. The employee performance evaluations will be used to:
 - a. Improve employee effectiveness.
 - b. Assess training needs and plan training activities.
 - c. Evaluate possible separations, salary advancements, merit increases, and other personnel actions.

Policy 6.2 PROBATION

The probationary period is an integral part of the selection process allowing the City to train an employee and evaluate the employees' progress, adaptability, and effort to determine fitness for permanent status in the position.

A. PROBATION

1. All newly hired employees and reclassified employees are subject to a probationary period of six months and Sworn Police Officers' twelve months, from the date of hire. At the end of the six months or Sworn Police Officers' twelve months, a probationary evaluation interview will be held with the employee using the authorized evaluation form. An additional six-month period may be added at the discretion of the Department Head and with the approval of the City Administrator/Manager.
2. The employee's probationary period will start on the date the employee is hired or reclassified.

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. At least two weeks before the end of an employee's probationary period, 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 the Human Resource Director, in writing, an evaluation and recommendation for appropriate action regarding the employee's continued employment with the City.
2. In the employee's evaluation, the Department Head may recommend one of the following actions in relation to the probationary employee's performance during the probationary period.
 - a. If the employee has performed the functions of the position satisfactorily during the probationary period, the Department Head shall recommend that the employee be granted regular full-time or part-time status.
 - b. If the employee has not performed the functions of the position satisfactorily during the probationary period, but the Department Head anticipates the employee's performance will significantly improve, the Department Head may recommend that the employee's probationary period be extended for a period not to exceed an additional six months.
3. The Department Head's decision regarding whether the employee's performance will improve shall be final.
4. Under no circumstances may an employee's probationary period exceed a total of 12 months except for a Sworn Police Officer who may extend for a total of 18 months.
5. If an employee's probationary period is extended under this paragraph, the employee will not receive a pay increase until:

[111]

- a. The Department Head has again evaluated the employee's performance and found it to be satisfactory
 - b. The Department Head and the City Administrator/Manager have reviewed the Department Head's evaluation and agreed that the employee is eligible for a pay increase
 - c. The City Administrator/Manager and the Mayor have approved the recommended increase
6. Employees who are unable to satisfactorily perform their jobs after a probationary period of 12 months or, for a Sworn Police Officer, 18 months shall be dismissed.

CHAPTER 7 DAYS, HOURS OF WORK AND COMPENSATION

At Will Status: Any provision listed in this chapter shall not be interpreted so as to create an expectation of continued employment or in any way limits or restricts an employee's at-will employment status.

Policy 7.1 DAYS, HOURS OF WORK AND COMPENSATION

The purpose of this policy is to establish the workweek for non-exempt employees according to the Fair Labor and Standards Act (FLSA)

A. WORKWEEK AND MAXIMUM HOURS

1. The City's workweek shall be Sunday, 12:00am through Saturday, 11:59pm.
2. During a workweek, the maximum number of hours of regular pay for non-exempt City employees shall be:
 - a. Sworn Police Officers: 43 hours per week.
 - b. All other non-exempt employees: 80 hours per pay period.

B. DAYS AND HOURS OF WORK

1. Workweek
 - a. Full-time As designated by the Department Head
 - b. Part-time As designated by the Department Head
 - c. Flex-time On some other schedule as designated by the Department Head and approved by the City Administrator/Manager.
2. Hours worked
 - a. Full-time As designated by the Department Head with the approval of the City Administrator/Manager.
 - b. Part-time As designated by the Department Head with the approval of the City Administrator/Manager.
 - c. Flex-time On some other schedule as designated by the Department Head and approved by the City Administrator/Manager.

A. POLICE DEPARTMENT PERSONNEL

1. The workday and hours of work for Police Department employees shall be determined by the needs of providing twenty-four hour a day service to the community.
2. Workweek
 - a. Full-time As designated by the Chief of Police.
 - b. Part-time As designated by the Chief of Police.
3. Hours worked
 - a. Full-time As designated by the Chief of Police.
 - b. Part-time As designated by the Chief of Police.

A. GENERAL TIME-RELATED RULES

1. An employee unable to report for duty on a work day shall notify their supervisor of that fact as soon as possible, but not later than one 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.
2. Employees shall fill out and sign a time sheet for all hours worked specifying sick, annual, or compensatory time using the "Employee Timesheet" as "Exhibit R". Department Heads should review and sign all time sheets and provide them to the Payroll Department.
3. Rest periods will be scheduled according to department policy as provided by FLSA.
 - a. Supervisors and Department Heads will provide break time to employees. Employees who are on break will be encouraged to leave their workstations.
 - b. Employees should not go on break until they are permitted to do so by the supervisor or Department Head. This policy should assist supervisors and Department Heads in knowing where all employees are and ensuring that the public is properly served at all times during the City's business hours.
 - c. For up to one year after the child's birth, any employee who is breastfeeding will be provided reasonable break times to express breast milk. Breaks of more than 20 minutes in length will be unpaid, and the employee shall indicate this break period on their time record. Employees will be provided with designated storage and a comfortable/private space.
 - d. The amount of break time shall be as follows:

1. Employees working at least an 8-hour shift are allowed two 15-minute breaks and a meal break. Breaks can be combined with meal break as designated by Department Heads.
 2. Employees working at least a 6 hour shift are allowed one 15-minute break and a meal break. Breaks can be combined with meal breaks as designated by Department Heads.
 3. Employees working at least a 4-hour shift are allowed one 15-minute break.
- e. There will be no compensation for the meal break.
 - f. 15-minutes breaks are compensated.
 - 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, if not taken during the shift, will be forfeited.
 - i. Sworn Police Officers:
 1. One 30-minute meal break to be staggered so there is adequate coverage.
 2. Two 15-minute rest periods or breaks will be allowed for each 8-hour shift worked.
 3. The workday and hours of work for Police Department employees shall be determined by the needs of providing 24-hour a day service to the community.

Policy 7.2 OVERTIME PAY AND COMPENSATORY TIME OFF

The purpose of this policy is to establish an overtime pay or compensatory time off policy. As a general rule, the requirement of frequent and considerable overtime within the City shall be considered evidence of under staffing and will be investigated by the City Administrator/Manager. When non-exempt employees are directed by the City Administrator/Manager or the Department Head to work extra time in addition to normal working hours, they shall be compensated for such overtime as described in this Policy.

A. OVERTIME POLICY

1. As a general rule, employees specifically assigned by their Department Head to work overtime will receive one and one-half the regular hourly rate of the employee if they desire to be paid. However, pursuant to FLSA, employees of public entities have the

option to convert the overtime to compensatory time off at one and one-half hours of compensatory time off for each hour of overtime worked.

- a. All compensatory time and/or overtime must be approved by the Department Head and submitted on the current pay period time sheet to the Payroll Department.
 - b. Some employees may be required to take time off during the week to avoid working more than 40 hours in the workweek for non-exempt employees or 43 hours for non-exempt Sworn Police Officers.
 - c. The creation and adoption of a flex time schedule shall not of itself provide the basis for overtime or compensatory time without 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, it is the employee's responsibility to make arrangements with the Department Head and provide adequate notice of time off.
 3. No overtime pay or compensatory time off is allowed for those employees classified as "exempt" on the compensatory schedule. Exempt employees may take time off during the day as approved by the City Administrator/Manager.

Policy 7.3 PUBLIC WORKS DEPARTMENT AND PARKS DIVISION ON-CALL POLICY

North Ogden City is of sufficient size to necessitate 24-hour response to emergencies and/or utility or weather-related problems. In order to meet this need, public works and park employees, in addition to their regular 40-hour work week, 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.

A. RESPONSE RESPONSIBILITIES OF ON-CALL EMPLOYEES

1. When a public works or parks department employee is on call, the employee will be provided access to a City vehicle.
2. After-hours calls will be initially directed to an answering service selected by the City. This service will relay calls to the designated employee by cellular phone. This service will provide the on-call employee with the name and number of the person who reported the problem or emergency and, if possible, a description of the emergency.
3. The on-call employee will respond appropriately, within 30 minutes to any situation the employee is called out on.

B. MISCELLANEOUS POLICIES RELATING TO ON-CALL EMPLOYEES

1. An employee will be on-call from 8:00am Wednesday to 7:59am the following Wednesday.
2. Employees wishing to trade on-call responsibilities with other employees will be allowed to do so upon written approval of the Department Head.
3. 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.
4. Employees will be compensated for being on call through the weekend (Saturday and Sunday) at the rate of 1 hour of regular pay for every 12 hours spent in an on-call status beginning 12:00am Saturday and running through 11:59pm Sunday. Hours that the on-call employee spends working for the City shall be compensated as described above.
5. Employees who are on-call during a holiday will be compensated in the same way as an employee who is on-call over a weekend.
6. The on-call employee may use the City's vehicle only for travel when responding to calls or performing other work functions for the City. Persons other than City employees may not accompany employees in vehicles except when approved by the Department Head or City Administrator/Manager.

CHAPTER 8 BENEFITS

At Will Status: Any provision listed in this chapter shall not be interpreted so as to create an expectation of continued employment or in any way limits or restricts an employee's at-will employment status.

Policy 8.1 BENEFITS

North Ogden City offers assistance to employees and their eligible dependents in meeting certain financial burdens that can result from illness, disability or death; and to help employees plan for retirement. All benefits begin on the first day of the calendar month following hire date.

A. RETIREMENT

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

1. Full-time and permanent part-time employees shall participate in the Utah State Retirement System. Employee retirement regulations shall be in accordance with federal and state law.
 - a. When specific employee retirements are deemed to be in the best interest of the City, the Mayor and City Council may approve retirement incentives. These incentives may be offered to specific employees without being offered to all employees.
 - b. The City may employ retired City employees on a part-time, temporary or provisional basis where this will promote the interest of the City (per URS guidelines).
 - c. An employee will be vested in the Utah Retirement System after four years of employment.
2. Upon hire, full-time employees shall be eligible to participate in the City's 401(k) or 457(k) retirement program.
 - a. The City will automatically contribute three percent (3%) of the employee's annual salary to employee's 401(k) account.
 - b. The City will also match the employee's contributions of up to three percent (3%) of the employee's annual salary to the employee's 401(k) account.
 - 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%).
 - d. The contribution amounts described in the preceding paragraphs shall be valid only as long as they do not conflict with any IRS regulations, or state or federal tax laws.

- e. An employee will be vested at the completion of four years employment with North Ogden City. 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).
3. Full-time employees shall be eligible to participate in the City's 401(k) loan program as defined in the ICMA-RC's loan policy. Contact the Human Resources Director for more information
- a. In the event the employee's employment status is terminated for any reason, the employee shall be solely responsible for any and all early withdrawal penalties or interest resulting from any unpaid loan balances as required by the ICMA-RC loan policy, Internal Revenue Service and/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 for by law. Contributions of the employee and the City will be made in accordance with the provisions of the law.

C. INSURANCE

1. Medical and Hospital Insurance
- a. North Ogden City offers health care and dental insurance for full-time employees and their dependents.
2. Disability and Life Insurance
- a. Basic disability and life insurance shall be offered to each full-time employee, their spouse and dependents. The City shall pay the entire premium as long as the budget allows.
 - b. The City may also offer voluntary life insurance and disability for employees, their spouses and dependents. The employee will pay the premium for voluntary benefits.
 - c. The City provides at, no cost to the employee, a professional Employees Assistance Program (EAP) to all city employees and their family members. Through the EAP, employees have access to 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.
3. Workers Compensation

- a. Accidental injuries or occupational disease arising out of, or in the course of, an employee's employment with the City are covered by a workers' compensation program as required by law.
- b. Employees are required to promptly report any and all injuries to the Human Resource Director and their Department Head at or near the time of the incident.
- c. An unreasonable delay or failure to report will result in disciplinary action that may affect the viability of the claim.

4. Unemployment Insurance

- a. The City, through the Utah State Employment Security Administration, state and federal law, offers unemployment compensation benefits.

D. CLOTHING ALLOWANCE

1. North Ogden City public safety, public works, parks divisions, and inspection employees may be paid a uniform allowance above their regular salaries, or furnished with uniforms, at the City's option.
2. The City will report uniform allowances however, each employee who receives a uniform allowance shall be responsible for accounting to the Internal Revenue Service for the uniform allowances.
3. As part of the City's safety program, the City pays for safety shoes, helmets, vests, and eye protection for every employee working in a safety sensitive position.

E. POOL PASSES

1. Full-time, permanent part-time, part-time employees receive pool passes each season as authorized by the mayor.
 - a. All passes are taxable compensation and must be process 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 LEAVE OF ABSENCE

Leave benefits, including sick leave and annual leave are provided to full-time employees. Employees should consistently and conscientiously account for their use of leave time. This policy should be construed and applied to further that objective.

A. CONDITIONS OF LEAVE

1. No full-time employee may take a leave of absence with pay unless that employee has accrued leave. The City will not allow employees to take leave before leave has accrued as described in this policy.
2. Permanent part-time, part-time, temporary, seasonal, and emergency employees are not eligible for paid leaves of absence.

The number of hours of accrued annual, sick, and compensatory leave shall be stated on each pay statement.

B. ABSENCE WITHOUT LEAVE

1. Any unauthorized absence of an employee from duty shall be grounds for disciplinary action by the Department Head. Any employee who is absent for three or more consecutive workdays, without authorized leave, shall be deemed to have resigned and the employee's employment with the City shall be terminated. The Department Head shall fully document the absences. When extenuating circumstances are found to have existed, however, such absence may be approved by the Department Head by a subsequent grant of leave, with or without pay, as the circumstances dictate.

C. ANNUAL LEAVE

1. Annual leave for full-time employees will be scheduled so as to meet the operating requirements of the City, and insofar as possible, the preference of the employees. The periodic of use of annual time is subject to the approval of the Department Head.
 - a. An employee should not schedule more than ten working days off at one time. If an employee wishes to take more than ten working days off at one time, the employee should obtain permission from the Department Head and the City Administrator/Manager prior to taking the leave.
 - b. Paid holidays occurring during annual leave will not be charged as annual leave.

2. An employee may accrue a maximum of 240 hours of annual leave credits and Sworn Police Officers may accrue a maximum of 258 hours. The cut-off date for calculating excess hours is the first pay period ending in January. It is the employee's responsibility to maintain knowledge of accrued annual leave and schedule leave appropriately. Annual leave time shall not accrue if the employee is in a leave-without-pay status.
3. In lieu of taking all of the annual leave the employee, may convert hours of annual leave to cash each year pursuant to the following guidelines. Only one option may be selected per fiscal year.

Comment [JJ2]: Moved to section 8 .2.A.3.

Comment [JJ3]: Added this as it applies to sick leave on page 65. E5.

- a. Hours of annual leave shall be converted to cash by taking the number of hours the employee wishes to convert to cash and multiplying that number by the employee’s regular hourly rate.
- b. Full-time employees may convert up to 40 hours of annual leave to cash once each fiscal year. Employees working a 43-hour workweek may convert up to 43 hours once each fiscal year.
- c. Conversion of annual leave to cash shall be permitted only once in the current fiscal year. In order to convert annual leave to cash, employees must notify the Human Resource Director in writing of their intention. The employee must deliver the “Leave to Cash Form” attached as “Exhibit T” to the Human Resource Director. The notice must contain the name of the employee making the conversion and the number of hours of annual leave the employee wishes to convert to cash.
- d. Payments for annual leave converted to cash shall be subject to withholding pursuant to state and federal law.
- e. _____

Comment [JJ4]: Duplicate of 8.2.C.7

4. Full-time employees shall accrue annual leave at the following rate:

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

BASED ON 43 HOUR WORK WEEK	
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

5. If an employee leaves the City and returns at a later date, they will retain their former years of services as it applies to the rate of annual and sick leave they accrue each month. Employees who are rehired with the city will start accruing leave at the rate they terminated at.
6. Official annual leave records will be maintained and kept current by the Human Resource Director.
7. Employees' annual leave usage will be scheduled with the Department Head. Department Heads shall schedule their leave with the City Administrator/Manager. After the Department Head or City Administrator/Manager has authorized annual leave for an employee, the Department Head or City Administrator/Manager will submit the form to the Human Resource Director who will then record the annual leave usage on the attendance record.
8. As a general rule, employees specifically assigned by their Department Head to work overtime will receive one and one-half the regular hourly rate of the employee if they desire to be paid. However, the employee has the option to convert the overtime to compensatory time off at one and one-half time rate.
9. All compensatory time off must be used before using annual leave.
10. Department Heads are encouraged to schedule compensatory time off for employees with accrued compensatory time credit. However, it is the employee's responsibility to make arrangements with the Department Head and provide adequate notice of time off.
11. No overtime pay or compensatory time off is allowed for those employees classified as "exempt" on the compensation table.
12. Compensatory time cannot be converted to cash except upon retirement or termination of employment.

Comment [JJ5]: Moved from #6

Comment [JJ6]: Add to page 56 7.2.A.2

D. HOLIDAYS

1. The following days have been designated by North Ogden City as paid holidays for full-time (8 hours) and permanent part-time (4 hours) employees:

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
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
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2. A holiday falling on Sunday will be observed on the following Monday. A holiday falling on Saturday will be observed on the preceding Friday.
3. All employees who are required to work on Independence Day, Thanksgiving Day, and/or Christmas Day will receive, in addition to holiday pay, their regular hourly pay or compensatory time at a one and one-half rate.
4. Employees who are required to work all other holidays mentioned above (aside from Independence Day, Thanksgiving Day, and Christmas Day) will receive, in addition to holiday pay, their regular straight-time rate. See Policy 7.2 for Overtime Pay and Compensatory Time Off.
5. All full-time employees who are scheduled to work on a holiday will be compensated up to eight hours at a straight time rate. All permanent part-time employees will be compensated up to four hours at straight time rate.
6. Holiday time is not paid to part-time, seasonal, or temporary employees.
7. Employees on leave without pay will not be paid holiday time including the day before nor the day after a holiday.

E. 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. Sick leave may be used at any time with 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 is unable to 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.
 - d. For additional information, refer to Policy 10.1 – Family and Medical Leave Act.
3. Annual or compensatory time may be used in place of sick leave.
4. Hours of sick leave time may be coordinated with workers' compensation if the employee is absent as the result of an injury, which occurred while the employee was performing services for the City. 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.

Comment [JJ7]: This is a duplicate of 8.2.A.2

5. Each eligible full-time employee who works a 40-hour week shall accrue sick leave at the rate of 3.70 hours bi-weekly. Eligible employees who work a 43-hour week shall accrue sick leave at the rate of 3.97 hours bi-weekly. Sick leave shall be credited at the end of each pay period. Sick leave shall not accrue if an employee is in a leave-without-pay status.
6. A holiday that falls on a regular working day within a period when sick leave is being taken shall be credited as a holiday and not as a day of sick leave.
7. Sick leave for an employee working a 40 hour week may be accrued to a maximum of 960 hours and employees working a 43 hour week may accrue a maximum of 1,032 hours. Sick leave accruing in excess of the stated maximums shall be forfeited.
8. In order to use sick leave, an employee (or a member of the employee's immediate family if the employee is incapacitated) must notify the Department Head before the employee's scheduled reporting time on each day of absence. However, in no case should the notification be later than one hour after the beginning of the employee's work shift. Continued reporting for more than one day of absence will be accomplished as directed by the Department Head.
9. Sick leave shall be charged against employees in actual time used. The Department Head should be kept apprised of the employee's progress and expected date of return to duty. Sick leave shall not be used unless it has been earned and accrued prior to usage.
10. 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.
11. If a full-time employee takes sick leave in excess of three consecutive working days, or if the 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.
12. During sick leave periods longer than thirty calendar days, annual leave, sick leave, and other benefits shall not accrue. In addition, any sick leave period in excess of thirty days shall not be counted as time worked for purposes of receiving a yearly performance evaluation.
13. If a full-time employee uses no sick leave from the first pay period which ends in December, from one year to the next, the employee is eligible to convert sick leave to cash. The City will publicize those dates in advance. Our intention is to process the sick

cash out checks on the first Friday after the end of the eligibility period. An employee working a 40 hour week may choose to be paid for up to 40 hours at the employee's regular hourly rate or to convert 40 hours of sick leave to annual leave. If the employee chooses one of the options, 40 hours will be deducted from the accrued sick leave time. Employees working a 43 hour week may convert up to 43 hours under this paragraph. In order to convert sick leave under this policy, employees must follow the procedure described in this Policy, using the "Leave to Cash Form" attached as "Exhibit T" and providing such to the Human Resource Director. New full-time employees are eligible after their one year anniversary date, if they qualify for leave to cash for unused sick leave.

14. Employees that have the maximum number of hours of sick leave allowed and have used no more than 2 days sick leave during December 1st through November 30th, may convert up to 24 hours of sick leave to annual leave. These 24 hours shall be in addition to any conversion of annual leave. Employees wishing to convert sick leave hours under this paragraph shall follow the procedures described in this policy. Employees working a 43 hour week may convert up to 25.8 hours of sick leave under this paragraph.
15. Full-time employees with at least 10 years of service upon retiring from service with North Ogden City shall be paid for unused sick leave.
 - a. Upon retiring, full-time employees who work a 40 hour work week with the City shall be paid up to a maximum of 640 hours of unused sick leave depending on their years of service.
 1. 10-14 years up to 80 hours
 2. 15-19 years up to 160 hours
 3. 20-24 years up to 240 hours
 4. 25-29 years up to 320 hours
 5. 30-34 years up to 480 hours
 6. 35+ years up to 640 hours
 - b. Upon retiring, full-time employees who work a 43 hour work week with the City shall be paid up to a maximum of 676 hours of unused sick leave depending on their years of service.
 1. 10-14 years up to 86 hours
 2. 15-19 years up to 172 hours
 3. 20-24 years up to 258 hours
 4. 25-29 years up to 344 hours

5. 30-34 years up to 516 hours

6. 35+ years up to 676 hours

16. Sick leave may not be used during a scheduled annual leave time period.

17. Sick Leave Bank

- a. It is the policy of the City to maintain an Employee Sick Leave Bank. The Sick Leave Bank is established to allow 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. Employees may request through their Department Head, a grant of sick leave from the Bank after the employee has exhausted all available annual leave and sick leave. A committee consisting of the Human Resource Director, two Department Heads (one of those being the Department Head of the requesting employee) and at least two other employees will review all requests for sick leave grants.

F. BEREAVEMENT LEAVE

1. Full-time employees, with the approval of their Department Head, may be granted up to three days leave with pay in the case of the death of a spouse, child, stepchild, parent, stepparent, brother, or sister.
2. Full-time employees, with the approval of their Department Head, may be granted up to two days leave with pay in the case of the death of a grandparent, grandchild, or parent of spouse.
3. Full-time employees, with the approval of their Department Head, may be granted up to one full day leave with pay in the case of the death of an aunt, uncle, or a spouse's grandparent.
4. The bereavement leave described in this paragraph shall not be charge against accrued sick or annual leave.

G. FAMILY AND MEDICAL LEAVE ACT

1. The City's family and medical leave policies are described in Policy 10.1

H. 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 occupying temporary positions.
2. Employees who are members of the organized Reserve of the United States Armed Forces, including the National Guard, shall be allowed full pay for all time, not to exceed 15 days per year, spent on scheduled military training assignments. 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 additional absences beyond the standard 15 days per year, but the employee may not be compelled to do so and may choose leave without pay. (See Policy 8.2.J.)
4. Employees granted such leaves of absence will be restored to the same position, or to a position equivalent to the same position, which the person held immediately prior to the commencement of active military duty. Such employees must apply for reinstatement in accordance with all applicable state and federal laws. Every reasonable effort will be made to return eligible employees to their previous position or a comparable one. They will be treated as though they were continuously employed for purposes of determining benefits based on length of service.
5. The City shall comply with Utah Code Ann. §39-3-1 & 2 and with all applicable federal laws.

I. JURY LEAVE

1. Full-time employees may be granted administrative leave with full pay 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. In order to qualify for pay from the City under this section, the employee must surrender any compensation to the City, excluding travel and expense allowance, which the employee received as a result of jury duty or appearance as a witness.
3. Paid administrative leave will not be granted when the employee is participating as a witness in litigation or administrative proceedings not related to his official duties with the City.

J. LEAVE WITHOUT PAY

1. Upon recommendation of the Department Head and approval of the City Administrator/Manager, an employee may be granted leave without pay for a specific period of time. The dates of the leave without pay shall be agreed upon before the employee commences the period of leave without pay. An employee who simply fails to appear for duty without making an agreement for leave without pay shall be deemed to be absent without leave and may be terminated.
2. At the expiration of a period of leave without pay, the employee shall return to the same position, where feasible, or to a similar position.
3. Failure of the employee to report at the expiration of the leave without pay period shall be considered a resignation.

4. A leave without pay period shall not constitute a break in service. However, during a leave without pay period no compensation or benefits shall accrue. Previously accrued benefits will be retained.
5. 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.
6. If employees desire to use annual leave in conjunction with leave without pay, use of the annual leave must precede the leave without pay, and 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.
7. Leave without pay may be granted for extended travel or due to personal circumstances or family circumstances.
8. Leave without pay may be granted to attend funerals not covered by the bereavement leave policy.
9. Leave without pay may be granted to attend to an ill or injured family member or in response to an emergency involving the employee's family (spouse, child, parent, brother, or sister) when such absence is not covered by sick leave or another category of leave.
10. Unless there are urgent circumstances, which prevent advance notice, employees must apply for absences without pay in advance and in writing; giving as much detail about the absence as is necessary so that the Department Head may decide whether the leave is warranted. The application shall include the anticipated dates of the leave without pay. If exigent circumstances prevent the employee from applying for leave without pay in advance, the employee shall contact the City Administrator/Manager as soon as possible to explain the exigent circumstances and the need for leave without pay.

K. DOCUMENTATION OF LEAVE

1. Absences permitted in the Policy must be supported by copies of written documentation on a "Time Off/Leave Request" attached as "Exhibit U" explaining the cause of the absence. This documentation must be submitted to the Department Head as soon as possible. In some cases where documentation is not available, the Department Head may request the employee supply additional information in writing to support the absence.

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. for efficiency and effectiveness as City employees. All requests for reimbursement of expenses are subject to documentation and reasonableness.

A. AUTHORIZATION AND VEHICLE USE

1. Department Heads will determine whether their staff will take a City vehicle or a private vehicle on authorized trips, based on budget and other considerations.
2. If a City vehicle is taken on authorized trips, family members may accompany the staff member in the City vehicle but they may not drive the City vehicle.
3. Staff members taking their own private vehicle will be reimbursed (see Policy 8.3.B.6.b).
4. Staff members taking a City vehicle may use City gasoline and will be reimbursed for gasoline purchased privately. Staff members will attach receipts for privately purchased gasoline to a check request and submit all check requests to their Department Heads.

B. PAYMENT FOR TRAVEL EXPENSES AND SALARY

1. Per diem payments will be authorized for personnel who are required to be away from home overnight or during meal time on official business. Per diem will be paid in accordance with current rates set by the United States General Services Administration (GSA). Employees requesting reimbursement above the per diem rates must provide receipts for all expenses above the per diem rate set by the City Council. The City will not pay a per diem for spouses of employees or other non-employees traveling with the employee. A "Travel & Training Request Form" attached as "Exhibit V" shall be completed prior to 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 for by the City except where and to the extent that the conference or convention format provides for spousal participation in the form of separate workshops, meetings, or luncheons and the employee has received approval for an accompanying spouse prior to attending the event.
3. The City will pay double occupancy room rates for employees and elected officials who are accompanied by a spouse as submitted on the "Travel & Training Request Form" attached as "Exhibit V" and approved by the City Administrator/Manager.
4. If payment in advance is not possible, the City shall reimburse the employee the cash amount of the costs incurred after receiving 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 a verification of attendance no matter what the form of payment.

5. Time at conferences, training, and travel time is considered part of the job duties and the employee will be paid at their regular hourly rate for this time. 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 as listed on the “Travel & Training Request Form” attached as “Exhibit V” and approved by the City Administrator/Manager.
 - b. Costs of using a private automobile – As set forth above, the City will reimburse costs of the authorized use of a private automobile. If the employee chooses to take a private vehicle when a City vehicle is available, reimbursement for use of a private automobile shall be paid at 50% of the I.R.S. standard business mileage rate. If a City vehicle is not available, reimbursement for a private automobile shall be paid at the full I.R.S standard business mileage rate. See “Exhibit V”
 - c. Costs of rental cars – The City will pay the costs of rental cars only if the travel involves airline travel to another city. The City will reimburse employees for the costs of renting a mid-size automobile unless the employee demonstrates that only a full-size car was available.
 - d. Tolls, 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. Parking fees in connection with City business
 - h. Travel:
 1. 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 driving to and from the destination is counted as work time.
 2. 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 normal 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 normal 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**A. CITY VEHICLES, EQUIPMENT AND TOOLS**

1. The City's vehicles, equipment, or 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, with the exception of Sworn Police Officers who will follow the Public Safety requirements,
5. Employees who are assigned 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 I.R.S fringe benefit guidelines. No personal use of vehicle is allowed.
8. All tobacco including vaporizing is prohibited in all City vehicles.
9. Personal Electronic devices are not to be used while operating a City vehicle. 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 unless the operator has the accommodation of a hands free device, such a Bluetooth device.

Policy 8.5 EDUCATIONAL ASSISTANCE PROGRAM

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

- A. There are three types of education which may qualify for educational assistance.
 - 1. 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 specifically 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.
 - 2. 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. Any non-budgeted expense will be approved by the City Council.
 - b. This type of training may be covered up front and up to 100% by the City, as budget allows, with no reimbursement required, though the City may require the employee to enter into an "Educational Reimbursement Agreement" as outlined in "Exhibit W". This type of training may be subject to the all the provisions under subsection 3 including reimbursement occurring after satisfactory completion of the course.
 - 3. 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 budget allows, with no reimbursement, though the City may require the employee to enter into an "Educational Reimbursement Agreement" as outlined in "Exhibit W".
 - b. The total assistance granted any employee shall not exceed \$4,000.00 per year employees per person. Only full-time employees are eligible for the education assistance program.

- c. 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.
 - d. 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 the Human Resource Director.
 - e. 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 of the change immediately upon first knowledge of the change, modification, or deletion. New, changed, or modified course(s) must receive written approval to receive reimbursement.
- B. To maintain eligibility, employees must remain on the active payroll and perform their job satisfactorily through the completion of the course.
- C. The City has the sole discretion to determine approval for any education assistance requested. The employee must receive approval before enrolling in the program or class. Approval must occur first through the Department Head and next through the City Administrator/Manager prior to enrollment in the course, training, or class offering. The City's Finance Director must verify availability of education assistance funds prior to requesting approval by 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 adequately provide for a request for educational assistance. Requests for approved educational financial assistance under this policy shall be handled on a "first-come, first-serve" basis. However, those individuals that may be 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 collection of any outstanding costs of the City-paid portion of the educational costs. Exceptions to this repayment requirement may be made at the discretion of the City Administrator/Manager, and will be limited to compelling circumstance(s) beyond the immediate control of the employee and for which a reasonable accommodation is requested.
- H. Employees should contact the Human Resource Director for more information or questions about educational assistance.

Policy 8.6 EMPLOYEE SERVICE AWARDS AND RECOGNITION

A. AWARD FOR YEARS OF SERVICE

- 1. Human Resources will provide employee years of service information on a yearly basis.
 - a. Awards for years of service start at the beginning of permanent part-time or full-time status.
- 2. Employee recognition for length of service shall be recognized by the following:
 - a. At the completion of every 5th year of service
 - b. Awarded \$10 for each year of service
 - c. Plaque
 - d. Service pin
- 3. An employee retiring from the City shall receive a gift valued at \$10 for each year of service.

B. EMPLOYEE OF THE MONTH AWARD

Any employee, citizen, or Council Member can nominate another employee by notifying the Human Resources Director. The employee shall be recognized by the following:

- a. A full-time employee receives 8 hours paid leave
- b. A permanent part-time/part-time employee receives 4 hours of paid leave
- c. Plaque

C. EMPLOYEE OF THE YEAR AWARD

One employee from each department is chosen. No department head can nominate unless there is a tie, the department head will make the decision. The employee shall be recognized by the following:

- a. \$100
- b. Plaque

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

There shall be 2 employees chosen by the Department Heads and Mayor. The employee shall be recognized by the following:

- a. \$350
- b. Plaque

E. OTHER RECOGNITION

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

All gift card or cash awards are taxable compensation and must be process 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.

CHAPTER 9 SAFETY PROCEDURES AND REQUIREMENTS

At Will Status: Any provision listed in this chapter shall not be interpreted so as to create an expectation of continued employment or in any way limits or restricts an employee's at-will employment status.

Policy 9.1 GENERAL SAFETY

It is the policy of North Ogden City to minimize the loss of life and property to the City, its employees, and the public as a consequence of the City's operations by taking practical steps to safeguard employees, citizens, and property from accident.

It is the City's policy to strive 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. The City will strive to provide working conditions that are healthy and safe.

A. EMPLOYEE'S SAFETY RESPONISBILITIES

1. Employees are expected to be conscientious about workplace safety, including proper work methods, reporting potential hazards, and abating known hazards.
2. Employees should report unsafe work conditions that might result in an accident in any work area to a supervisor or Department Head.
3. 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.

B. GENERAL SAFETY RULES

The following general safety rules will apply in all the City's work places. Each department may prepare additional safety rules applicable to the specific of nature of work in that department. Any additional rules may not be in conflict with the general safety rules.

1. Employees operating any type of power equipment shall use caution and follow all of the manufacturer's safety precautions and warnings. For any power equipment for which a license or certification is required, no unlicensed/uncertified employees will operate the equipment.
2. Employees will use safety equipment, included but not limited to 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.)
3. Employees will not wear loose clothing and jewelry while working on or near heavy equipment and machinery.
4. All accidents (personal or vehicular) are to be reported immediately to the supervisor, Department Head, and Human Resource Director.
5. If an employee believes that any piece of equipment is defective, the employee should tag the equipment and report the defect immediately to the supervisor or Department Head.
6. Employees will not operate equipment or use tools for which they have not received the necessary training, instruction, or do not have the required license.
7. In all work situations safeguards as required by state and federal safety orders will be provided.

C. 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 mistreatment of children or vulnerable adults within the programs it administers. City staff and volunteers who work with children and vulnerable adults will be properly screened. 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 proper 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, 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 judgement or ability to resist emotional, physical, or sexual abuse.
3. Screening staff and volunteers.
- a. Prior to 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, 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. Any other types of crimes will be reviewed by the Chief of Police.
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 Division of Child and Family Services or Adult Protective Services - The City shall not attempt to investigate on its own 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 9.2 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 are provided by UOSHA in a conspicuous place. This may be on an employee bulletin board or other place where similar notices are usually posted. Employees should be able to easily obtain information from their Supervisor or Department Head when the employee has a question about any of the standards described in UOSHA.

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 CANNOT 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 saw mill, lath mill, shingle mill, or cooperage-stick mill
 - e. Operation of power-driven woodworking machines
 - f. Jobs involve exposure to radioactive substances and to 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 certain power-driven bakery machines
 - p. Operation of certain power-driven paper-products machines
 - q. Manufacture of brick, tile, and clay products

CHAPTER 10 FAMILY AND MEDICAL LEAVE ACT

At Will Status: Any provision listed in this chapter shall not be interpreted so as to create an expectation of continued employment or in any way limits or restricts an employee's at-will employment status.

Policy 10.1 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 he or she practices, or (2) any other person determined by the United States Secretary of Labor to be capable of providing health care services.
- B. In order to be eligible to apply for family and medical leave, an employee must have:
 - 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 in order to 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 serious medical condition
 - 4. Because of a serious medical condition which 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 in excess of the employee's accrued leave shall be unpaid leave.

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, which have 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 he or she had not taken the leave
3. During any period of family and medical leave, the City shall maintain coverage for the employee under the City's group health plan at the level and under the same 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. In the event 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 failure to return is caused by the continuation, recurrence or onset of a serious medical condition affecting the employee, or the employee's spouse, child, or parent, or other circumstances beyond the control of the employee.
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 serious medical condition affecting the employee, or the

employee's spouse, child, or parent, the City may require certification of the serious 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:

- a. That the serious medical condition prevented the employee from returning to work at the end of the leave, or
- b. That the employee was 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 foregoing, 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 not be taken intermittently or on a reduced work schedule without written approval of the City Manager.
 - c. An employee considering birth leave must provide the City Manager with a 30 day notice prior to taking the leave, unless circumstances make the giving of such notice impossible, in which case the employee shall give as much notice as possible.
 - d. In the event both spouses in a family are employed by the City, 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 foregoing, family and medical leave caused by a serious medical condition suffered by the 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. In the event 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:
 1. The employee is qualified for the alternative position
 2. The alternative position has equivalent pay and benefits

3. 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 prior to taking medical leave, or as much notice as is possible in the circumstances.
 - f. In the event that both spouses in the family are employed by the City and the medical leave is requested 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 that any request for medical leave be supported by a certification from the health care provider to the affected employee or the employee's child, spouse, or parent. To be sufficient, the certification must include:
 1. The date on which the serious medical condition commenced
 2. The probable duration of the condition
 3. The medical facts known to the health care provider regarding the condition
 4. A statement that the employee is unable to 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:
 1. The dates, if known, the treatment will be given and the duration of the treatment.
 2. 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 as well as the expected duration of the intermittent leave or reduced work schedule;
 3. If the serious medical condition affect the employee's child, spouse, or parent, a statement that the intermittent leave or reduced work

schedule is necessary for the treatment of the child, spouse, or parent or will assist in the recovery of the child, spouse, or parent.

4. The expected duration of the intermittent leave 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 the second opinion. The health care provider chosen 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 health care provider shall be final and binding on the City and the employee.
- J. The City will post notices that are provided by the federal government in a conspicuous place. This may be on an employee bulletin board or other place where similar notices are usually posted. Employees should be able to easily 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.

EXHIBITS