



SOUTH JORDAN  
U T A H

CITY OF  
SOUTH JORDAN

Effective 12-6-16

Employee Handbook

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David L. Alvord, *Mayor*  
Patrick Harris, *Council Member*  
Bradley G. Marlor, *Council Member*  
Donald J. Shelton, *Council Member*  
Tamara Zander, *Council Member*  
Christopher J. Rogers, *Council Member*



PH: 801.446-HELP @SouthJordanUT

Dear Fellow City Employee:

Welcome to the South Jordan Team! I am pleased to have you working with us. You were selected for employment due to the attributes that you displayed that appear to match the qualities we look for in an employee.

I'm looking forward to seeing you grow and develop into an outstanding employee that exhibits a high level of care, concern, and compassion for others. I hope that you will find your work to be rewarding, challenging, and meaningful.

I will expect your best each day. Know that I am concerned about your development and that my door is always open. The keys to your success will be being dependable, reliable, showing openness, follow-through, attentiveness, supervision, documentation, and following the policies and procedures. While doing these things you will be successful and so will the City of South Jordan. Your professional growth is of utmost concern for me personally, because if you are improving our community will improve as well.

Please take your time and review our yearly Strategic Priorities so that you can know what is expected and make a positive contribution. This handbook is expected to provide you an understanding of expectations and knowledge. I would expect that you will read it and follow the guidelines outlined they are the foundation for your success. Again, I look forward to seeing you grow as a professional while enhancing the lives of the residents and employees entrusted in your care.

Sincerely,

A handwritten signature in black ink that reads "Gary L. Whatcott". The signature is written in a cursive style with a large, prominent "G" and "W".

Gary L. Whatcott  
City Manager

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# TABLE OF CONTENTS

<b><u>SECTION</u></b>	<b><u>TOPIC</u></b>	<b><u>PAGE</u></b>
	<b><i>DISCLAIMER</i></b>	ii
<b><i>SECTION 1</i></b>	<b><i>INTRODUCTION</i></b>	
1-01	City of South Jordan Government	1.1
1-02	Policy Implementation	1.1
1-03	City of South Jordan Vision Statement	1.2
1-04	City of South Jordan Mission Statement	1.2
1-05	Employee Service Values	1.2
<b><i>SECTION 2</i></b>	<b><i>EMPLOYMENT PRACTICES</i></b>	
2-01	Recruitment	2.1
2-02	Employment Classifications	2.3
2-03	Performance Evaluations	2.6
2-04	Employee Reduction in Force Policy (RIF)	2.6
<b><i>SECTION 3</i></b>	<b><i>COMPENSATION, LEAVES &amp; BENEFITS</i></b>	
3-01	Compensation	3.1
3-02	Leaves	3.8
3-03	Employee Benefits	3.19
<b><i>SECTION 4</i></b>	<b><i>EMPLOYEE CONDUCT</i></b>	
4-01	Code of Conduct	4.1
4-02	Harassment, Discrimination, & Retaliation	4.7
4-03	Alcohol/Drug-Free Workplace	4.11
4-04	Tobacco-Free Workplace	4.17
4-05	Violence-Free Workplace	4.18
4-06	Employee Discipline	4.19
4-07	Employee Grievance Procedures	4.25
<b><i>SECTION 5</i></b>	<b><i>FINANCIAL POLICIES &amp; PROCEDURES</i></b>	
5-01	Purchasing	5.1
5-02	Travel Policy	5.2
<b><i>SECTION 6</i></b>	<b><i>RISK MANAGEMENT</i></b>	
6-01	Risk Management Philosophy	6.1
6-02	Incident Review Committee	6.3
6-03	Workers' Compensation	6.5
<b><i>SECTION 7</i></b>	<b><i>VEHICLE USE</i></b>	
7-01	Vehicle Use	7.1
7-02	Driver/Operator Duties and Responsibilities	7.2
7-03	Use of Personal Vehicles for City Business	7.5
7-04	General Liability Provisions	7.6

## ***INDEX***

## **DISCLAIMER**

This Employee Handbook is provided for general guidance only. The policies and procedures expressed in this Employee Handbook, as well as those in any other personnel material, or other types of material that may be issued from time to time, do not create a binding contract or any other obligation or liability on the City. The City reserves the right to change its policies and procedures at any time, formally or informally, with or without notice, for any reason. The City also reserves the right to take any employment action it deems appropriate. The prohibitions set forth in the Employee Handbook do not create an express or implied contract with any person.

## **SECTION 1 INTRODUCTION**

### **1-01 CITY OF SOUTH JORDAN GOVERNMENT**

The City of South Jordan is a City of the Second Class. It is governed by a six-member Council comprising five elected Council Members and an elected Mayor. As authorized by City ordinance, a City Manager is hired by the City Council to manage all day to day operations of the City. The City Manager is the Chief Administrative Officer (CAO) of the City and reports directly to the City Council. Also authorized by City ordinance, a City Attorney is hired by the City Council as chief legal advisor to the corporation. The City Attorney reports directly to the City Council.

### **1-02 POLICY IMPLEMENTATION**

- 1-02 (1) Information contained in this handbook is intended to give employees a better understanding of the responsibilities and obligations of employment with the City. Employees are required to read, understand, and comply with all provisions of the Employee Handbook.
- 1-02 (2) The City reserves the right to revise, supplement, or rescind any policy or portion of a policy from time to time as deemed necessary by the City Manager. A complete copy of the Employee Handbook is located online and is available to all employees. Every employee is responsible for becoming informed of changes as they occur.
- 1-02 (3) In addition to the policies and procedures contained in this manual, employees are responsible for understanding and abiding by policies and procedures of their respective Department and/or Division.
- 1-02 (4) The City Manager shall be the final interpreter of the provisions of the Employee Handbook as applied to all employees of the City working under the direction of the City Manager. The City Attorney shall be the final interpreter of the provisions of the Employee Handbook as applied to all employees of the City working under the direction of the City Attorney. Throughout the Employee Handbook the title “City Manager” shall be substituted to read “City Attorney” as applied to employees working under the direction of the City Attorney.

### **1-03 CITY OF SOUTH JORDAN VISION STATEMENT**

We are a family-oriented community, founded upon principles of accountability, integrity, industry, and innovation with an unwillingness to compromise in securing a sustainable environment for future generations.

### **1-04 CITY OF SOUTH JORDAN MISSION STATEMENT**

South Jordan City provides service-oriented, responsible government, consistent with the community's values, priorities and expectations for a high quality of life, enhancing the City's fiscal health, providing professional and innovative services, and managing the City's resources, while planning for the future.

### **1-05 EMPLOYEE SERVICE VALUES**

#### **Integrity**

“We do the right thing, even when no one is looking.”

#### **Service**

“We listen, understand, and deliver.”

#### **Professionalism**

“We are committed to be the best.”

#### **Communication**

“We are respectful and collaborative.”

#### **Excellence**

“We continue to raise the bar on our performance.”



## **SECTION 2 EMPLOYMENT PRACTICES**

### **2-01 RECRUITMENT**

- 2-01 (1) General Policies – It is the intent of the City of South Jordan to fill all positions with the most suitable applicant. Further, it is the intent of the City to consider qualified in-house applicants when appropriate.
- a. Statutory Compliance – The City of South Jordan complies with Utah “Prohibiting Employment of Relatives” statutes. The City prohibits any person holding any position to appoint, vote for the appointment of, directly supervise, or be directly supervised by their father, mother, husband, wife, son, daughter, brother, sister, grandfather, grandmother, uncle, aunt, nephew, niece, grandson, granddaughter, first cousin, father-in-law, mother-in-law, brother-in-law, sister-in-law, son-in-law, or daughter-in-law. Volunteers providing services to the City are excluded from this provision.
  - b. Anti-Nepotism – The City also will not hire or re-hire any current or former relative of a current employee. Relative, for the purposes of this restriction means, in addition to the relationships listed above, foster children, step-relationships of the preceding degrees of consanguinity, or any of their spouses.
  - c. Employment of Minors – It is the policy of the City of South Jordan that no one under the age of 16 shall be hired as an employee.
- 2-01 (2) Equal Employment Opportunity – The City of South Jordan is an Equal Opportunity Employer and selects, hires, promotes, and compensates employees without regard to race; color; religion; sex; pregnancy, childbirth, or pregnancy-related conditions; age; national origin; disability; sexual orientation; gender identity, or any other legally protected status. The City evaluates applicants for employment or candidates for promotion based upon their knowledge, skills, experience, education, and potential for job performance consistent with the needs of the position.
- 2-01 (3) Job Postings – In general, notices of all job openings are posted, although the City of South Jordan reserves its discretionary right to limit the recruitment to internal applicants or to not post a particular opening.
- a. External job openings may be posted in the following locations:
    - Employment agencies
    - Professional staffing services
    - Trade journals
    - City website
    - Department of Workforce Services
    - Social media

Other advertising sources may be used to fill open positions in the best interest of the City.

- b. Internal job postings will include City emails to eligible employee groups and posting at appropriate City locations.

2-01 (4) Application Requirements – In general, the following application process is followed for all job postings. City employees are encouraged to apply for any posted position.

- a. All applicants for employment with the City of South Jordan shall complete a City application and are required to comply with the specific application process for each position. The applicant must submit all applications to Human Resources by the closing date and time of the posted position.
- b. The City accepts applications from all interested parties and evaluates applicants based upon job-related criteria.
- c. Falsification of any information required in the application process is grounds for immediate disqualification.
- d. Applications will be retained for two (2) years (or three (3) years if a conditional job offer was declined or withdrawn).

2-01 (5) Selection Procedures

- a. Skill-based Testing – Job applicants may be required to take tests that the City deems necessary for a specific position.
- b. Veterans Preference – In accordance with Title 71, Chapter 10, Utah Code Annotated, eligible veterans and their spouses shall be given preference in the hiring process. The City employment application shall have a section to claim veteran's preference.
- c. Job Offer Requirements – Once an applicant is selected and a written conditional offer has been created by Human Resources, approved by the Department Director, and signed by the applicant, the applicant will be required to submit to drug testing, a background check, and a driver's license check (if required). The Personnel Action Form shall be approved by the Department Director.

## **2-02 EMPLOYMENT CLASSIFICATIONS**

### 2-02 (1) Employment Status

- a. Full-time – An employee hired to work a minimum of 40 hours per week or other similar full-time work schedule, and eligible for City benefits.
- b. At-will/Full-time – An employee hired to work a minimum of 40 hours per week or applicable full-time work schedule, eligible for City benefits, but the employee or the City may end the employment relationship at any time, with or without cause or explanation.
- c. Part-time – An employee hired to work to a maximum of 1508 hours during each year of employment is At-will and not eligible for City benefits.
- d. Paid Intern – A student currently seeking a degree who is paid while learning job duties under the supervision of a City employee.
- e. Unpaid Intern – An student currently seeking a degree who is volunteering to learn job functions under the supervision of a City employee for academic credit, has worker’s compensation coverage through his or her educational institution, and is not eligible for City compensation or benefits.
- f. For the purposes of the Patient Protection and Consumer Affordability Act (PPACA), the 12-month initial measurement period for Part-time and Intern employees begins on their start date. The administrative period for each applies from the end of the initial measurement period through the end of the first calendar month beginning after the end of the initial measurement period.
- g. Volunteer – Any person who donates service without pay or other compensation, except community service workers.
  - 1) Department Directors shall provide required volunteer information to Human Resources, prior to the rendering of any volunteer services, to ensure worker’s compensation and liability coverage.
  - 2) Volunteers who volunteer for more than 24 hours a calendar year must participate in a volunteer orientation.

### 2-02 (2) Probation

- a. Probationary period – all newly hired or re-hired full-time employees shall fulfill a probationary period. During probation, such employees may be terminated at any time, with or without cause or prior notice, for any reason or no reason at all.

- 1) Full-time employees, excluding sworn police and fire protection employees, are subject to a six-month probationary period.
  - 2) Full-time sworn fire protection employees are subject to a one-year probationary period. Former fire protection employees who are re-hired are subject to a six-month probationary period.
  - 3) Full-time sworn police officers are subject to a probationary period that ends one year from the date South Jordan City certifies their law enforcement officer certification with Utah POST (Peace Officer Standards and Training), Former police officers who are re-hired are subject to a six-month probationary period.
- b. Extensions – In unusual circumstances, probationary periods may be extended beyond the initial probationary period as authorized by the Department Director. Probation extensions shall be documented and notice given to the employee prior to the conclusion of the original probationary period.
- c. Public Safety Promotions – All employees promoted to the rank of Police Sergeant, Police Lieutenant, Fire Captain, or Fire Battalion Chief shall fulfill a six-month probationary period. During this probation, at the discretion of the Department Director, such employees may be returned to their former rank and pay at any time, with or without cause or prior notice; this action is not subject to the pre-disciplinary requirements of 4-06(4) or the Appeal Board process 4-06(5).

2-02 (3) Performance Reviews

Supervisors of all employees shall complete performance review(s) as determined by the City Manager.

2-02 (4) Corrective Action Plan

As part of a disciplinary action or as part of a performance review, an employee may be placed on a corrective action plan, the length of which shall be determined by the supervisor in consultation with the Human Resources Director.

- 2-02 (5) Employment Classification – In accordance with the Fair Labor Standards Act (FLSA), employees shall be classified as either exempt or non-exempt with respect to eligibility for payment of overtime.
- a. Exempt employees are those in managerial, administrative, or professional positions as prescribed by the FLSA and therefore do not receive overtime for hours worked in excess of a 40 hour work week or other applicable work period.
  - b. All other FLSA-covered employees are paid overtime for hours worked in excess of a 40 hour work week or other applicable work period.

## **2-03 PERFORMANCE EVALUATIONS**

- 2-03 (1) Designated supervisors shall conduct performance evaluations of full-time, at-will/full-time and part-time employees as designated by the City Manager to assist employees in performing their job duties.
- 2-03 (2) Designated supervisors will conduct an interim performance evaluation for any of the above employees transferred, reassigned, or promoted as a subordinate to a different designated manager, within ten (10) business days of the effective date of the transfer.
- 2-03 (3) Employees may receive merit increases based on performance evaluations and according to availability of funds as allocated by the City Council through the budget process.
- 2-03 (4) Approved copies of performance evaluations are placed in the employee's personnel file kept in Human Resources. Each employee will receive a copy of his or her performance evaluation.

## **2-04 EMPLOYEE REDUCTION IN FORCE POLICY (RIF)**

Due to budgetary restrictions, reduction in workload, or reorganization, the City Manager may determine that an employee reduction in force (RIF) is necessary. When it becomes necessary to reduce the work force, full-time employee(s) in the positions to be eliminated shall, when possible, be notified in writing at least two weeks before the planned reduction in force.

## **SECTION 3    COMPENSATION, LEAVES, & BENEFITS**

### **3-01 COMPENSATION**

- 3-01 (1) Work Hours – Work hours for employees are determined by Department Directors. Department Directors may change employee work hours as determined to be in the best interest of the City. Any working from home (telecommuting) schedule requires a written Telecommuting Agreement approved by the Department Director, the Human Resources Director, and the City Manager.
- a. The standard work week begins and ends at midnight Saturday. A 9/80 schedule work week begins and ends at noon on Friday. The operational Fire schedule begins and ends at 7:00 a.m. on a 24-day cycle. Any other work week schedule must be authorized in writing by the City Manager.
  - b. Employees are responsible for accurately recording and reporting time worked and leave used on their timecards.
  - c. Supervisors are responsible for reviewing and approving timecards in a timely manner.
- 3-01 (2) Classification – The City assigns each position a classification pay grade and salary range, as established by the City's pay plans. The pay plans reflects internal and external equities, based upon assigned duties and responsibilities, and market comparisons. Market research is conducted bi-annually by the Human Resources Division.
- 3-01 (3) Payroll – All employees are paid bi-weekly. Each paycheck will include earnings for all work performed through the end of the previous payroll period or applicable work period.
- a. Employees may voluntarily authorize deductions from their paychecks to cover the costs of participation in City-approved programs. Employees should review any discrepancies in payroll deductions with the Human Resources staff.
  - b. Upon receipt of a valid garnishment, the City shall withhold wages from an employee's paycheck. The City shall continue to withhold the garnishment wages until a court order is received indicating satisfaction of the indebtedness or until the City is ordered to surrender the monies to the court or its agent.
  - c. An employee may not receive an unearned pay advance, except as authorized by the City Manager.
  - d. Employees and the City have a joint responsibility to ensure that payroll payments are correct. Payroll errors may be corrected retroactively, but such errors may only be corrected for up to 26 pay periods.

- 3-01 (4) Merit or Step Increases – Employees may receive merit or step increases based on performance evaluations or other established criteria, according to availability of funds as allocated by the City Council through the budget process.
- 3-01 (5) Cost of Living (COLA) or Market Adjustments – Employees may receive a COLA or market adjustment as determined appropriate and according to availability of funds as allocated by the City Council through the budget process.
- 3-01 (6) Overtime Provisions – It is the general policy of the City of South Jordan to not have employees work overtime. However, employees may be required to work overtime as deemed necessary and pre-authorized by a Department Director or their designee.
- a. Overtime is paid consistent with FLSA requirements at the rate of one and one-half times the regular rate of pay, except as otherwise provided in this section.
  - b. Overtime is calculated based on actual time worked.
    - 1) Time worked includes those hours an employee is working, as well as holiday leave (including observed holiday hours or holiday hours scheduled at least 30 days in advance for sworn police officers and firefighters), jury duty, or witness duty.
    - 2) Time worked does not include vacation leave, sick leave, PTO (converted sick leave), bereavement/funeral leave, paid or unpaid administrative leave, paid military leave, or compensatory time.
  - c. Overtime is payment received for time worked in excess of:
    - 1) 40 hours per work week for non-exempt employees.
    - 2) 80 hours per 14 day work period for non-exempt sworn police officers.
    - 3) Firefighters on the 48/96 schedule are paid at the FLSA half-time rate for overtime hours up to and including 192 hours per 24-day work cycle, and then one and one-half times the regular rate of pay for overtime over the 192 hours.
  - d. Funding received from Federal and State grants, external donations or sponsorships, or third party fee schedule payments paid through City payroll stipulated for time and a half compensation will be paid as such.
  - e. In situations where the mayor has declared a “Local State of Emergency,” FLSA non-exempt employees whose work assists the response during the designated emergency will be paid time and a half for any emergency hours worked in addition to their normal work schedule. Employees will not accrue compensatory time.



- 3-01 (7) Compensatory Time Provisions – When it is in the best interest of the City of South Jordan, the City reserves the right to grant compensatory time in lieu of overtime wages to FLSA non-exempt employees. Compensatory time must be pre-authorized by a Department Director or their designee.
- a. Compensatory time is calculated the same as overtime, as described in Section 3-01 (6).
  - b. An employee with accrued compensatory time leave who requests use of the time will be permitted to use it within a reasonable period after making the request if it does not unduly disrupt the operations of the Department.
  - c. The City may require an employee to use accrued compensatory time.
  - d. The maximum amount of compensatory time an employee may accrue is 80 hours. Accrued compensatory time will be exhausted prior to any use of vacation leave and the end of the fiscal year.
  - e. The accrued compensatory time of an employee transferred between Divisions or moving to FLSA exempt status shall be used or compensated prior to such action.
- 3-01 (8) Exempt Employees – Exempt employees shall be paid consistent with principles of public accountability, as provided for under the Fair Labor Standards Act.
- a. Normal working hours for exempt employees shall be a 40-hour workweek. The City Manager or Department Director shall determine the normal working hours for each exempt employee. Reporting of leave use to meet the 40-hour minimum workweek standard may be made on an every other pay period basis, effective Jan. 31, 2016.
  - b. Exempt employees are expected to work beyond normal working hours when needed to complete their assignments and responsibilities.
  - c. Exempt employees are required to work a total of at least 160 hours over every two pay periods. Otherwise, the exempt employee must use accrued leave to make up the difference.
  - d. Exempt employees are not paid on an hourly basis and are not eligible for overtime or compensatory time, except for Federal or State grants, external donations or sponsorships, or third-party fee schedule payments paid through City payroll.
  - e. Exempt employees may be placed on leave without pay for absences when accrued leave has been exhausted, permission for leave use has not been sought or is sought but is denied, or the employee requests and is granted leave without pay.

- f. Exempt employees may be disciplined for violations of the Employee Handbook. Suspensions for workplace conduct rules must be imposed in full-day increments. Performance-related suspensions must be imposed in work-week increments.

3-01 (9) Call-back Compensation

- a. Any FLSA non-exempt employee called back to work shall be entitled to call-back compensation for actual time worked. The minimum call-back compensation shall be one and a half hours. Only time worked in excess of an employee's specified work week will be compensated at the overtime rate.
- b. Non-exempt firefighters scheduled off for a shift beginning on New Year's Day, Memorial Day, the 4th of July, the 24<sup>th</sup> of July, Labor Day, Thanksgiving Day, Christmas Eve, or Christmas Day, but called back to work will receive compensatory time or overtime at time and a half, for the lesser of the actual time worked or the twenty-four hour period.

3-01 (10) On-call Compensation – As required, a schedule of on-call FLSA non-exempt employees may be prepared in advance and maintained by a Department Director or their designee.

- a. Any position requiring an on-call status shall be on a one week rotation basis.
- b. On-call employees must be able to respond to a City work site within one hour and in compliance with the City's Drug/Alcohol Policy.
- c. On-call employees shall be paid four hours of their regular base salary rate, per one week rotation, in addition to pay for time worked.
- d. On-call employees shall be paid an additional two hours of their regular base salary rate for holidays within their one week rotation, in addition to pay for time actually worked.
- e. On-call pay shall be credited for the work week in which the last day of the on-call week occurs.

3-01 (11) Standby Notification

- a. Advance notice given to specific employees of an impending event such as a snow storm event or response to a natural disaster.
- b. Standby is only compensated if notified employees are actually required to respond. Such compensation will be call back compensation.
- c. Employees must be able to respond to a City work site within one hour and in compliance with the City's Drug/Alcohol Policy.

3-01 (12) Court Compensation for Police Officers

- a. Police Officers will receive compensation for court or official hearing appearances as a witness, subpoenaed by a government agency while off-duty, using the following criteria:
  - 1) Off-duty appearances are considered time worked and will be documented on the employee's timecard.
  - 2) The Officer will be compensated from the time of the required appearance until the time released by the prosecutor or other authority.
  - 3) Minimum compensation is three hours. If an Officer is required to stay past three hours, the actual time worked will be paid. Travel time to and from appearances is not time worked.
- b. When an Officer is required to appear on two or more separate appearances in one day, the Officer will receive compensation for each appearance only if the time lapse between subpoenas is at least three hours.
  - 1) If the Officer is required to appear on a subpoena before a regular shift the subpoena must reflect the Officer's appearance was required at least three hours before a regular shift to receive the minimum three hour pay. Otherwise, the Officer will be compensated for the time actually worked.
  - 2) If an Officer is required to remain in court past the end of a regular shift, the Officer will be paid for actual time worked.
- c. Court preparation time for cases arising out of the Officer's official duties will be considered time worked. Supervisors will determine whether court preparation will be completed on-duty or off-duty.
- d. Officers must record on their timecards compensation requests for off-duty court appearances and off-duty court preparation time for cases arising out of the employee's official duties.
  - 1) A copy of the subpoena showing the beginning time, release time, and signature of prosecutor or other authority, and the witness fee check must be submitted to Finance.
  - 2) To receive compensation, employees must submit the required signed subpoena, witness fee check (if applicable), and timecard.
- e. Any income earned from an employee's secondary employer for court appearances during the Officer's scheduled City working hours shall be turned over to Finance.

3-01 (13) Officer in Charge Compensation for Police Officers

- a. Officers will receive compensation for the assignment of Field Training Officer, using the following criteria:
  - 1) The Police Department and Officer have mutually agreed that he/she will accept the assignment as the Field Training Officer.
  - 2) The Officer will be compensated a total of one additional hour per shift, which will not be considered time worked and will be documented on the employee's timecard if the time is not used as paid time off.
  - 3) The Officer may choose to either use the one hour as paid time off or be compensated for it monetarily.

3-01 (14) Physical Ability Testing Compensation for Police Officers

- a. Officers are required to take the standard or job simulation test twice every year, in the spring and fall. However, if the Officer passes the standard physical fitness test at the pre-designated higher standard, he/she will be eligible for additional pay and will not be required to take it the second time in a calendar year.
- b. The additional pay will be reported on the employee's timecard as a total of 3 hours. These hours are not considered time worked.

3-01 (15) Service-related Severance Payments for At-will/Full-time Employees – If employment is ended at the initiative of the City, except for gross misconduct, At-will/Full-time employees employed for more than one year will be paid a severance of one month's salary plus the COBRA cost of the employee's current health insurance coverage per full complete year of employment as an At-will/Full-time employee, to a maximum of six months' salary and COBRA cost, upon execution of a Release of Claims Agreement.

3-01 (16) Travel Time – Whether work-related travel time is compensable "time worked" depends on the kind of travel involved. Situations not covered below should be resolved in consultation with Human Resources.

- a. Commuting travel time from home before the regular workday and returning to home after the regular work day is not time worked.
  - 1) This includes any assignment to a different work location within 50 miles of City Hall for an entire workday.
  - 2) Travel time to a work location 50 miles or more from City Hall for an entire workday is time worked, after excluding the time the employee would normally spend commuting to the regular work site.

- b. Time spent in travel as part of the employee's assigned duties during their workday is time worked.
- c. Travel that keeps an employee away from home overnight is travel away from home.
  - 1) Travel away from home during the employee's regular hours is time worked, regardless of which day of the week the travel occurs.
  - 2) Travel outside regular working hours as a passenger on an airplane, train, boat, bus, or vehicle is not time worked.
  - 3) Travel as the driver of an automobile outside regular working hours is time worked. If, however, an employee is granted the option to drive a vehicle as an alternative to being a passenger on an airplane, train, boat, bus, or vehicle, time worked is limited to the travel time that otherwise would have been incurred.
- d. Any work which an employee is required to perform while traveling is time worked.

**3-02 LEAVES**

3-02 (1) Vacation Leave – Vacation time off with pay is available to eligible employees to provide opportunities for rest, relaxation, and personal pursuits. Vacation accrual is based on two-week pay periods. Vacation leave may not be used until the pay period following its accrual.

a. Vacation Accrual Rates:

**Full-time employee (effective July 1, 2010):**

<u>Completed Years of Accrued City Service</u>	<u>Hours of Vacation Accrued per Bi-weekly Pay Period</u>
Less than 5	3.69 (96 hours annually)
5 – 9	4.62 (120 hours annually)
10 – 20	6.15 (160 hours annually)
21 or more	6.92 (180 hours annually)

**Full-time firefighter working 48-hour shifts:**

<u>Completed Years of Accrued City Service</u>	<u>Hours of Vacation Accrued per Bi-weekly Pay Period</u>
Less than 5	4.62 (120 hours annually)
5 – 9	5.54 (144 hours annually)
10 – 15	7.38 (192 hours annually)
16 or more	8.77 (228 hours annually)

b. Maximum Vacation Accrual Allowed:

Vacation time accrued cannot be carried forward from one calendar year to the next in excess of the following:

**Full-time employee (Hired prior to July 1, 2010):**

<u>Accrual Rate</u>	<u>Maximum Allowed</u>
3.69 hrs./pay period	240 hours
4.62 hrs./pay period	280 hours
6.15 hrs./pay period	320 hours
6.92 hrs./pay period	320 hours

**Full-time employees (Hired after June 30, 2010):**

<u>Accrual Rate</u>	<u>Maximum Allowed</u>
3.69 hrs./pay period	180 hours
4.62 hrs./pay period	180 hours
6.15 hrs./pay period	280 hours
6.92 hrs./pay period	280 hours

**Full-time firefighter working 48 hour shifts (Hired prior to July 1, 2010):**

<u>Accrual Rate</u>	<u>Maximum Allowed</u>
4.62 hrs./pay period	240 hours
5.54 hrs./pay period	280 hours
7.38 hrs./pay period	320 hours
8.77 hrs./pay period	320 hours

**Full-time firefighter working 48 hour shifts (Hired after June 30, 2010):**

<u>Accrual Rate</u>	<u>Maximum Allowed</u>
4.62 hrs./pay period	216 hours
5.54 hrs./pay period	216 hours
7.38 hrs./pay period	288 hours
8.77 hrs./pay period	288 hours

- c. Vacation leave shall be requested from and pre-approved by the employee’s supervisor.
  - d. Employees who wish to exhaust accrued vacation during the period of time immediately preceding their last day worked before retirement, resignation, or termination may do so if approved by the Department Director, but shall not be eligible for accrual of leave-on-leave.
  - e. Employees do not accrue vacation leave while on a leave without pay status, including any pay period in which accrued leave is the only available paid leave.
  - f. Employees may accrue vacation leave beginning on hire date if at least one day (8 hours or 24 hours) is worked within the designated pay period.
- 3-02 (2) Holiday Leave – The City of South Jordan recognizes the following holidays for purposes of paid holiday leave:

New Year’s Day	January 1 <sup>st</sup>
Dr. Martin Luther King, Jr. Day	3 <sup>rd</sup> Monday in January
Washington and Lincoln Day	3 <sup>rd</sup> Monday in February
Memorial Day	Last Monday in May
Independence Day	July 4 <sup>th</sup>
Pioneer Day	July 24 <sup>th</sup>
Labor Day	1 <sup>st</sup> Monday in September
Veteran’s Day	November 11 <sup>th</sup>
Thanksgiving Day	4 <sup>th</sup> Thursday in November
Thanksgiving Holiday	4 <sup>th</sup> Friday in November
Christmas Day	December 25 <sup>th</sup>
Christmas Holiday	Determined by City Manager

- a. If a holiday falls on a Saturday, the holiday shall be observed on the preceding Friday. If a holiday falls on a Sunday, the holiday shall be observed on the following Monday or as designated by the City Manager.
  - b. Full-time employees are eligible for eight hours of holiday pay per holiday listed above.
    - 1) Holiday leave may not be used prior to the pay period in which the holiday occurs, except for sworn police officers and firefighters authorized to use holiday hours on a calendar year basis.
    - 2) Employees on a 9/80 schedule must work one (1) additional hour or use one (1) additional hour of vacation, compensatory time, or PTO during the same work week for each holiday used to balance their hours.
  - c. Full-time firefighters working 48-hour shifts are eligible for 12 hours of holiday pay for each City holiday.
  - d. Employees scheduled to work on a holiday shall be allowed to use accrued holiday hours on a floating basis. Holiday leave used on a floating basis shall be requested and pre-approved by the employee's supervisor.
  - e. Non-exempt Public Works employees scheduled off on an observed City holiday but required to work for snow events or other emergencies will be paid for the holiday hours in addition to receiving compensatory time or being paid at time and a half.
  - f. Non-exempt Inspectors performing inspections on an observed City holiday, for which the City is reimbursed at time and a half, will be paid for the holiday hours in addition to being paid the time and a half reimbursement.
  - g. Employees do not accrue holiday pay when in an unpaid leave status or during a pay period in which no time worked occurs.
  - h. Unused holiday hours may not be carried from one calendar year to another.
- 3-02 (3) Sick Leave – Sick leave time off with pay is available to eligible employees for periods of temporary absence due to illness, injury, or to obtain necessary medical care for themselves, a spouse, or a dependent living in the employee's home. Sick leave may also be used for any City approved FMLA leave use. Sick leave hours are intended to provide income protection in the event of illness, injury, or approved FMLA use, and shall not be used for any other absence. An employee is prohibited from working secondary employment during the actual hours of sick leave. Sick leave may not be used until the pay period following its accrual.



- a. Full-time employees shall accrue 3.69 hours of sick leave per pay period (96 hours annually) beginning on the hire date if at least one day (8 hours) is worked within the designated pay period.
  - b. Full-time firefighters shall accrue 4.62 hours of sick leave per pay period (120 hours annually) beginning on the hire date if at least one day (24 hours) is worked within the pay period.
  - c. Employees do not accrue sick leave while on a leave without pay status, including any pay period in which accrued leave is the only available paid leave.
  - d. Employees who are unable to report to work due to illness or injury shall notify their direct supervisor before the scheduled start of their workday, if possible. The direct supervisor must also be contacted on each additional day of absence.
  - e. Employees may be required to demonstrate the ability to perform essential job duties and/or provide a medical release before returning to work.
  - f. Full-time employees who have a minimum of 240 hours of unused sick leave as of July 1 of each year may elect to convert sick leave to paid time off. This is done by converting two (2) hours of sick leave to one (1) hour of paid time off. A maximum of 48 hours of sick leave may be converted to paid time off. Calculation of paid time off will be made the first pay period in December, and should be used in the holiday season. Paid time off not used by April 1 of the following year will be returned to sick leave by the same conversion process.
  - g. Transitional Duty
    - 1) Worker's compensation-related transitional duty is covered by Section 6-04(3).
    - 2) For any injury or illness not related to worker's compensation where the employee is unable to perform essential job duties, the employee's Department Director may assign transitional duty if there is a prognosis for return to full duty within six weeks. Under unusual circumstances, transitional duty may be approved for longer than six weeks by the Department Director after consultation with the Human Resources Director.
- 3-02 (4) Bereavement/Funeral Leave – Full-time/Regular employees may receive a maximum of 24 hours bereavement leave per occurrence with pay, at the Department Director's discretion, following the death of a member of the employee's immediate family.
- a. Immediate family means the following relatives of the employee or spouse (including in-laws or step-relatives):
    - 1) spouse,
    - 2) parents,

- 3) siblings,
  - 4) children,
  - 5) all levels of grandparents, or
  - 6) all levels of grandchildren.
- b. An employee may receive up to 5 hours funeral leave with pay to attend non-immediate family funerals, at the Department Director's discretion.
  - c. Bereavement/Funeral leave shall be pre-approved by an employee's Department Director.
- 3-02 (5) Military Leave – A military leave is paid time off granted to eligible employees for military duty.
- a. An employee on official military orders is entitled to paid military leave, which shall not exceed 80 hours per calendar year, to complete military duty. Unused paid military leave may not be carried over from one year to the next.
  - b. An employee shall notify their supervisor and the Human Resources Division of their military orders, in writing, as soon as possible. The written notification will include the estimated leave date, the intended return date, and any required payroll deduction decisions.
  - c. Active Duty
    - 1) An employee ordered to active duty shall be eligible to use the paid military leave upon commencement of the active duty only if such leave has not been previously used during the calendar year.
    - 2) An employee ordered to active duty may use accrued paid leave and/or leave without pay for the remainder of the active duty period.
    - 3) Contribution payments by both the City and employee may be required during the active duty period in order to continue accruing years of service. The City and employee shall follow the process outlined by Utah Retirement Systems.
    - 4) Employees on active duty who elect to continue payroll deductions shall complete a "Benefits Reimbursement Agreement" and coordinate such with the Human Resources Division.
    - 5) Employees on active duty will be reinstated in accordance with the Uniformed Services Employment and Reemployment Rights Act (USERRA).

3-02 (6) Jury or Witness Duty – The City recognizes the duty of every employee, as a citizen of the United States, to perform jury duty or serve as a witness in court on behalf of another party.

- a. The City pays an employee’s regular salary when the employee is absent during a scheduled shift, except for court appearances on their own behalf as a defendant or plaintiff. The employee is required to remit any such jury or witness fee(s) received to the City.
- b. An employee may retain mileage reimbursement paid by the court.
- c. An employee must show the jury or witness duty summons to his or her supervisor as soon after receipt as possible so the supervisor may make arrangements to accommodate their absence.

3-02 (7) Basic FMLA Leave Provisions – The Family and Medical Leave Act (FMLA) grants eligible employees the statutory right to take up to 12 weeks of paid and/or unpaid leave, health insurance benefits, and with some limited exceptions, job restoration within a rolling 12 month period following the designation of FMLA leave. The City will designate FMLA leave for an employee whenever it has knowledge that the employee may qualify.

- a. An employee is eligible under the Family and Medical Leave Act if the employee has been employed with the City for a minimum of 12 months and has worked a minimum of 1250 hours in the 12-month period immediately preceding the request.
- b. Eligible employees may request up to 12 weeks of paid/unpaid leave for situations related to certain family and medical reasons such as:
  - 1) To care for the employee’s child after birth, or placement for adoption or foster care;
  - 2) To care for the employee’s child, spouse, or parent (but not in-law) who has a serious health condition. A serious health condition means an illness, injury, impairment, or physical or mental condition that involves inpatient care in a hospital, hospice, or residential medical care facility or continuing treatment by a health care provider;
  - 3) For the employee’s own serious health condition (including any period of incapacity due to pregnancy, prenatal medical care, or childbirth) that makes the employee unable to perform one or more essential functions of the employee’s job;
  - 4) For any qualifying exigency caused by a family member who belongs to the regular Armed Forces being called for deployment to a foreign country, or a

member of the reserves or National Guard being called to active duty deployment to a foreign country; or

- 5) To care for a spouse, child, parent, or next of kin who is a service member and is injured or becomes seriously ill while on active duty or within five years of leaving the Armed Forces.
- c. Eligible employees should make requests for family and medical leave to the Human Resources Division and notify supervisors in writing at least 30 days in advance of foreseeable event(s) and as soon as practical for unforeseeable event(s).
- 1) In an emergency, the employee must contact his or her supervisor within 48 hours or as soon as practical.
  - 2) An eligible employee may take leave consecutively or intermittently for qualifying conditions. If intermittent or reduced leave is needed, employees are strongly encouraged to schedule their leave so it does not unduly disrupt City operations.
  - 3) All employees requesting leave under this policy must complete the applicable Certification of Health Care Provider form and return it to the Human Resources Division within 15 working days.
  - 4) The Human Resources Division will process the certification and provide the employee with the Notice of Eligibility and Rights & Responsibilities form and Designation Notice.
  - 5) An employee on designated FMLA leave will have all absences related to that qualifying event count toward the total eligible 12 weeks of FMLA leave.
- d. Eligible employees must exhaust all available paid leave (accrued vacation, compensatory leave, sick leave, paid time off, or holiday leave) before going on a leave without pay status. Supervisors will be responsible for submitting the employee timecard, including FMLA use, to the Human Resources Division while an employee is on FMLA leave if the employee is unable to do so.
- e. Subject to the terms, conditions, and limitations of the applicable health insurance plans, the City will continue to contribute to premiums in accordance with established policy during an employee's approved FMLA leave; however, seniority and other benefits will not accrue during unpaid time off. The employee must continue to pay any portion of the premiums that the employee would typically pay if not on leave, either through payroll deduction or in person. The City shall collect employee premium amounts through coordination with the Finance Department. The City has the right to recover health insurance premiums if the employee does not return from FMLA leave.

- f. If the employee is returning from leave for their own serious health condition, the City may request a fitness-for-duty report from the health provider before the employee can return.
  - 1) Upon return from FMLA leave, an employee will return to their original or an equivalent position.
  - 2) If an employee fails to return to work after the 12 weeks of leave have expired, the employee is responsible for reimbursing the City for any unpaid employee share of the premium costs.
- g. Secondary Employment Prohibited While On FMLA Leave. While on FMLA leave, employees shall not work secondary employment during regularly scheduled working hours when using paid sick leave. Other secondary employment must be consistent with the qualifying medical condition or any restrictions medically imposed related to the FMLA leave.

3-02 (8) Administrative Leave

- a. Administrative leave with pay may be assigned by a Department Director or their designee under the following circumstances:
  - 1) Pending the outcome of an investigation to determine possible disciplinary action against the employee.
  - 2) Following work-related incidents that result in extreme stress.
  - 3) To protect City interests during an end-of-employment process.
- b. Written approval must be obtained from the Department Director for administrative leave up to forty (40) hours during a calendar year. Written approval must be obtained from the City Manager for any administrative leave exceeding forty (40) hours during a calendar year.
- c. An employee shall not engage in secondary employment during the actual hours designated as administrative leave. The City may also modify the employee's work hours or restrict secondary employment outside of hours designated as administrative leave. The City may, at its discretion, additionally restrict the activities of an employee on administrative leave with pay. For example, the employee must remain readily available and immediately able to respond to phone contact or return to work.
- d. After judicial review of the criminal charge(s), and after review by the City Attorney and the authorization of the City Manager, an employee charged with a job-related felony or class A misdemeanor may be placed on administrative leave without pay.

3-02 (9) Leave Without Pay

- a. Full-time/Regular employees are eligible to request leave without pay (unrelated to FMLA leave) for up to 12 months as described in this policy.
- b. Eligible employees interested in a leave without pay must submit a written request to their Department Director detailing the nature of the leave.
  - 1) Requests for leave without pay will be considered based on criteria such as the nature of the request, the impact to the organization, and the benefit to the employee and/or the City. Except for a reasonable accommodation for an ADA qualifying condition following the exhaustion of FMLA leave, the City will not grant a leave without pay unless it is believed the employee will remain employed by the City at the end of the leave. The City may end an approved leave without pay at its discretion, upon reasonable notice to the employee.
  - 2) Prior written approval must be obtained from the employee's Department Director. Additionally, written approval must be obtained from the City Manager for any requests exceeding forty (40) hours during a calendar year.
  - 3) Vacation leave, sick leave, holiday leave, and other City benefits will not continue to accrue during the approved leave without pay period.
  - 4) Employees who are granted a leave without pay are required to pay for 100% of the cost for employee benefits or the benefits will be cancelled due to non-payment.

3-02 (10) Breaks and Meal Periods – The City offers breaks and meal periods as work allows.

- a. The City may provide two paid breaks of up to 15 minutes each during a standard workday as determined by the supervisor.
- b. The City normally provides a one-hour unpaid meal period for full-time employees during a standard workday.
- c. Employees in public safety positions shall take breaks and meal periods in accordance with Department work schedules and policies.
- d. Employees under the age of 18 are entitled to a meal period of at least 30 minutes not later than 5 hours from the beginning of their shift. A rest break of at least 10 minutes is required for employees under the age of 18 for every three hour period or part thereof that is worked.

3-02 (11) Job Abandonment

- a. An employee who is absent from work for three consecutive scheduled shifts, and is capable of providing proper notification to their supervisor but does not, shall be deemed to have abandoned his or her job.
- b. Exception: An employee who is absent from work the first scheduled shift after exhausting all accrued paid leave, FMLA leave, or authorized leave without pay shall be deemed to have abandoned his or her job.
- c. The City considers job abandonment as a voluntary termination.

3-02(12) Breastfeeding

- a. The City supports breastfeeding and complies with the requirements of Utah Code Annotated § 34-49-204, including:
  - 1) providing reasonable breaks to accommodate breastfeeding and milk expression for at least one year after birth of the employee's child;
  - 2) consulting the employee about the frequency and duration of the breaks; the break shall, to the extent possible, run concurrent with any other break period otherwise provided to employees;
  - 3) providing an appropriate non-restroom location in close proximity to the employee's work area; and
  - 4) providing access to a clean and well-maintained refrigerator or a nonelectric insulated container for breast milk storage.
- b. Compliance will be managed by the Human Resources Director.
- c. The City will not refuse to hire, promote, discharge, demote, or terminate a person, or retaliate against, harass, or discriminate in matters of compensation or in terms, privileges, and conditions of employment against a person otherwise qualified because the person breastfeeds or expresses milk in the workplace.
- d. Complaints alleging discrimination under this policy will be handled consistent with the Harassment, Discrimination, & Retaliation Policy (4-02).

3-02(13) Pregnancy

- a. The City supports pregnant employees and complies with all legal requirements relating to pregnancy. If an employee becomes pregnant and has physical limitations that prohibit her from performing functions of her regularly assigned position, she shall notify Human Resources.

- b. The pregnant employee will notify Human Resources of potential eligibility for FMLA and complete the process outlined in Section 3-02 (7).
- c. Human Resources will review the Certification of Health Provider or doctor's notes for the pregnant employee to determine FMLA eligibility. This may give cause for Human Resources to facilitate an interactive meeting with the employee and supervisor to determine if a reasonable accommodation is needed and available.
- d. If the employee needs transitional duty, it will be handled consistent with the Transitional Duty Policy (3-02(3)(g).)



### **3-03 EMPLOYEE BENEFITS**

- 3-03 (1) Retirement – All Full-time employees are covered by the Utah State Retirement System (“URS”), unless exempted in accordance with Utah state law.
- 3-03 (2) Phased Retirement [effective January 1, 2017] – All eligible Full-time employees may apply to participate in this optional program. The program allows a City retiree to continue his or her employment on a half-time basis following the retiree’s retirement date and receive 50% of the retiree’s monthly retirement allowance.
- a) This program is governed by the terms and conditions outlined below, an individual agreement between the Phased Retiree and the City, and Utah Code, Title 49, Chapter 11, Part 13.
  - b) To participate in Phased Retirement, the employee shall:
    - 1) Be eligible to retire, based upon the specific age and service credit requirements for the employee’s retirement system, and actually retire with URS;
    - 2) Have been employed full-time for at least four years with the City immediately before the retiree’s retirement date;
    - 3) Be approved for Phased Retirement and enter into a Phased Retirement agreement with the City; and
    - 4) Prior to the retiree’s retirement date, complete and submit all required Phased Retirement forms with URS.
  - c. Approval Standards and Process
    - 1) An employees interested in this benefit is encouraged to notify his /her Department Director and Human Resources with at least one year’s notice by preparing a written request to participate.
    - 2) Each request to participate in Phased Retirement shall be reviewed on a case-by-case basis to determine if the request fills a legitimate business need and is beneficial to both the City and retiree.
    - 3) The Phased Retirement position may be the Phased Retiree’s pre-retirement position or another position for which the Phased Retiree has the education, knowledge, skills, and ability to perform.
    - 4) Approval of a Phased Retirement request is at the discretion of the City Manager, following recommendations of the involved Department Director(s) and the Human Resources Director, and approval as to form of the proposed

agreement by the Office of the City Attorney.

- 5) Human Resources shall complete and submit all required Phased Retirement employer forms or reports to URS, including notification within five business days of the signed Phased Retirement Agreement.
- 6) Written Agreement: Prior to working in a Phased Retirement position, the City and Employee shall enter into a written agreement, which must be signed and submitted to the Human Resources office and recorded with the City Recorder.

d. Time limits and termination of Phased Retirement

- 1) One year is the initial maximum Phased Retirement period. Phased Retirement may be extended for additional subsequent periods of a maximum of one year each, at the discretion of the City Manager.
- 2) A Phased Retiree is an at-will employee whose employment may be terminated at the City's discretion.
- 3) The City may modify or terminate the Phased Retirement program at any time, and for any reason.
- 4) The Phased Retiree and the Human Resources Division shall notify URS when the individual's Phased Retirement is irrevocably terminated.
- 5) URS shall begin paying 100% of the retiree's retirement allowance on the first day of the month following the month in which URS receives written notification and any required supporting documentation that an individual's Phased Retirement has been irrevocably terminated.

3-03 (3) Health Insurance – The City may offer group health insurance benefits to Full-time/Regular employees.

- a. Eligible employees are enrolled when hired and may make changes to group benefit plans once each year during a specified period known as “Open Enrollment.”
- b. Health insurance elected by eligible new hires is effective on the first day of the month following the employee's start date. Coverage is canceled the first month after the termination date.
- c. Eligible employees who provide proof of insurance under another plan may choose to waive the City's coverage annually. A portion of the City's insurance premium cost may be reimbursed to the employee through the payroll process once a month.

3-03 (4) Life Insurance – Basic life insurance and access to supplementary life insurance may be provided by the City for all Full-time/Regular employees.

3-03 (5) FICA (Social Security & Medicare) – All employees are covered by the benefits of Old Age, Survivors and Disability Insurance as provided by law. Contributions of the employee and the City will be made in accordance with Federal law.

3-03 (6) Training

- a. Employees are encouraged to obtain training through attendance at job-related seminars, conferences, classes, certification courses, etc. The employee's Department Director or designee must pre-approve all training attendance and payment of associated costs. A copy of training certifications shall be forwarded to Human Resources.
- b. When the Department Director approves training, the involved time will be treated as time worked, consistent with City policy and FLSA regulations.
- c. When a course of training or certification exceeds 40 hours, the Department Director may require the employee to enter into a written agreement requiring the employee to reimburse the City for the cost of the training, on a pro-rated basis, if the employee voluntarily terminates his or her City employment within a designated time period following the final date of the training.

3-03 (7) Tuition Reimbursement

- a. Employees are encouraged to pursue continuing education opportunities to enhance their job skills and the ability to be promoted with the City. Subject to available funding and priorities established by the City Manager, full-time employees may be eligible to receive partial tuition and mandatory fees reimbursement each budget year on an annual basis from a City-wide line item.
- b. Eligible employees desiring consideration must submit a completed Tuition Reimbursement Program Application to Human Resources within 30 calendar days before or after each period of coursework begins.
- c. Eligibility:
  - 1) To be eligible, employees (except for public safety employees) must have successfully completed new-hire probation prior to the start date of coursework.
  - 2) Public safety employees must have successfully completed at least six months of their one-year probation in order to be eligible. Public safety employees must also be recommended for eligibility by their Department Director prior to the start date of each period of coursework.
  - 3) The employee must be matriculated in an educational institution accredited by a Regional Accreditation Council of the U.S. Department of Education and

pursuing a degree. The value of the degree to the City must be approved by the City Manager; and

- 4) The employee must complete each course with a grade of “B-” or higher or “pass” if a pass/fail course.

d. Payment:

- 1) Payment to approved employees will be made upon acceptable written evidence of satisfactory completion of the course and proof of payment.
- 2) The maximum payment will be no more than 75% of tuition and mandatory fees paid by the employee; and no more than \$3,000.00 per fiscal year. Scholarships and grants are not considered paid by the employee.
- 3) The actual amount of reimbursement authorized for an individual will be determined at the City Manager’s discretion.
- 4) All payments for continuing education will be reported through Payroll and treated as taxable or excludable consistent with IRS regulations.

e. The City requires the employee to enter into a written agreement on the application to comply with the requirements of this policy. Additionally, an employee pursuing a Bachelor’s or Master’s degree is required to enter into an agreement with the City committing to a date of completion and a repayment obligation. A new agreement is required for a change in degree or educational institution.

f. Employees will attend classes, travel to or from, and study on their own time. To accommodate course scheduling, irregular work schedules may be authorized by Department Directors.

3-03 (8) Uniforms – The City will provide employee uniforms when uniforms are required to fulfill job responsibilities, which may be taxable consistent with City-wide Policies. Uniforms will be maintained and worn in accordance with City and Department policies.

3-03 (9) City Service Award Program

- a. In order to recognize and retain a talented workforce, South Jordan City will offer awards for years of full-time and part-time employee service.
- b. The Human Resources Director is authorized to establish and administer a City Service Award Program for recognition of completion of cumulative full-time City service of five (5), ten (10), fifteen (15), twenty (20), twenty-five (25) and thirty (30) years. Funding for the City Service Award Program shall be included in the Human Resources Division annual budget, subject to Council funding.

- c. Presentation of years of service awards will be managed by the Human Resources Division, based on service completed in the previous calendar year.

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## **SECTION 4 EMPLOYEE CONDUCT**

### **4-01 CODE OF CONDUCT**

- 4-01 (1) Professionalism – The City of South Jordan is a public entity whose purpose, among others, is to provide professional services to its citizens. City employees must adhere to high standards of public service that emphasize professionalism and courtesy. City employees shall conduct themselves in a way that will bring trust and respect to themselves and the City.
- 4-01 (2) Conflict of Interest
- a. In order to avoid potential conflicts of interest prohibited by state law and City Code, all new employees will file an “Officer and Employee Disclosure Statement” with the City Recorder.
  - b. If the value of an employee’s interest in an entity that does business with the City is significantly increased, the employee is required to file an updated “Officer and Employee Disclosure Form.”
  - c. Additionally, each Elected Official, Appointed Official, or employee promoted to or acting in the position of the following, is required to submit an “Officer and Employee Disclosure Form” annually.
    - 1) Department Directors
    - 2) Associate Directors
    - 3) Purchasing Coordinator
    - 4) Contract project managers
    - 5) Other employees as designated by the City Manager.
  - d. All employees will comply with all conflict of interest requirements of the City Code, including but not limited to Chapter 2.40.
- 4-01 (3) Honesty – Employees shall be honest in word and conduct and never use their position to benefit themselves or another party through the disclosure of or by acting on confidential information, award of work, procurement of supplies, or use of City facilities, equipment, or resources.

- 4-01 (4) Confidentiality – Employees shall not disclose, or willfully allow to be disclosed, any information gained by reason of their position, for any reason other than its official or authorized purpose. Employees will comply with the confidentiality requirements of state law and the City Code, including restrictions against disclosing or using private, protected, or controlled information acquired by reason of a member’s official position for the employee’s or another’s private gain or benefit.
- 4-01 (5) Gifts & Gratuities – City of South Jordan employees are prohibited from knowingly receiving, accepting, taking, seeking, or soliciting, directly or indirectly any gift of substantial value or a substantial economic benefit which would tend to improperly influence a reasonable person in the person’s position to depart from the faithful and impartial discharge of the person’s public duties. This section does not apply to the following:
- a. an occasional non-pecuniary (not cash) gift having a value of less than \$50;
  - b. an award publicly presented;
  - c. any bona fide loan made in the ordinary course of business; or
  - d. political campaign contributions if the contribution is actually used in a political campaign.
- 4-01 (6) Attendance – All employees shall meet attendance and punctuality requirements in accordance with department and supervisory guidelines.
- 4-01 (7) Appearance – In order to maintain a professional atmosphere and appearance, all employees including those who wear uniforms, shall maintain the following minimum standards:
- a. Employees must maintain a high standard of personal hygiene. Employees must appear neat and clean and have no offensive odors. An employee's hair must be clean and groomed.
  - b. Employees’ dress and appearance must be appropriate to their employment. Appropriateness may vary, depending upon the nature of work performed, safety concerns, and the degree of public contact.
  - c. Employees must wear clothing that is clean and neat, and not torn or frayed. Employees must avoid clothing that is unduly revealing, immodest, or otherwise inappropriate for a professional office setting or other work environment.



d. Tattoos/Branding

- 1) Employees are not permitted to have tattoos or branding on their face or head, except for permanent makeup, such as eyeliner, eyebrows, or lipstick, in natural skin or hair colors. The neck is not considered part of the face or head.
- 2) Tattoos or branding that violate the City's harassment policy or include content offensive to modesty, decency, propriety, or professionalism must be covered while at work.
- 3) With the prior approval of the City Manager, the Police Chief and Fire Chief may promulgate more restrictive written policies for tattoos and branding.

e. In addition to the above, all employees shall meet department dress and appearance policies.

4-01 (8) Personal Use of City Equipment – Except as otherwise authorized by the Employee Handbook, personal use of City equipment can only be authorized by the City Manager.

4-01 (9) Electronic Communication Devices

a. Personal Electronic Communication Devices

The use of personal electronic communication devices, including but not limited to radios, satellite phones, cellular phones, computers, and tablets, shall not unreasonably interfere with the performance of the employee's duties or interfere with City business operations. Department Directors may restrict or prohibit the use and/or possession of personal electronic communication devices for safety or other operational reasons.

b. City Electronic Communication Devices

- 1) City electronic communication devices and all content are the property of the City, and there is no expectation of privacy for any employee. These devices are primarily provided to facilitate the effective and efficient completion of job duties.
- 2) Use is only permitted by the employee and other authorized employees.
- 3) Secondary personal use may be restricted by Department Directors, consistent with this policy.
- 4) Employees shall not use City electronic communication devices for any non-City business purpose, personal financial gain, or political activity.

- 5) Employees shall not use City electronic communication devices to violate the City's harassment, discrimination, or other policies.
- 6) Employees shall not use City electronic communication devices to download, view, print, share, or store any sexually explicit content (including but not limited to photos, emails, or texts) except as necessarily required by the employee's official job duties. Inadvertent exposure shall be immediately reported to the employee's supervisor.
- 7) Employees shall not use City electronic communication devices for on-line gaming, gambling, or criminal activity.
- 8) Employees shall not download or store any unlicensed media or software on City electronic communication devices.
- 9) Employees shall not install non-City licensed software on networked City electronic communication devices without approval of the Information Services division. Accounts for non-network applications (iTunes®, etc.) are required to be in the name of the employee or an approved City account authorized by a Department Director. Department Directors may reimburse employees for applications determined to be for work purposes.
- 10) Employees shall not store, copy, or transfer unauthorized City records, electronic content, software, or computer code.
- 11) Excessive unauthorized audio and/or video streaming on the City's private network is prohibited, to preserve the City's bandwidth capacity.
- 12) The City retains the right to monitor, deny access to, or copy both City and non-City content at any time, including communications made on a third-party server, regardless of the use authorized.

c. Personal Social Media Participation

An employee who participates in social networking sites for personal purposes shall not:

- 1) claim to represent the position of the City, including any Department or other organizational sub-unit; or
- 2) use any City logo or trademark; or
- 3) post any private, protected, or controlled information or record not obtained through GRAMA; copyrighted information, confidential information received from City clients, or any City-created or issued documents including those

documents created by the employee for City or personal use, without permission of the City; or

- 4) discriminate against, harass, or otherwise threaten a City employee or any person doing business with the City.

d. Reporting of Child Pornography

- 1) All City computer technicians will comply with the mandatory reporting requirements of Utah Code Annotated § 76-10-1204.5.
- 2) If a computer technician, during the course of City employment, views an image on an electronic device that appears to be child pornography, the employee shall immediately notify the finding of the image to the City's designated employee, the Chief of Police.
- 3) The Chief of Police shall immediately report the finding to a state or local law enforcement agency, or the Cyber Tip Line at the National Center for Missing and Exploited Children; and document the same.

4-01 (10) Outside Activities – City employees shall not use City-owned property or work time in support of outside interests and activities, except as authorized by a Department Director.

4-01 (11) Political Activity – City employees shall not use City-owned property, work time, or influence of position over other employees while engaging in any political activity.

4-01 (12) Secondary Employment

- a. Employment with the City of South Jordan as a full-time employee shall be an employee's primary employment. City employees are permitted to engage in secondary employment upon completion and approval of an employee's Request for Approval of Secondary Employment form. Secondary employment includes any sole proprietorship, partnership, or other self-employment.
- b. Employees are not authorized to work any secondary employment without prior approval by an employee's Department Director. Such approval may include an agreement between the Department Director and the employee based on the job duties of the specific secondary employment approval requested. The agreement will be noted on the form and may cover conditions including but not limited to: total hours permitted to be worked in a given time period, restrictions when on-call for the City, and rest periods between ending secondary employment and reporting for regularly scheduled City work hours.
- c. Employees will submit a new Notice of Secondary Employment annually, as part of Open Enrollment.

- d. Consistent with other sections of the Employee Handbook and applicable law, the City may restrict or limit secondary employment during administrative leave, sick leave, worker's compensation, transitional duty, FMLA leave, leave without pay, or as a disciplinary action.
- e. All other City employees are required to annually submit a Notice of Other Employment. A Department Director may rely on such Notice in determining if and how to act upon an actual or perceived conflict of interest.
- f. Completed secondary employment forms shall be filed with Human Resources.

#### 4-01 (13) Prohibition on Recording Other Employees

- a. No employee may record, by any means, a conversation with another employee unless the following requirements are met:
  - 1) there is a legitimate reason for the recording;
  - 2) the recording device is in plain view;
  - 3) the employee being recorded is notified of the recording; and
  - 4) the recording has been authorized, in writing, by the employee's supervisor.
- b. Exceptions – the operation of authorized general recording practices of the City such as law enforcement investigations and oversight, the recording of meetings, and the conduct of authorized City investigations.

## **4-02 HARASSMENT, DISCRIMINATION, & RETALIATION**

- 4-02 (1) General Policy – The City of South Jordan is committed to providing a work environment that is free of harassment or any other type of discrimination with regard to race; color; religion; sex; pregnancy, childbirth, or pregnancy-related conditions; age; national origin; disability; sexual orientation; gender identity, or any other legally protected status. The City has a zero tolerance policy towards any form of unlawful harassment or discrimination by or to any employee or retaliation against any employee protected under this policy.

Misconduct identified in this policy is unacceptable behavior and is prohibited. The City will make reasonable efforts to prevent the conduct identified in this policy, and will promptly investigate all complaints of violation of this policy. An employee's violation of this policy, whether legally constituting sexual harassment, discrimination, or retaliation, will result in disciplinary action up to and including termination.

- 4-02 (2) Prohibited Conduct – The City prohibits conduct that includes, but is not limited to:
- a. Unwelcome sexual advances, requests for sexual favors, and other verbal or physical conduct of a sexual nature when:
    - 1) submission to such conduct is made either explicitly or implicitly a term of the condition of an individual's employment;
    - 2) submission to or rejection of such conduct by an individual is used as the basis for employment decisions affecting that individual; or
    - 3) such conduct has the purpose or effect of unreasonably interfering with an individual's work performance or creating an intimidating, hostile, or offensive working environment.
  - b. Other inappropriate conduct, such as:
    - 1) derogatory comments, insults, suggestive remarks, or jokes involving sexual activity, or a person's race, color, religion, sex, pregnancy, childbirth, pregnancy-related conditions, age, national origin, disability, sexual orientation, gender identity, or any other legally protected status;
    - 2) display of photographs, drawings, cartoons, written material, objects, or use of electronic communication devices that would offend a reasonable person;
    - 3) inappropriate physical contact, such as patting or pinching;
    - 4) intentionally brushing against another person's body;

- 5) stating, implying, or joking that an individual's job performance is attributable to that person's race, color, religion, sex, pregnancy, childbirth, or pregnancy-related condition, age, national origin, disability, sexual orientation, gender identity, or any other legally protected status;
  - 6) giving of unsolicited or inappropriate gifts of a personal and private nature; or
  - 7) sexual assault of any kind.
- c. Pervasive, unwelcome, demeaning, ridiculing, derisive, or coercive conduct towards another person based on race, color, religion, sex, pregnancy, childbirth, or pregnancy-related condition, age, national origin, disability, sexual orientation, gender identity, or any other legally protected status that
- 1) creates an intimidating, hostile, or offensive work environment;
  - 2) unreasonably interferes with a person's work performance; or
  - 3) otherwise adversely and unreasonably affects an employee's employment.
- d. Retaliation against any employee for reporting, filing a complaint, or assisting the City in its investigation of a complaint under this policy, even if such underlying complaint is determined to be unfounded. Retaliation may be deemed a separate violation of this policy and may subject the perpetrator to disciplinary action. Examples of retaliation include:
- 1) taking disciplinary action in bad faith;
  - 2) unwarrantedly changing the terms of an employee's employment ;
  - 3) spreading rumors about the employee;
  - 4) encouraging hostility toward that employee from a co-worker; or
  - 5) escalating the harassment.
- e. Disclosing confidential information with regards to an investigation being conducted under this policy, including disclosing that there is an investigation and/or any details of an investigation with any City employee except those conducting the investigation.
- 4-02 (3) Personal Employee Relationships
- a. Each City employee in a non-spousal romantic, dating, and/or sexual relationship with another City employee must promptly notify their Department Director upon

beginning or ending such relationship or if the relationship results in marriage. The Department Director is responsible for notifying the Human Resources Director.

- b. Supervisors are prohibited from having a romantic, dating, and/or sexual relationship with a subordinate employee who they supervise in the chain-of-command.

4-02 (4) Employee Obligations

- a. Employees are obligated to comply with this policy and avoid any prohibited conduct.
- b. Employees are obligated to report violations of this policy.
- c. Employees are obligated to fully cooperate in any investigation of an alleged violation of this policy, including the obligation to provide truthful and complete evidence and testimony in any investigation or proceeding.
- d. Employees are obligated to refrain from making any bad faith or known false complaints of violation of this policy.
- e. Employees are obligated to avoid retaliation against any person who files a complaint, or who participates or provides evidence or testimony in any investigation or proceeding under this policy.

4-02 (5) Reporting Violations of this Policy

- a. All employees are required to report all incidents that they reasonably believe to be violations of the City's Harassment, Discrimination, & Retaliation Policy. These reports shall be made when the employee first believes they or someone else has been harassed, subjected to inappropriate conduct, discriminated against, or retaliated against. Employees must make such report with one of the following: a supervisor, Department Director, Chief of Staff, City Manager, an attorney in the City Attorney's Office, the Human Resources Director, or Human Resources Analyst.
- b. Any supervisor or manager who reasonably becomes aware of potential discrimination, harassment, or retaliation shall immediately advise the Human Resources Director and/or an attorney in the City Attorney's Office. Any supervisor who knew or should have known of a potential offense and did not report the matter shall be subject to disciplinary action.

4-02 (6) Investigation – The City shall investigate all complaints, regardless of whether they are written or verbal, as expeditiously and professionally as possible. Confidentiality of the complaint will be maintained to the extent it is practical, but cannot be guaranteed.

- a. Human Resources, the City Attorney's Office, and the involved department will coordinate the investigation.
- b. The assigned investigator(s) will ensure that the allegations and findings are documented.
- c. The assigned investigator(s) are responsible for moving the investigation forward, ensuring adequate documentation, and making recommendations.
- d. The appropriate Department Directors are responsible for accepting, modifying, or rejecting recommendations and, when appropriate, initiating disciplinary action.
- e. Disciplinary action placed in any personnel file will not include the name of any victim.
- f. Records of an investigation determined to be unfounded will not be placed in any individual's personnel file, but it will be retained as an investigative file. Access will be limited to Human Resources staff, City Attorney's Office, and the Office of the City Manager.
- g. Appeals about the conclusions of the investigation will be handled as follows:
  - 1) Disciplinary actions arising from the investigation will be handled consistent with the Employee Discipline section in this chapter and may be appealed in accordance with that section.
  - 2) An employee may appeal the conclusion of an investigation. However, the basis of an appeal is limited to the employee's concerns with the adequacy of the investigation, such as the investigators' failure to interview a key witness or consider a crucial piece of evidence. An employee cannot appeal based solely on his or her disagreement with the outcome of the investigation.
  - 3) An appeal will begin directly at Step Three of the Employee Grievance Procedure (Appeal to City Manager).



### **4-03 ALCOHOL/DRUG-FREE WORKPLACE**

- 4-03 (1) Federal Drug-Free Workplace Requirement – The City of South Jordan complies with the Federal Drug Free Workplace Act of 1988.
- 4-03 (2) Drug-Free Awareness Program – During new-hire orientation, all new employees will receive training about the dangers of drug and alcohol abuse, a copy of this policy, and information and a brochure about the City’s Employee Assistance Program.
- 4-03 (3) Employee Responsibilities –
- a. No employee shall unlawfully manufacture, possess, use, or distribute any controlled substance or alcohol in a City workplace.
  - b. Any employee convicted under any criminal drug statute shall notify his or her supervisor and Department Director within five days after the conviction.
  - c. No employee shall consume alcoholic beverages during work hours, during breaks or meal periods, or for at least eight (8) hours before coming to work.
  - d. No employee shall be impaired by alcohol, medication, or illegal drugs, or have any detectable trace amount of illegal drugs or a blood-alcohol level of .02 or higher in their system during work hours, or while representing the City of South Jordan in an official capacity.
  - e. Additional Responsibilities of “Safety Sensitive” Employees
    - 1) For purposes of this policy, the City has designated the following as safety-sensitive positions:
      - Law Enforcement Officers
      - Special Function Officers
      - Evidence Technicians
      - Firefighters
      - Paramedics
      - Evidence Custodians
      - Job required CDL holders (consistent with the provisions of 4-03 (11))
    - 2) All employees in safety-sensitive positions will timely report the use of any medication that could reasonably be expected to impair their ability to perform their duties prior to or upon reporting for duty on a City Disclosure of Prescription Drugs form completed by their health care provider. The forms will be submitted annually to Human Resources, who will advise the employee’s Department Director of any relevant medical information.

- i. The employee must timely submit an updated form if there is a change in medication, a significant change in dosage, or the medication is discontinued.
  - ii. Human Resources will verify the status of all active forms annually.
- 3) Any employee in a safety-sensitive position who is cited, arrested, or charged with any criminal drug or alcohol related offense shall notify his or her Department Director within 24 hours.

4-03 (4) Drug/Alcohol Testing Policy

All employees and prospective employees (including Human Resources Division designated volunteers and prospective volunteers) are required to participate in drug testing as a condition of hire or continued employment. Failing or refusing to take a test or a confirmed, positive drug and/or alcohol test result, shall be deemed a violation of this policy. The types of drugs or metabolites and cut-off levels shall be determined by the Human Resources Director, except as mandated or limited by federal regulations.

4-03 (5) Pre-Employment Testing

- a. All prospective employees and designated prospective volunteers shall be tested for drug usage.
- b. All job applicants shall be informed of the policy during conditional job offers. A copy of this policy shall be available for their review.
- c. All applicants shall be required, prior to being hired or volunteering for the City, to sign an acknowledgment form agreeing to abide by the terms of this policy.
- d. The City will exclude from employment any job or volunteer applicant who refuses to abide by the terms of this policy.
- e. An employment application from an applicant with a confirmed positive drug test will not be processed by the City for one (1) year from the date of such result.

4-03 (6) Reasonable Suspicion (For Cause) Testing

- a. An employee may be required to submit to a drug and/or alcohol test when reasonable suspicion arises and the employee's supervisor, manager, or Department Director and a Reasonable Suspicion City Designee concur that reasonable suspicion exists. Suspicion must be based upon specific, contemporaneous, articulable observations concerning appearance, behavior, speech or body odors of the employee. Reasonable suspicion testing may include re-tests or follow-up tests as may be necessary to protect the integrity of the testing protocols, such as newly discovered evidence that the employee tampered with a previous drug test.

- b. All employees who hold a CDL license as a job requirement shall fall under the Federal Motor Carrier Safety Administration's reasonable suspicion guidelines Part 382.
- c. The Reasonable Suspicion City Designees are approved by the City Manager and identified on a list maintained on the City's Intranet.
  - 1) A written record shall be made of observations leading to an alcohol or controlled substances reasonable suspicion test, and signed by the Reasonable Suspicion City Designee who made the observations, within 24 hours of the observed behavior or before the results of the alcohol or controlled substance tests are released, whichever is earlier.
  - 2) The written record must be provided to the Human Resources Director for retention.
- d. Once the authorized supervisors have determined that reasonable suspicion exists, testing shall be done as soon as practical.
- e. If an employee is sent to an outside clinic for a reasonable suspicion test, the employee shall be driven to the facility by the supervisor or his or her designee.
  - 1) The employee shall then be put on paid administrative leave until the results of the test are available.
  - 2) The supervisor shall make arrangements or help the employee make arrangements to get home without driving him or herself.

#### 4-03 (7) Rehabilitation Testing

If the City returns an employee to work after he or she has enrolled in a rehabilitation program for drug or alcohol abuse and has successfully completed the rehabilitation program, such employee may be entered into a program of unannounced drug and alcohol testing for a predetermined period of time at the sole discretion of the City.

#### 4-03 (8) Post-Incident Testing

- a. Post-incident testing will be conducted on employees involved in the following incidents:
  - 1) treatment for a worker's compensation injury at a medical facility (either out-patient or in-patient);
  - 2) a traffic accident involving bodily injury to any party, a collision with any pedestrian or person on a non-motorized device;

- 3) any event or incident that includes property damage or loss of \$1,000.00 or more
- b. Such testing will occur as soon as practical after the accident. The employee may be returned to work after completion of the testing, unless the testing is based on reasonable suspicion.
- c. The employee's immediate supervisor and Risk Management shall be immediately notified of all such incidents.

4-03 (9) Random Testing

For purposes of maintaining safety and as a deterrent to drug and alcohol abuse, safety sensitive employees are subject to random drug and alcohol testing. The frequency of random testing will be determined by the Human Resources Director, except as otherwise required by federal law for CDL drivers.

4-03 (10) Testing Protocols

- a. All drug testing will be carried out in compliance with Utah Code Annotated § 34-41-1.
- b. Any drug or alcohol testing shall occur just before, during, or immediately after the regular work period of current employees, and shall be deemed time worked for purposes of compensation and benefits for current employees.
- c. The City shall pay all costs of testing and transportation associated with a test required by the City.
- d. For both non-DOT and DOT tests, if the MRO informs the City that a negative test was diluted, the result will be accepted as a negative if the creatinine concentration is 5 mg/dL or greater.
- e. For a DOT test, if the MRO directs that a re-collection must take place under direct observation (i.e. because the creatinine concentration was equal or greater than 2mg/dL, but less than or equal to 5 mg/dL) the City will contact the donor immediately. Failure of the donor to submit for this re-collection will be classified as a refusal to test.
- f. For a non-DOT test, if the MRO directs that a re-collection must take place (i.e. because the creatinine concentration was equal or greater than 2mg/dL, but less than or equal to 5 mg/dL) the City will contact the donor immediately. Failure of the donor to submit for this re-collection will be classified as a refusal to test.

4-03 (11) Drug Testing Information

- a. The information received from drug testing shall be the property of the City.
- b. Upon City receipt of the test results, the Human Resources Division shall timely notify the person tested, by telephone or e-mail, of negative results. Positive test results shall be made by personal notification.
- c. If the test results are positive, the person tested will be advised of the option to have the split sample tested, the expense to be equally divided between the donor and the City. The option must be exercised within 72 hours of the notification to the employee.

4-03 (12) Employees Required to Hold a Commercial Driver's License (CDL)

Those employees required by their employment at the City to hold a CDL shall be tested as required by Federal and/or State law.

- a. Prior to requiring any drug or alcohol testing of an employee who holds a CDL, the supervisor will determine whether the testing is authorized under this policy or under the City's Drug/Alcohol Policy. CDL testing involves a different panel of drug and alcohol tests and requirements.
- b. All testing under CDL requirements will be preceded by specific notification by the supervisor to the employee that the test is being ordered as a CDL requirement.
- c. CDL post-accident testing is only conducted if the employee, during the drug testing window, is cited for a contributory moving violation or if another person is a fatality. All other post-accident testing will be done under the City's drug/alcohol testing policy.
- d. Any reasonable suspicion testing decision must be made by an officially trained supervisor. A City designee (4-03 (6)) must concur.
- e. Random drug testing is conducted just before, during, or just after performance of CDL duties.
- f. If the employee being tested for reasonable suspicion is a CDL holder, the alcohol/and or drug test must be administered within two hours and if it is not, the Reasonable Suspicion Designee must prepare and provide to Human Resources a record stating the reason the test was not promptly administered.
- g. Rehabilitation testing, if offered by the City, shall meet CDL requirements.

4-03 (13) Disciplinary Action

Because of the serious nature of illegal use or abuse of alcohol, illegal drugs, or medication, appropriate employee disciplinary action will be taken, which may include termination. The City, at its discretion in a disciplinary action, may require an employee to participate in an employer-mandated EAP at the City's expense and/or a rehabilitation program and mandatory drug and/or alcohol testing at the employee's expense as a condition of continuing employment.

4-03 (14) Voluntary Substance Abuse Counseling & Rehabilitation

- a. The City of South Jordan encourages employees who have a determined need to enroll in a counseling or rehabilitation program.
- b. The employee shall immediately contact his or her supervisor and the Human Resources Division to coordinate leave status and benefits.

4-03 (15) Employee Questions About This Policy

Questions about this policy may be directed to the Human Resources Division.

#### **4-04 TOBACCO-FREE WORKPLACE**

- 4-04 (1) General Policy – The City of South Jordan is subject to and enforces the Utah Indoor Clean Air Act and is committed to providing a safe and healthy work environment.
- 4-04 (2) Employee Responsibility – All employees are prohibited from use of tobacco products (including chewing tobacco and e-cigarettes) throughout the workplace, including all City buildings, vehicles, and equipment. Use of tobacco products (including chewing tobacco and e-cigarettes) is also prohibited within 25 feet of any entrance-way, exit, open window, or air intake of City buildings.

## **4-05 VIOLENCE-FREE WORKPLACE**

- 4-05 (1) General Policy – The City of South Jordan is committed to maintaining a safe and efficient working environment where employees and the public are free from the threat of workplace violence.
- 4-05 (2) Employee Obligations
- a. Employees are obligated not to engage in violence or behavior that carries the potential for violence including, but not limited to, assault, fighting, or foul, abusive, or threatening language or gestures.
  - b. Any possession of firearms or other weapons on City property, including City vehicles, or while conducting City business shall be in compliance with federal and state laws and City Code. The Fire Chief may prohibit firearms or weapons at fire stations, on fire vehicles, or at fire scenes for safety reasons.
  - c. Employees must immediately report all incidents of violation of this policy to their supervisor or Department Director.



## **4-06 EMPLOYEE DISCIPLINE**

- 4-06 (1) General Policy – It is the responsibility of all employees to observe rules of conduct necessary for the proper operation of City government. Administrative procedures have been established for the handling of disciplinary measures when required.
- 4-06 (2) Causes for Disciplinary Action – Causes for disciplinary action, up to and including termination, may include, but are not limited to, the following:
- a. Violation of the laws of the United States, the State of Utah, or ordinances of the City of South Jordan or any other jurisdiction determined to be job-related.
    - 1) A conviction (including a plea in abeyance or no contest) for the violation of any criminal law shall be prima facie evidence (accepted as true) in any City hearing process.
    - 2) Violation may also be established in any City hearing process under an administrative standard of whether the evidence shows more likely than not the violation occurred regardless of the pendency or dismissal of criminal charges.
  - b. Violation of the code of conduct.
  - c. Conduct that endangers the peace and safety of others or poses a threat to the public interest.
  - d. Any behavior by an employee deemed inappropriate or disruptive to the work environment that affects or may affect the ability of other employees to perform effectively.
  - e. Misconduct.
  - f. Malfeasance. (The performance of an act which is legally unjustified or conflicts with the law or City-policy).
  - g. Misfeasance. (The wrongful performance of a normally lawful act.)
  - h. Nonfeasance. (The omission of some act which ought to have been performed.)
  - i. Incompetence.
  - j. Negligence.
  - k. Insubordination.
  - l. Failure to maintain skills.

- m. Inadequate performance of duties.
  - n. Unauthorized or excessive absence or tardiness.
  - o. Falsification or unauthorized alteration of records.
  - p. Violation of City or department policies.
  - q. Falsification of employment application.
  - r. Discrimination.
  - s. Sexual harassment or prohibited sexual conduct.
  - t. Retaliation.
  - u. Misrepresentation (making false statements or knowingly allowing false statements or false impressions to be accepted as valid in the course of the employee's job-related duties).
  - v. Theft or removal of any City property, or the property of any employee from the work premises without proper authorization.
  - w. Gambling or engaging in a lottery on City property.
  - x. Failure of a public safety employee to maintain physical fitness/ability standards.
  - y. Inability to perform essential job duties, with or without reasonable accommodation.
  - z. Any other action or behavior contrary to the best interests of the City.
  - aa. Interference with any type of City investigation, including discussing any aspect of the investigation or the mere existence of an investigation with any other city employee.
- 4-06 (3) Disciplinary Action – Disciplinary records are those official notices, letters, warnings and other records provided to an employee informing the employee of disciplinary action. All disciplinary action must be reported to Human Resources. The following are not to be deemed a progressive disciplinary scheme or system:
- a. Verbal Warning – A verbally communicated warning to an employee by a supervisor for a work performance deficiency, which is documented in the employee's personnel file.

- b. Written Reprimand – A formal written notice to an employee by a supervisor for disciplinary purposes that outlines work performance deficiencies and required corrective action, and which is documented in the employee’s personnel file.
  - c. Suspension – An employee may be suspended from work without pay for up to 30 days (240 hours) by a Department Director. For any suspension of more than two days (16 hours), the City shall first conduct a pre-disciplinary hearing as outlined in 4-06 (4), except for appointed, at-will, and probationary employees.
  - d. Demotion – An employee may be demoted by a Department Director to a lower-grade position with or without a reduction in pay or with an in-grade pay reduction. If the demotion is also an involuntary transfer to a position with less remuneration, the City shall first conduct a pre-disciplinary hearing as outlined in 4-06 (4), except if the employee is appointed, at-will, or probationary, or if the transfer is the result of a layoff or reorganization.
  - e. Transfer – An employee may be transferred to another position within a department by a Department Director. An employee may be transferred to another position in a different department within the City with approval of the City Manager. If the transfer is an involuntary transfer to a position with less remuneration, the City shall first conduct a pre-disciplinary hearing as outlined in 4-06 (4), except if the employee is appointed, at-will, or probationary, or if the transfer is the result of a layoff or reorganization.
  - f. Termination – A full-time employee may be terminated by a Department Director after consultation with the Human Resources Director, the Office of the City Attorney, and the City Manager or designee. The City shall first conduct a pre-disciplinary hearing as outlined in 4-06 (4), except if the employee is appointed, at-will, or probationary, or if the termination is the result of a layoff or reorganization. All other employees may be terminated at the discretion of Department Directors after consultation with Human Resources. A hearing is not required.
  - g. Employees whose conduct constitutes grounds for discipline may be subject to one or more of the foregoing disciplinary actions depending on the severity of the improper conduct. The City reserves the right to impose disciplinary action, up to and including termination, on a first offense, depending on the nature and severity of the improper conduct.
- 4-06 (4) Pre-Disciplinary Hearing – Whenever a full-time employee who is not an appointed, at-will, or probationary employee, is subject to possible suspension without pay for more than two days (16 hours), demotion or involuntary transfer from one position to another with less remuneration, or termination (except as a result of a layoff or reorganization), a pre-disciplinary hearing shall be held prior to imposing disciplinary action.

- a. The employee shall be given written notice of the hearing prior to the hearing, which will include an explanation of the charges against the employee and notice that discipline, up to and including termination, will be considered.
- b. The pre-disciplinary hearing shall be conducted by the employee's Department Director or designee for the purpose of allowing the employee to respond to the charges and present information the employee believes is relevant to the decision.
- c. A decision as to the disciplinary action to be taken, if any, shall be made by the Department Director or designee, and the employee shall be notified in writing within five working days after the hearing. This written notification shall include:
  - 1) The grounds for disciplinary action.
  - 2) Any disciplinary action to be imposed.
  - 3) The effective date and duration of the disciplinary action.
  - 4) Any required corrective action necessary for the employee to avoid further disciplinary action.
  - 5) Notice and a copy of the post-disciplinary hearing process outlined in 4-06 (5), if the imposed disciplinary action is termination, a suspension of more than two days (16 hours), or demotion or involuntary transfer from one position to another with less remuneration.
- d. Waiver of Pre-Disciplinary Hearing

An employee may waive the right to a pre-disciplinary hearing. Such waiver must be in writing, signed by the employee, and specifically acknowledge that the employee has received a copy and read the requirements of 4-06, accepts the proposed discipline, and acknowledges that the waiver also applies to the right to appeal to the Appeal Board.

4-06 (5) Appeal Board (pursuant to Utah Code Annotated §10-3-1106)

- a. A full-time employee who is not an appointed, at-will, or probationary employee, may use the post-disciplinary hearing process. Appeals to the Appeal Board shall be taken by filing written notice of the appeal with the City Recorder within ten calendar days of receipt of the notice of the imposition of qualifying discipline (suspension of more than two days (16 hours), demotion or involuntary transfer from one position to another with less remuneration, or termination, except if the action is the result of a layoff or reorganization).
- b. The Appeal Board shall consist of three members. The City Manager, at his or her discretion, may appoint managers of the City as Appeal Board members.

c. Exhaustion of Internal Grievance Procedures

The City designates the Appeal Board as the only internal post-disciplinary appeal procedure for terminations, suspensions without pay for more than two days (16 hours), demotions or an involuntarily transfer from one position to another with less remuneration.

d. Appeal Hearing Process

- 1) The employee shall be entitled to appear in person before the Appeal Board and to be represented by counsel (at the employee's expense), to have a hearing open to the public, to confront the witnesses whose testimony is to be considered, and to examine the evidence to be considered by the Appeal Board.
- 2) An employee or the City may request the hearing be open to the public.
- 3) The Appeal Board determines the admissibility of evidence and its use. Further, the Appeal Board is not bound by the rules of evidence and may consider any evidence it determines relevant to the matter.
- 4) The City Recorder records and takes minutes of each session, except for the Appeal Board's deliberations.
- 5) The City Attorney or designee represents the City's interests.
- 6) The standard of review is substantial evidence. The City has the burden of establishing the factual basis underlying the disciplinary decision and the reasonableness of that decision. The appellant challenging an action has the burden of demonstrating its impropriety.
- 7) The Appeal Board may establish hearing procedures consistent with Utah Code Annotated §10-3-1106, and may modify those procedures at the hearing as may be equitable and conducive to a determination of the issues.

e. Decision of Appeal Board Hearing

- 1) Each decision of the Appeal Board shall be by secret ballot.
- 2) Each decision of the Appeal Board shall be certified to the City Recorder no later than 15 days after the day on which the hearing is held; however, for good cause, the Appeal Board may extend the 15 day period to a maximum of 60 calendar days, if the employee and the City both consent.
- 3) Upon reaching a decision, the Appeal Board shall issue the decision. A decision is issued when it is signed and dated by all members of the Board, and certified with

the City Recorder. The City Recorder shall distribute the certified decision to the employee, the City Manager, the Human Resources Director, the City Attorney, and the Department Director.

- 4) If the Board does not uphold the suspension, demotion or termination, the Board shall provide in its order:
  - a) the employee shall receive the employee's salary for the period of time during which the employee was discharged or suspended without pay less any amounts the employee earned from other employment during this period of time; or
  - b) the employee is paid any deficiency in salary for the period during which the employee was demoted or involuntarily transferred to a position of less remuneration.
- 5) Any final action or order of the Board may be submitted for review by either the employee or the City to the Utah Court of Appeals by filing a petition for review no later than 30 days from the date of the issuance of the final action or order of the Appeals Board by filing with that court a petition for review.

4-06 (6) Requests to Purge Disciplinary Records – An employee may submit a written request to the City Manager to have prior disciplinary records purged.

- a. The employee must wait a minimum of two years before a request will be considered. Requests will only be considered if there have been no intervening disciplinary actions.
- b. The City Manager shall consider the request within 10 working days of receipt.
- c. All decisions shall be at the sole discretion of the City Manager or designee.

## **4-07 EMPLOYEE GRIEVANCE PROCEDURES**

- 4-07 (1) General Policy – A grievance is defined as a complaint made by a City employee of a decision or action taken by the City that affects an employee’s working conditions, except disciplinary actions. For example, a grievance may be filed regarding such decisions or actions such as a performance evaluation, a job or task reassignment, or a change in schedule or a health/safety concern. . All employees have the right to file a grievance.

Disciplinary action appeals shall be handled consistent with the Employee Discipline policy (4-06).

- 4-07 (2) Grievance Process – The following process shall be followed in processing grievances made by City employees. If at any Step the City fails to respond within the allotted time period, such failure shall constitute a denial and the employee may move to the next Step in the process.

- a. Step One – An employee wishing to grieve an incident or action must submit the grievance in writing to his/her immediate supervisor within 10 business days of the decision or action being grieved. The written grievance should include, at a minimum, the date, description of the decision or action in question, and the remedy sought. The employee’s immediate supervisor shall respond to the employee’s grievance in writing, detailing the decision and including a copy of this policy, within 10 business days of receipt of the grievance.
- b. Step Two – If the employee is not satisfied with the response of the immediate supervisor, the employee may submit a written grievance to his/her Department Director within 10 business days of the immediate supervisor’s response. The Department Director shall respond to the employee’s grievance in writing, detailing the decision and including a copy of this policy, within 10 business days of receipt of the grievance.
- c. Step Three – If the employee is not satisfied with the response of the Department Director, the employee may submit a written request to the City Manager within 10 business days of receipt of the Department Director’s response.

The City Manager or designee shall respond to the employee’s grievance in writing, detailing the decision, within 10 business days of receipt of the grievance

The decision of the City Manager is final and not appealable.

- 4-07 (3) Representation

An employee may not be represented at any Step One grievance discussion with the supervisor. The employee may be represented by legal counsel at any Step Two or Step

Three discussion, subject to any conditions imposed by the Department Director, City Manager, or the City Manager's designee.

4-07 (4) Documentation

Copies of all grievances and responses shall be forwarded to the Human Resources Division for filing upon receipt or issuance.



## **SECTION 5 FINANCIAL POLICIES & PROCEDURES**

### **5-01 PURCHASING**

- 5-01 (1) General Policy – Employees shall comply with all applicable federal and state laws and regulations, and City ordinances and resolutions regarding the procurement of goods, services, and contracts. A complete copy of the City’s Purchasing Policy is on the City Intranet or may be obtained from the Finance Department.
- 5-01 (2) Credit Cards – City credit cards shall be used for official City business only and all use shall comply with the City’s Purchasing Policy.

## 5-02 TRAVEL POLICY

- 5-02 (1) General Policy – All travel for City business outside a 50 mile radius of City Hall shall be requested on a travel request form and be pre-authorized by an employee’s Department Director.
- a. City vehicles may be used for travel associated with City business. Employees are discouraged from using their personal vehicles for City business.
  - b. An employee who uses his or her personal vehicle for City business will be reimbursed for mileage in accordance with the following:
    - 1) The employee must keep a mileage log that details the reason for the trip and the number of miles driven to and from the travel destination. Mileage reimbursement requests must be signed by the employee’s Department Director and submitted to the Finance Department.
    - 2) Mileage will be reimbursed at the rate currently authorized by the Internal Revenue Service.
  - c. Travel-related fringe benefits may be taxable consistent with City-wide Policy 200-12.
  - d. If an employee chooses to drive rather than fly for out-of-state travel, the City will reimburse the employee based on the least expensive flight, rather than actual mileage.
- 5-02 (2) Per Diem – Employees shall be paid per diem for City-related travel outside the 50 mile radius of City Hall in accordance with the State of Utah travel policy. Per diem for premium cities will be paid at the reimbursable rate published by the State in the out-of-state section of the travel policy. The State of Utah travel policy is located at <http://www.rules.utah.gov/publicat/code/r025/r025-007.htm>.

## **SECTION 6 RISK MANAGEMENT**

### **6-01 RISK MANAGEMENT PHILOSOPHY**

- 6-01 (1) General Policy – It is the philosophy of South Jordan City to reduce the potential for loss from exposures through sound risk management practices in all City, department, and individual employee activities. Within the constraints of the budget and the City’s obligation to provide certain public services, City risk management and safety practices will reflect a strong consideration for the safety of employees and the public.
- 6-01 (2) Department Responsibility for Risk Management and Safety – Each Department Director is responsible for implementing risk management programs required by the City insurance carriers, the City Risk Committee, and the City Manager to protect the health, safety and welfare of City employees and public; prevent financial losses and reduce insurance premiums; conduct the affairs of the department to reduce insurance premiums and to reduce the potential for claims and lawsuits against the City. To this end each Department Director will:
- a. Implement all applicable Utah Risk Management Mutual Association (“URMMA”) risk reduction policies or programs;
  - b. Appoint one or more Department Risk Coordinator(s) to oversee the implementation of risk management and safety within the department, to represent the department on the City’s Incident Review Committee, and to assist the Division of Risk Management in the processing of risk-related incidents; and
  - c. Develop and maintain policies and practices designed to meet the particular risk management needs of the department.
- 6-01 (3) Individual Responsibility for Risk Management and Safety – Individual employees shall take responsibility for their own safety as well as the safety of other employees, citizens, and property. Employees shall abide by reasonable safety precautions and exercise due care while on the job. Adequate training, appropriate supervision, reasonable scheduling, proper equipment and other management tools should be utilized by the department and followed by each individual employee to create a safe working environment. Individual employees are responsible to immediately report to their supervisor any potential hazards likely to cause an accident and should be forthcoming in identifying and bringing to the attention of supervisors, Risk Coordinators, and their Department Director, safety concerns that cannot be addressed and resolved by the individual employee.

- 6-01 (4)      Risk Committee –The Risk Committee formulates and implements formal policy and philosophy relative to risk management and safety.
- a.      Members of the Risk Committee – The Risk Committee comprises the Leadership Team and the Risk Management department. The City Manager shall act as Chair of the Risk Committee. A Risk Management employee shall act as the Executive Secretary to the Risk Committee.
  - b.      General Duties – The Risk Committee shall perform the following general duties:
    - 1)      Assist Risk Management in developing objectives for risk management in the City and in implementing those objectives; and
    - 2)      Receive reports, findings, and recommendations of the Incident Review Committee.
  - c.      Risk Committee Meetings – The Risk Committee shall typically meet quarterly during the regularly scheduled Leadership Council meetings. Risk Management shall be responsible for preparing agendas for the meetings and for keeping minutes of all Risk Committee meetings.

## **6-02 INCIDENT REVIEW COMMITTEE**

- 6-02 (1)     General Policy – To ensure that all Incidents are investigated and evaluated in a fair, impartial, and consistent manner and to further encourage and implement safe work practices, each incident shall be reviewed by the Incident Review Committee (the “Committee”).
- 6-02 (2)     Incident Review Committee Process
- a.     Composition of the Committee – The Committee shall be composed of the Risk Coordinators from each City department and Risk Management. Risk Management will chair the Committee.
  - b.     Meeting Schedule – The Committee shall meet at least quarterly.
  - c.     Procedure of the Committee – The Committee shall receive all information relevant to the incident. As determined by Risk Management, employees involved in an incident where there appears to be fault on the part of the employee shall be required to appear before the Committee to present an explanation of the employee's involvement in the Incident. The Committee shall analyze each Incident and determine, at minimum, the following:
    - 1)     whether the Incident was reasonably preventable;
    - 2)     whether an employee and/or a department was at fault;
    - 3)     what action should be taken to prevent future similar Incidents.
  - d.     Records of the Committee – Minutes of all Committee meetings shall be kept. Such minutes shall include, at minimum, the following:
    - 1)     the names of the members of the Committee at each meeting;
    - 2)     the name of any person appearing before the Committee;
    - 3)     a summary of the facts of each Incident, as found by the Committee; and
    - 4)     the findings of the Committee relative to whether an Incident was preventable, the extent to which a department or an employee was at fault, and how similar Incidents can

be avoided in the future.

e. Discipline/Counseling

- 1) Employee Discipline/Counseling – Whenever the Committee finds that an employee was at fault, the Department Director may impose discipline/counseling. In determining the appropriate discipline/counseling, the Department Director shall consider at minimum the following:
  - (a) cost to the City as a result of the Incident;
  - (b) employee attitude regarding the Incident;
  - (c) corrective action taken on prior Incidents;
  - (d) whether the Incident was preventable and the extent of fault on the part of the employee as determined by the Committee; and
  - (e) action that will be the most beneficial to the City and/or most educational to the employee involved.
- 2) Summary of Disciplinary Action – The Department Director shall notify the Human Resources Division of any proposed disciplinary action as a result of an incident. The disciplinary records shall be kept in the employee’s personnel file in the Human Resource Division consistent with City policy. Copies of such documentation shall be forwarded to Risk Management.
- 3) Report to Risk Committee – Risk Management shall periodically report the findings of the Committee relative to each Incident to the Risk Committee.

## **6-03 WORKERS' COMPENSATION**

### 6-03 (1) Workers' Compensation Program Overview

- a. Program Oversight and Administration – City employees injured during the performance of their job duties are covered by the City's workers' compensation program (the "Program"), which provides medical reimbursement and indemnity benefits, as required by state law. The Program is overseen by the Risk Management Division ("Risk Management"). Claims administration is provided by a contract workers' compensation program administrator (the "Program Administrator"). Transitional duty is coordinated by Risk Management.
- b. Designated Medical Care Provider – By contract, the City designates a medical care provider ("Medical Provider") to care for employees with work-related injuries. Except in the case of life or limb threatening injuries, the City does not pay other medical providers or facilities for the treatment of workers' compensation injuries, even if the injury is work-related, unless the Medical Provider refers the employee and the referral is approved by Risk Management or the Program Administrator prior to the treatment.
- c. Employee Discipline – Failure by an employee to follow program reporting protocol, treatment policies, transitional duty requirements, or any other law, policy, or procedure related to the program in a timely and complete manner, shall result in employee disciplinary action up to and including termination.

### 6-03 (2) Treating and Reporting an Injury

- a. Medical Treatment – When injured, an employee shall immediately obtain necessary medical treatment from the Medical Provider. If the condition is life threatening the employee should call 911. Life threatening conditions include conditions such as unconsciousness, uncontrolled bleeding, severe respiratory distress, major burns, spinal cord injury, shock, or poisoning. Once initial emergency medical treatment is given and the employee is physically able, the employee shall report to the Medical Provider for follow-up treatment. It is the responsibility of the employee to advise the emergency medical provider that the City will not be financially responsible for any follow-up treatment by such emergency medical provider or by providers referred by the emergency medical provider unless the follow-up treatment or

referral is previously approved by the City's Medical Provider and by Risk Management or the City's Program Administrator.

- b. Reporting an Injury – Immediately following any injury, however minor, or immediately following emergency medical treatment, the employee shall report the injury to the employee's supervisor and to Risk Management. The report shall be made no later than 24 hours following the occurrence of the injury. Although initial notice of the injury to Risk Management may be made by telephone recording (if the injury occurs after regular City business hours), a claim is not deemed "reported" until the employee speaks personally with a staff member of Risk Management and the appropriate injury report required by the Program Administrator is completed. The employee is responsible to follow up with Risk Management and speak to a staff member to assure that all details of the injury are reported. If an injury is so severe as to render the employee physically incapable of following the reporting process as required, the employee's supervisor shall assure that the required reporting is completed.

6-03 (3) Return to Work; Mandatory Transitional Duty

- a. Return to Full Duty Allowed by Medical Provider – Immediately following initial treatment for a work-related injury, the employee shall obtain a written return to work release ("Work Release") from the Medical Provider and shall contact Risk Management before returning to the employee's regular place of work. The employee shall return to work for regular full duty ("Full Duty") unless directed otherwise by the treating Medical Provider. An employee shall not return to the work site following a work-related injury without delivering to Risk Management a Work Release signed by the employee's Medical Provider. The employee's supervisor shall verify that the employee has contacted Risk Management before allowing the employee to return to the work site.
- b. Return to Full Duty Not Allowed by Medical Provider – If an employee is directed by the Medical Provider to not return immediately to Full Duty, the employee shall immediately notify the employee's supervisor and Risk Management of the following:
  - 1) that the Medical Provider has directed the employee to not return to Full Duty;
  - 2) the reasons for such direction and the prognosis of the injury;



- 3) the expected date and time the employee will be released by the Medical Provider to Transitional Duty and ultimately Full Duty; and
  - 4) the work restrictions the Medical Provider has placed on the employee.
- c. Secondary Employment – An employee on workers’ compensation leave or transitional duty shall not engage in any secondary employment except as first authorized by Risk Management.
- d. Mandatory Transitional Duty – The City has an aggressive return to work policy. Temporary modified duty (“Transitional Duty”) is mandatory on the part of the employee when determined practicable by Risk Management. Transitional Duty will be made available to all injured employees who, based on the Medical Provider’s opinion, are unable to return to Full Duty immediately following an injury. An injured employee shall be required to return to Transitional Duty immediately upon release to do so by the Medical Provider. The following are the responsibility of the injured employee:
- 1) to notify any and all medical providers or specialists who provide treatment for the work-related injury that Transitional Duty for the employee is available and mandatory;
  - 2) to provide a complete and accurate description of the employee’s job description and regular work tasks to the medical provider or specialist to enable such provider or specialist to determine whether the employee will return to Full Duty or to Transitional Duty; and
  - 3) to ensure that if return to Full Duty immediately following the work-related injury is not approved by the Medical Provider, that written work restrictions (“Work Restrictions”) are prepared by the Medical Provider in consultation with the employee and the City, and that such restrictions are provided to Risk Management.
- e. Employee to Report to Risk Management with Work Release and Written Work Restrictions – Upon release to work by the Medical Provider for either Transitional Duty or Full Duty, the employee shall immediately report to Risk Management with a work release and any work restrictions from the Medical Provider. The

employee shall not return to the work site prior to contacting Risk Management. The employee's supervisor shall verify that the employee has reported to Risk Management, shall confirm any Work Restrictions placed on the employee with Risk Management, and shall review any work restrictions with the employee before allowing the employee to return to the work site.

- f. Transitional Duty Assignments – In consultation with the employee's department director and other department directors, Risk Management, shall determine the employee's mandatory Transitional Duty until the employee is released to Full Duty, in writing, by the Medical Provider.

6-03 (4) Workers' Compensation Wage Replacement ("Indemnity Benefits")

- a. Wage Replacement Amount (Indemnity Benefit) – If a worker's compensation injury or illness causes total temporary disability (i.e. the employee cannot perform ANY work tasks for the City) as determined by the Medical Provider and confirmed by Risk Management, the employee receives weekly wage replacement ("Indemnity Benefits") equal to 66 2/3 percent of the employee's weekly wages at the time of the injury, up to a maximum of the state weekly average, adjusted for eligible dependents. The Indemnity Benefit continues until the employee is released by the Medical Provider to Transitional or Full Duty.
- b. First Three Calendar Days After Injury Not Compensated – An injured employee does not receive Indemnity Benefits for the first three days after the injury occurs, unless the period of total temporary disability lasts more than 14 days.
- c. Supplement to Indemnity Benefit – Employees may receive supplemental Indemnity Benefits on a taxable basis, up to 100% of employee's regular wages where an employee has accrued sick leave, compensatory time, and/or vacation leave. No employee may receive more than the equivalent of 100% of his or her regular wages, adjusted for taxes and deductions. Any Supplemental Indemnity Benefit must be surrendered to the City in order to receive a regular paycheck. The employee will be provided a regular pay check for the employee's full salary by the City consistent with this paragraph.
- d. Transitional Duty Wages and Benefits – Employees who return to work in a Transitional Duty capacity receive 100% of their normal wages and benefits.

6-03 (5) Failure to Follow Applicable Law, Policies and Procedures

- a. Questions Concerning Program Requirements – Employees are strongly encouraged to contact Risk Management if questions should arise regarding the reporting, treatment, or processing of workers’ compensation claims. Additional details pertaining to the City’s program may be obtained by contacting Risk Management.
  
- b. Loss of Benefits – Failure by an employee to follow procedures for reporting and processing workers’ compensation claims as required by State law and the Utah Labor Commission may result in the denial of a claim and/or in the loss of benefits by the employee.

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## **SECTION 7 VEHICLE USE**

### **7-01 VEHICLE USE**

- 7-01 (1) Authorization to Drive – To be authorized to drive a City-owned vehicle, an employee or volunteer must possess a valid Utah driver’s license for the type of vehicle he or she is operating, and complete the URMMA approved defensive driving course (<http://intranet.sjc.utah.gov/safety-DefensiveDrivingTraining.asp>).

Exceptions: Police Officers will complete EVO training and seasonal employees must successfully complete a post-employment City-administered “commentary drive” instead of the defensive driving course requirement.

- 7-01 (2) Annual Verification of Driver’s License Status – The City’s Emergency/Safety Manager will ensure that the driver’s license status of all employees required to drive as part of their job description is reviewed annually.
- 7-01(3) Training Requirements – Additionally, Departments may impose such familiarization or training requirements on vehicle operators as may be necessary.
- 7-01 (4) Pool Vehicle Use – Pool vehicles are authorized for use by authorized employees or volunteers who do not have a City vehicle assigned to them and need transportation to conduct City business, subject to availability. All pool vehicle users must have a current valid motor vehicle record on file with Human Resources prior to vehicle use.
- 7-01 (5) Personal Use – Personal use of City vehicles is prohibited, except for incidental local use such as taking breaks or meal periods, or completing a personal errand that does not require indirect travel. The Police and Fire Departments have their own personal use policies.
- 7-01 (6) Permitted Passengers – Only authorized employees and volunteers are allowed to ride in City vehicles, except for the purpose of conducting City business or as otherwise authorized by policy.
- 7-01 (7) Leave Restriction – Department Directors may require employees on leave who are authorized to take home a City vehicle to leave the vehicle at the workplace.
- 7-01 (8) Occasional Approved Use – Department Directors may grant occasional overnight take home vehicle use due to an isolated incident of need because of the lateness of the hour or other circumstances where it is impractical for the user to return a City vehicle at the end of a duty shift.

## **7-02 DRIVER/OPERATOR DUTIES AND RESPONSIBILITIES**

- 7-02 (1) Maintenance – All repair or damage issues shall be immediately reported to Fleet staff for safety inspection and authorization for continued use. If Fleet staff is unavailable, the driver’s supervisor may provide authorization. An Employee Incident Report form shall be completed by the end of the shift when the driver becomes aware of such issues.
- a. When a driver is notified of scheduled service due, the driver shall make a service appointment no later than 5 working days after notification.
  - b. Drivers are responsible for the care and general maintenance of City vehicles under their control or assigned to them. This includes frequent checking of the oil and other fluids, lubrication levels, tire pressure, and prompt reporting of problems. They shall not, however:
    - 1) use fuel, oil lubricant, or other liquid additives in the vehicle other than that provided or authorized by the Fleet Division;
    - 2) make any repairs or have any repairs made to the vehicle at any facility (other than simple repairs, i.e. light bulb, fuse, etc.) not authorized by the Fleet Division;
    - 3) add or remove auxiliary equipment to vehicles without the permission of the Fleet Division; or
    - 4) display unauthorized bumper stickers or other items.
- 7-02 (2) Cleanliness – Drivers shall maintain a high degree of cleanliness of both the interior and exterior of assigned vehicles.
- 7-02 (3) Mileage – Each time a City vehicle is refueled at a City fueling site or off-site station using a gas card, the driver/operator will accurately enter odometer/hour meter readings. If an incorrect reading is entered, the driver/operator will notify Fleet staff of the correct readings.
- 7-02 (4) Pool Vehicle Inspection Checklist – Each City employee using a pool City vehicle must complete a written vehicle inspection checklist. This checklist shows that the vehicle appears to be in good condition and is safe to drive. On the inspection checklist, the employee shall note any defects, deficiencies, problems, exterior damage, etc. If a problem makes the vehicle unsafe or risks mechanical damage, the employee will report the vehicle to the supervisor and Fleet staff so it can be serviced immediately.

- 7-02 (5) Motor Pool Inspection/Problem Report – A driver who uses a motor pool vehicle will look over the vehicle before using it. If a safety related problem is identified, the vehicle will not be used. On returning the vehicle, the driver will turn in a signed and dated problem report to Fleet staff, if needed.
- 7-02 (6) Long-distance Travel – When using a City vehicle for non-emergency one-way travel of 200 miles or more, the driver shall have the vehicle inspected by a Fleet mechanic within 2 business days prior to departure to ensure the vehicle is safe and road worthy.
- 7-02 (7) Vehicle Registration Renewals – It is the responsibility of each driver assigned to a vehicle to complete the state inspection/emissions test by the date and at the location specified by the Fleet Division.
- 7-02 (8) Compliance with Laws – City employees and volunteers shall drive and park in accordance with all state and local laws. Any citation received shall be the responsibility of the driver.
- 7-02 (9) Revoked License Notification – City employees who are authorized to use a City vehicle shall immediately report to Human Resources if his or her driver’s license is revoked or suspended.
- 7-02 (10) Cell Phone Use – City employees and volunteers shall not use a cell phone for any purpose while operating a City vehicle, unless engaged in a “hands-free” mode.
- 7-02 (11) Idling and Air Quality Considerations – Drivers will not allow their vehicle to idle excessively, except as required for safety reasons or operation of auxiliary equipment. Emergency vehicles are exempt during emergency situations. Additionally, drivers will be conscientious of air quality, plan the most efficient route, and whenever possible, will limit trips and combine trips by grouping appointments and errands together.
- 7-02 (12) Locking Vehicles – Unattended City vehicles shall be locked at all times.
- 7-02 (13) Abuse or Neglect of Vehicles – Drivers will not abuse or neglect City vehicles. Abuse or neglect includes but is not limited to:
- a. misusing vehicles;
  - b. exceeding a vehicle’s capacity;
  - c. operating vehicles without adequate training;
  - d. allowing others to operate vehicles without adequate training;
  - e. being reckless, careless, irresponsible, or not paying attention while operating vehicles;
  - f. operating with an overheated engine;
  - g. failure to properly observe instrument panel indicator;

- h. operating with flat or under-inflated tires;
- i. failure to report defects and needed repairs to the Fleet Division;
- j. driving a vehicle that is in need of repairs;
- k. failure to inspect equipment properly before and after use; and
- l. failure to have a vehicle serviced after receiving notification.

7-02 (14) Supervisor Responsibility – Supervisors will know the condition of the vehicles under their direct responsibility. Supervisors will keep in close touch with operators to make sure all equipment is properly cared for and maintained. Supervisors are responsible for:

- a. Periodic audits of inspection reports to make sure the inspections are timely and accurate;
- b. Quarterly inspections of the conditions of vehicles under his/her supervision; and
- c. Keeping a separate inspection report documenting any vehicle problems for audit purposes. The supervisor will discuss any discrepancies with any person who completed an inconsistent report, and notify Fleet staff of any conditions requiring Fleet action.



### **7-03 USE OF PERSONAL VEHICLES FOR CITY BUSINESS**

- 7-03 (1) Employees and volunteers are strongly discouraged from using personal vehicles for City business. City vehicles should be used when practical.
- 7-03 (2) Prior to any use of personal vehicles for City business, employees and volunteers whose job description does not require a driver's license must have prior authorization from their supervisor and the Risk Manager, after verification of their driver's license status and driving history.
- 7-03 (3) When using a personal vehicle for City business, all relevant City policies and ordinances apply, such as training, idling, accident reporting, and compliance with legal requirements.
- 7-03 (4) Mileage reimbursement is available at the current IRS rate for authorized personal vehicle use, upon submission of the appropriate form (available on the "S" drive.)
- 7-03 (5) Employees and volunteers using personal vehicles for City business are subject to post-accident and reasonable suspicion drug testing.

## **7-04 GENERAL LIABILITY PROVISIONS**

### 7-04 (1) City Vehicles

- a. City vehicles are insured by the City.
- b. Third-party claims are handled by the City's insurer to the policy limits.
- c. Injuries to City employees and volunteers will be handled as worker's compensation claims.

### 7-04 (2) Vehicle Allowance for Vehicles Operated on City Business

- a. The City is responsible for the first- and third-party claims of a personal vehicle being operated on City business by City employees receiving a vehicle allowance, consistent with the "coming and going" liability principle.
- b. Any injury to City employees and volunteers will be handled as a worker's compensation claim.
- c. Employees receiving a vehicle allowance will comply with the requirements of City-wide Policy 200-13 Vehicle Allowances.

### 7-04 (3) Personal Vehicles

- a. Personal vehicles shall be insured by the owner.
  - 1) As part of the hiring process, all employees and volunteers will certify in writing their acknowledgement of their legal obligation to have state-mandated minimum liability coverage on any personal vehicle they may be authorized to drive on City business.
  - 2) Employees are encouraged to review the merits of additional "business use" or higher liability coverage with their insurer.
  - 3) Any injury to City employees and volunteers will be handled as a worker's compensation claim.

- b. Personal Vehicle Used With City Mileage Reimbursement

The employee is responsible for all deductibles, first party, and third party claims.

- c. Incidental Use of Personal Vehicle for City Business without City Mileage Reimbursement

- 1) Third-party claims will be handled by the City's insurer to the policy limits, except for the owner's deductible.
  - 2) Property damage to the personal vehicle is covered by the City to the limit of the City's \$500.00 deductible
- 7-04 (4) Rental Vehicles – Employees that rent vehicles for City use are required to purchase the full liability insurance offered by the car rental company.
- 7-04 (5) Limitation of Liability – The City reserves the right to limit insurance coverage and/or worker's compensation as provided by law, such as actions "outside the scope of an employee's employment."

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**INDEX**

<b>A</b>			
Administrative Leave Without Pay	3-02(8)(d)	Criminal Drug Conviction	4-03(3)(b)
Administrative Leave	3-02(8)	<b>D</b>	
Alcohol	4-03	Dating	4-02(3)
Anti-Nepotism	2-01(1)(b)	Demotion	4-06(3)(d)
Appeal Board	4-06(5)	Dental Insurance	3-03(2)
Appearance	4-01(7)	Disciplinary Actions	4-06
Application Requirements	2-01(4)	Discipline Appeal Board	4-06(5)
Application Retention	2-01(4)(d)	Disclosure Form	4-01(2)
Appointed Officials	2-02(1)(a.)(1)	Discrimination	4-02
Attendance	4-01(6)	Drinking On-duty	4-03(3)(c)
At-Will	2-02(1)(b)	Driver Duties	7-02
Audio Streaming	4-01(9)(b)(11)	Driving City Vehicle	7-01(1)
Authorization to Drive	7-01(1)	Drug Testing Designees	4-03(6)(b)
<b>B</b>		Drug Testing Policy	4-03(4)
Benefits Reimbursement Agreement	3-02(5)(c)(4)	Drug Testing Protocols	4-03(10)
Bereavement Leave	3-02(4)	Drug-Free Awareness	4-03(2)
Breaks	3-02(10)	Drugs	4-03
Breastfeeding	3-02(12)	Drug Screens for Post-Incidents	4-03 (8)
<b>C</b>		<b>E</b>	
Call Back Compensation	3-01(9)	E-cigarettes	4-04(2)
Causes for Disciplinary Action	4-06(2)	Electronic Communication Devices	4-01(9)
CDL Drug Testing	4-03(11)	Employee Benefits	3-03
Cell Phones	4-01(9)	Employee Discipline	4-06
Chewing Tobacco	4-04(2)	Employee Grievance Procedures	4-07
City Attorney (Duties)	1-02(4)	Employment Classifications	2-02
City Equipment	4-01(8)	Employment of Minors	2-01(1)(c)
City Manager (Duties)	1-02(4)	Equal Opportunity Employer	2-01(2)
City Vehicle Damage	7-02 (1)	Essential Job Duties	4-06(2)(y)
Classification	3-01(2)	Exempt Employees	2-02(5)(a)
Clothing	4-01(7)(b)	Exempt Employees Workweek	3-01 (8)
Code of Conduct	4-01	Expectation of Privacy	4-01(9)(b)(1)
Commentary Drive	7-01(1)	<b>F</b>	
Compensatory Time	3-01(7)	Falsification of Application	2-01(4)(c)
Computers	4-01(9)	Family Medical Leave Act	3-02(7)
Confidentiality of Investigations	4-02(6)	Federal Drug-Free Workplace	4-03(1)
Confidentiality	4-01(4)	FICA	3-03(4)
Conflict of Interest	4-01(2)	Financial Policies & Procedures	5-00
Corrective Action Plan	2-02(4)	Firearms	4-05(2)(b)
Cost of Living Increase	3-01(5)	Fitness Standards	4-06(2)(x)
Court Compensation	3-01(12)	Floating Holiday	3-02(2)(d)
Courtesy	4-01(1)	FLSA	2-02(5)
Credit Cards	5-01(2)	FMLA	3-02(7)
		Full-time/At-Will	2-02(1)(b)

Full-time/Regular	2-02(1)(a)	Minors	2-01(1)(c)
Full-time/Seasonal	2-02(1)(c)	Misrepresentation	4-06(2)(u)
Funeral Leave	3-02(4)	Mission Statement	1-04
<b>G</b>		<b>N</b>	
Gambling	4-01(9)(b)(7)	Nepotism	2-01(1)(a)
Gambling	4-06(2)(w)	Notice of Other Employment	4-01(12)(b)
Garnishment	3-01(3)(d)	Notice of Secondary Employment	4-01(12)(a)
Gifts	4-01(5)	<b>O</b>	
Gratuities	4-01(5)	On Call Compensation	3-01(10)
Grievance Procedures	4-07	On-line Gaming	4-01(9)(b)(7)
<b>H</b>		Outside Activities	4-01(10)
Harassment	4-02	Overtime	3-01(6)
Health Insurance	3-03(2)	<b>P</b>	
Holiday Leave	3-02(2)	Part-time/Intern	2-02(1)(e)
Honesty	4-01(3)	Part-time/Seasonal	2-02(1)(d)
Hostile Work Environment	4-02(2)(a)	Passengers in City Vehicles	7-01(6)
<b>I</b>		Pay Advance	3-01(3)(e)
Idling	7-02(10)	Pay Plans	3-01(2)
Impairment	4-03(3) (d)	Paychecks	3-01(3)
Incident Review Committee	6-03	Payroll	3-01(3)
Indemnity Payments	6-04(4)	Per Diem	5-02(2)
Integrity	4-01(3)	Performance Evaluations	2-03
Interim Performance Evaluations	2-03(2)	Performance Reviews	2-02(3)
Intern	2-02(1)(e)	Personal Communications Devices	4-01(9)
Investigations	4-02(6)	Personal Employee Relationships	4-02(3)
<b>J</b>		Personal Hygiene	4-01(7)(a)
Job Abandonment	3-02(11)	Personal Social Media	4-01(9)(c)
Job Offer	2-01(5)(c)	Personal Use of City Office Items	4-01(8)
Job Postings	2-01(3)	Personal Use of City Phones	4-01 (9)(a)
Jury Duty	3-02(6)	Personal Use of City Vehicles	7-03(3)
<b>L</b>		Police Court Compensation	3-01(12)
Leave Without Pay	3-02(9)	Policy Implementation	1-02
Leaves	3-02	Political Activity	4-01(11)
Life Insurance	3-03(3)	Pool Vehicle Use	7-01(4)
Limited Personal Use	4-01(9)(a)	Post-Incident Testing	4-03(8)
Local State of Emergency	3-01(6)(e)	Phased Retirement	3-03 (2)
Locking Vehicles	7-02(11)	Pre-Disciplinary Hearing Waiver	4-06(4)(d)
Lying	4-06(2)(u)	Pre-Disciplinary Hearing	4-06(4)
<b>M</b>		Pre-Employment Drug Testing	4-03(5)
Meal Periods	3-02(10)	Pregnancy	3-02 (13)
Medical Insurance	3-03(2)	Probation	2-02(2)
Medication	4-03(3)(d)	Probationary Period	2-02(2)(a)
Medication	4-03(3)(e)(2)	Professionalism	4-01(1)
Merit Increases	3-01(4)	Progressive Discipline Not Required	4-06(3)
Mileage Log	5-02(1)(b)	Progressive Discipline Not Required	4-06(3)(g)
Mileage Reimbursement Forms	5-02(1)(b)	PTO (converted sick leave)	3-01(6)(b)
Mileage Reimbursement Rate	5-02(1)(b)	Purchasing Policy	5-01(1)
Military Family Leave	3-02((7)(b)(4)	Purchasing	5-01
Military Leave	3-02(5)	Purging Disciplinary Records	4-06(6)

<b>Q</b>		Time Worked	3-01(6)(b)
Quid Pro Quo Harassment	4-02(2)(a)	Tobacco-Free Workplace	4-04
<b>R</b>		Training	3-03(5)
Random Drug Testing	4-03(9)	Transfer	4-06(3)(e)
Reasonable Suspicion Drug Testing	4-03(6)	Transitional Duty (Worker's Comp.)	6-04(3)(d)
Recruitment	2-01	Transitional Duty	3-02(3)(g)
Reduction In Force	2-04	Travel Compensation	3-01 (14)
Rehabilitation Testing	4-03(7)	Travel Expenses	5-02
Rental Vehicles	7-04(3)	Travel Policy	5-02
Reporting an Employee Injury	6-04(2)	Tuition Reimbursement	3-03(6)
Reporting Harassment	4-02(5)	<b>U</b>	
Reporting Child Pornography	4-01 (1)	Uniform Allowance	3-03(7)
Retaliation	4-02	URMMA Defensive Driving	7-01(1)
Retirement	3-03(1)	URMMA	6-01(2)(a)(c)
Return to Work	6-04(3)(a)	Use of Personal Vehicles for City	7-03
RIF	2-04	<b>V</b>	
Risk Committee	6-01(4)	Vacation Accrual	3-02 (1)
Risk Coordinators	6-01(2)(b)	Vehicle Cell Phone Use	7-02 (8)(9)
Risk Management	6-00	Vehicle Inspection Checklist	7-02(5)
Romantic Relationship	4-02(3)	Vehicle Inspections	7-02(7)
<b>S</b>		Vehicle Liability	7-04
Safety Sensitive Employees	4-03(3)(e)	Vehicle Maintenance	7-02(1)
Seasonal	2-02(1)(c)(d)	Vehicle Use	7-01
Seatbelts	7-02(8)	Verbal Warning	4-06(3)(a)
Second Class City	1-01	Veteran's Preference	2-01(5)(b)
Secondary Employment	4-01(12)	Video Streaming	4-01(9)(b)
Selection Procedures	2-01(5)	Violence-Free Workplace	4-05
Self-employment	4-01(12)	Vision Statement	1-03
Severance Payments	3-1(12)	Volunteer Orientation	2-01(1)(g)(2)
Severance for At-Will Employees	3-01 (13)	Volunteer	2-01(1)(g)
Service Award Program	3-03(8)	<b>W</b>	
Service Values	1-05	Weapons	4-05(2)(b)
Sexual Harassment	4-02	Witness Duty	3-02(6)
Sexual Orientation	4-02(1)	Work Hours	3-01(1)
Sexual Relationship	4-02(3)	Work Week	3-01(3)(a)
Sexually Explicit Content	4-01(9)(b)	Worker's Comp. Sec. Employ	6-04(3)(c)
Sick Leave Accrual	3-02(3)(a)-(d)	Worker's Comp. Wages	6-04(4)
Sick Leave Conversion	3-02(3)(f)	Worker's Compensation	6-04
Sick Leave	3-02(3)	Written Warning	4-06(3)(b)
Smoking	4-04	<b>Z</b>	
Social Media	4-01(9)(c)	Zero Tolerance Policy	4-02(1)
Split Sample Drug Testing	4-03(10)(d)		
Standby Notification	3-01(11)		
Suspension	4-06(3)(c)		
<b>T</b>			
Table of Contents	i		
Tattoos/Branding	4-01(7)(d)		
Telecommuting	3-01(1)		
Termination	4-06(3)(f)		
Testing Protocols	4-03 (10)		

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