

# **RIVER HEIGHTS CITY PERSONNEL POLICY**

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## Table of Contents

	Page No.
Section 1. Purpose of the plan	3
Section 2. Definitions	3
Section 3. Affirmative Actions	4
Article I Nondiscrimination Statement	4
Article II Drug & Alcohol Testing Policy and Procedures	4
Article III Sexual Harassment and Discrimination Policy and Procedures	7
Section 4. Hiring and Recruitment	10
Article I Hiring	10
Article II Anti-nepotism	10
Article III Probationary Period	10
Section 5. Employee Compensation and Welfare	10
Article I Pay Day	10
Article II Hours of Work	11
Article III Overtime Compensation	11
Article IV Garnishments	11
Section 6. Employee Benefits	11
Article I Leave	11
Article II Holidays	13
Article III Departmental Transfers	13
Section 7. Disciplinary Action	14
Section 8. Employee Development	17
Article I Development and Training	17
Article II Travel and Transportation	18
Section 9. Retirement Policy	18
Section 10. Death of an employee	18
Section 11. Use of City Equipment and Materials	19

## **Personnel Policy River Heights City**

Resolved, that the following materials and provisions are hereby adopted as the rules, policies and procedures for the River Heights City Corporation for pay computation, leave, holidays, part-time help, departmental transfers, resignations, grievance and disciplinary procedures, retirement and other matters relating thereto. All employee records shall be maintained by the Mayor and Treasurer in a secure file cabinet.

### **Section 1**

#### **Purpose of the Plan:**

River Heights City Corporation uniform personnel rules and regulations are established to assure fair treatment to all employees in all personnel actions. It provides for induction of new employees in order to assure the selection of the best qualified personnel available for employment. It establishes quality of performance as the basic consideration in determining salary, advancements, and promotions. It aims to provide equality of opportunity for qualified persons who wish to enter public employment.

### **Section 2**

#### **Definitions:**

**A. Regular full-time employee:** An employee of the City who shall work an average of 30 hours or more per week 12 months per year. Full-time employees will be paid on an hourly basis according to documented weekly time cards which are to be submitted to the department supervisor prior to each new pay period.

**B. Part-time and temporary employee:** An employee of the City who by definition is not a regular full-time employee. Part-time and temporary employees may be paid on either an hourly or salaried basis. If they are paid on an hourly basis, it will be documented by daily time cards which are to be submitted to the department supervisor prior to each new pay period. Part-time employees are not entitled to regular benefits provided by River Heights City to its regular, full-time employees. Federal income tax, state income tax and FICA (social security) will be deducted from wages paid to part-time employees.

**C. Exempt employee:** An employee as defined by the Fair Labor Standards Act.

**D. Nonexempt employee:** An employee as defined by the Fair Labor Standards Act.

**E. Department Head:** A Department Head shall be that person appointed by resolution of the City Council to be responsible for the activities of a specified department, including but not limited to the following duties:

1. prepare and assign job descriptions and duties
2. prepare and perform employee evaluations
3. receive and act on employee complaints and grievances
4. prepare and hold regular staff meetings
5. provide training opportunities for employees as needed
6. review all of the above with the Mayor, or designee
7. review proposed projects with the Mayor, or designee and Council

**F. Public Works Director:** The person in charge of all public works employees.

### **Section 3**

#### **Affirmative Actions:**

#### **Article I / Nondiscrimination Statement:**

In accordance with the requirements and objectives set forth in Equal Employment Opportunity Act of 1972, the President's Executive Order 11246, and revised Order No. 4, published by the Office of Federal Contract Compliance, U.S. Department of Labor, River Heights City does hereby actively promote equal opportunity of employment of classification, development, upward mobility, job specifications, recruiting, selection and placement, and training of employees.

River Heights City will comply with all federal statutes relating to nondiscrimination. These include but are not limited to: (A) Title VI of the Civil Rights Act of 1964 (p.l. 88-352) which prohibits discrimination on the basis of race, color, or national origin; (b) Title IX of the Education Amendments of 1972, as amended (20 U.S.C. para. 1681-1683, and 1685-1686) which prohibits discrimination on the basis of sex; (c) Section 504 of the Rehabilitation Act of 1973, as amended (29 U.S.C. para. 794), which prohibits discrimination on the basis of handicaps; (d) the Age Discrimination Act of 1975, as amended (42 U.S.C. para 6101-6107), which prohibits discrimination on the basis of age; (e) the Drug Abuse Office and Treatment Act of 1972 (P.l. 92-255), as amended, relating to nondiscrimination on the basis of drug abuse; (f) the Comprehensive Alcohol Abuse and Alcoholism Prevention, Treatment and Rehabilitation Act of 1970 (P. l. 91-616), as amended, relating to nondiscrimination on the basis of alcohol abuse or alcoholism; (g) any other nondiscrimination provisions in the specific statute(s) which may apply.

The City's policy of nondiscrimination will be brought to the attention of City employees through the following means:

- A. Thorough statement of policy posted on the City bulletin board.
- B. In the introduction and orientation process of all employees.

#### **Article II Drug And Alcohol Testing Policy And Procedures**

##### **A. Policy Statement**

River Heights City maintains a drug and alcohol free workplace and complies with the Drug-Free Workplace Act of 1988. This policy recognizes the problems created by drug and alcohol abuse and the need to develop prevention and treatment programs. The abuse of alcohol and other drugs creates a variety of problems in the workplace, such as increased injuries, increased absenteeism, increased financial burden on health insurance and other employee benefit programs, increased workplace thefts, decreased employee morale, decreased productivity, and a decline in the quality of products and services. River Heights City is committed to protecting people and property, and to providing a safe working environment. The purpose of the following policy is to establish and maintain a drug free, alcohol free, healthy work environment for all employees.

##### **II. Definitions**

- A. Accident

Any event resulting in injury to a person or property to which an employee, or contractor/contractor's employee, contributed as a direct or indirect cause.

B. Company Premises:

The term "Company Premises" as used in this policy includes all property, facilities, land, buildings, structures, automobiles, trucks and other vehicles owned, leased or used by the City. Construction job sites for which the City has responsibility are included.

C. Employee:

Individuals, who perform work for River Heights City including, but not limited to, management, supervision, engineering, craft workers and clerical personnel.

D. Incident:

An event which has all the attributes of an accident, except that no harm was caused to person or property.

E. Prohibited Items & Substances: /

Prohibited substances include, but are not limited to: illegal drugs (including spice, controlled substances, look alike drugs and designer drugs), abuse of over-the-counter drugs, psychotic chemicals causing impairment, alcoholic beverages, and drug paraphernalia in the possession of or being used by an employee on the job.

### III. Procedures and Confidentiality

A. All parties to this policy and program have only the interests of employees in mind, therefore, River Heights City encourages any employee with a substance abuse problem to come forward and voluntarily accept assistance in dealing with the illness.

B. All Actions taken under this policy and program will be confidential and disclosed only to those with a "need to know".

C. When a federally mandated test is required, the specimen will be identified by the social security number, and not by name (some non-mandated tests may be identified by name), to insure confidentiality of the donor. Each specimen container will be properly labeled and made tamper proof. The donor must witness this procedure.

D. The handling and transportation of each specimen will be properly documented through the strict chain of custody procedures.

E. All tests results will be kept in a confidential limited access file in the River Heights City Office to ensure the confidentiality of the tested employees.

### IV. Rules – Disciplinary Actions – Grievance Procedures

A. Rules – All employees must report to work in a physical condition that will enable them to perform their jobs in a safe and efficient manner. Employees shall not: 1. Use, possess, dispense or receive substances on or at the job site; or, 2. Report to work with any measurable amount of prohibited substances in their system.

B. Discipline – When the City has reasonable cause to believe an employee is under the influence of a prohibited substance, for reasons of safety, the employee may be suspended

until test results are available. If the test results prove negative, or if no test results are received after three (3) working days, the employee, if available, shall be returned to work. In all other cases:

1. Applicants testing positive for drug use will not be hired.
  2. Employees who have not voluntarily come forward and who test positive for drug use will be terminated.
  3. Employees who refuse to cooperate with testing procedures will be terminated.
  4. Employees found in possession of drugs or drug paraphernalia will be terminated.
  5. Employees found selling or distributing drugs will be terminated.
  6. Employees found under the influence of alcohol while on duty, or while operating a company vehicle, will be subject to termination.
- C. At the time a position is offered to a potential employee, said employee must notify River Heights City of any drug related convictions. Failure to do so may result in termination.
- D. Prescription Drugs – employees using a prescribed medication which may impair the performance of job duties, either mental or motor functions, must immediately inform their supervisor of such prescription drug use. For the safety of all employees, the City will consult with the employee and their physician to determine if reassignment of duties is necessary. The City will attempt to accommodate the employee’s needs by making an appropriate re-assignment. However, if a re-assignment is not possible, the employee will be placed on temporary medical leave until released as fit for duty by the prescribing physician.
- E. Grievance – All aspects of this policy and program shall be subject to the grievance procedure of the applicable collective bargaining agreements.

#### V. Drug/Alcohol Testing

The parties to this policy and program agree that under certain circumstances, the City will find it necessary to conduct drug and alcohol testing. While “random” testing is not necessary for the proper operation of this policy and program, it may be necessary to require testing under the following conditions:

- A. Testing will be done at will for all employees except those in safety sensitive positions who require a CDL license to perform their responsibilities. These employees will be subject to all federally mandated modes of testing including pre-employment and random.
- B. A pre-employment drug and alcohol test may be administered to all applicants for employment;
- C. A test may be administered in the event a supervisor has a reasonable cause to believe that the employee has reported to work under the influence, or is or has been under the influence while on the job; or has violated this drug policy. (In the event that a supervisor feels that there is a reasonable cause, the incident must be documented in writing prior to requiring the test.);
- D. Testing will be required on all CDL reportable incidents, ie. fatalities, and CDL drivers receiving a citation that results in a vehicle being towed or that requires medical treatment away from the scene of the accident. All other accidents/incidents will be at supervisors’ discretion but must be documented prior to requiring the test.

Each employee will be required to sign a consent and chain of custody form, assuring proper documentation and accuracy. If an employee refuses to sign a consent form authorizing the test, ongoing employment by the City will be terminated.

Drug testing will be conducted by an independent accredited laboratory, and will consist of urine tests for all five panel and prescription drugs, i.e.: THC, Cocaine, PCP, Opiates, and Amphetamines; and breath testing for alcohol.

The City will bear the costs of all testing procedures including split sample confirmation if necessary.

#### VI. Rehabilitation and Employee Assistance Program

Employees are encouraged to seek help for a drug or alcohol problem before it deteriorates into a disciplinary matter. If treatment necessitates time away from work, the City shall provide for the employee an unpaid leave of absence for purposes of participation in an agreed upon treatment program. An employee who successfully completes a rehabilitation program shall be reinstated to his/her former employment status, if work for which he/she is qualified exists.

Employees returning to work after successfully completing the rehabilitation program will be subject to drug tests without prior notice for a period of one year. A positive test will then result in disciplinary action as previously outlined in this policy and program.

\*\*Upon approval from the City Council, a copy of this policy will be provided to all employees and will be part of the new employee orientation. All officers and supervisors including but not limited to the Mayor and City Council will ensure that this policy is enforced and upheld.

### **Article III. Sexual Harassment And Discrimination Policy And Procedures**

#### A. Statement of Policy

Sexual harassment and discrimination are illegal and endanger the environment of tolerance, civility, and mutual respect that must prevail within the work place. River Heights City is committed to providing and promoting an atmosphere in which employees can realize their maximum potential in the work place. Toward this end, all employees of River Heights City must understand that sexual harassment, discrimination, and sexual exploitation of professional relationships violate the City's policy and will not be tolerated. When necessary, the City will take every step to resolve grievances promptly.

The following behaviors are examples of harassing and disrespectful behavior in the workplace and work-related environment:

NOTE: This list is not all inclusive.

- Derogatory statements, jokes, or comments
- Derogatory practical jokes or gifts
- Profanity or other abusive language
- Referring to employees as "girl," "honey," "doll," "babe," "boy," or other terms that may cause the employee to feel uncomfortable
- Pressure for sexual favors
- Sexual gestures, jokes, or comments, or turning discussions to sexual topics

- Intentionally sabotaging an employee’s work or withholding information from the employee that he or she needs to perform the job
- Displaying cartoons, visuals, or materials that ridicule, offend or denigrate an employee
- E-mail, visuals, computer software, Internet services, or screen savers with sexual, racist, or discriminatory content
- Unwelcome touching hugging or kissing
- Unwelcome letters, phone calls or gifts
- Unwelcome repeated requests for dates
- Unwelcome personal questions or comments about social, religious, sexual or personal life
- Unwelcome staring, hanging around or following a person
- Physical assault

A. Application

This policy applies to all applicants as well as officers, employees, and persons who serve the City as its agents and are under the control of the City. Specific adherence to this policy shall be made an express term of every contracted services agreement entered into by the City.

B. Sexual Harassment-Definitions

Two categories of sexual harassment and discrimination are recognized.

1. Quid Pro Quo

Sexual harassment presented as a “bargain” (quid pro quo).

Unwelcome sexual advances, requests for sexual favors, and other verbal and physical conduct of a sexual nature by one in a superior position constitutes “bargained-for sexual harassment” when submission by another is made either an explicit or implicit term or condition of employment. In this case, apparent consent of the submitting party is less relevant than the extent to which the sexual conduct is unwelcome. As defined here, “bargained-for sexual harassment” normally arises in the context of an authority relationship. This relationship may be direct as in the case of a supervisor and subordinate or it may be indirect when the harasser has the power to direct others who have authority over the victim.

2. Environmental Harassment

Unwelcome sexual advances, requests for sexual favors, and other verbal and physical conduct of a sexual or discriminatory nature constitute “environmental harassment” when such conduct has the purpose or effect of creating an intimidating, hostile, or offensive environment which unreasonably interferes with another’s work or privacy. Environmental harassment can inflict emotional and psychological harm on individuals and can make relationships and the work environment unpleasant, threatening, and unproductive. However, there is no requirement that evidence of actual emotional or psychological harm be shown in order for environmental harassment to be found to have occurred.

In determining whether alleged conduct constitutes harassment as defined by this policy, the record as a whole will be considered as well as the context in which the conduct occurred. “Environmental harassment” normally arises from a repeated and pervasive course of conduct whereas “bargained-for-sexual harassment” can be based on a single act.



Facts will be judged on the basis of what is reasonable to persons of ordinary sensitivity and not on the particular susceptibility of an individual, unless that susceptibility is known to the alleged harasser.

### C. Complaint Process

All proceedings contemplated by this policy shall be confidential and will be closed to the public and city employees except where disclosure is required by legitimate investigative purposes.

#### 1. Informal Procedure:

##### a. Notification

If an employee thinks that he/she is the object of sexual harassment or discrimination from a River Heights City employee or an individual having regular contact with River Heights City, the employee should make clear to the harasser that such conduct offends him/her. In the event that the complaint is against the employee's department Head, the Mayor or appointed designee should be notified. All of these contacts are informal and do not need to be in writing.

##### b. Resolution

If an employee contacts his Department Head, that individual should discuss the issue with the complainant and help to identify courses of action to resolve the issue.

#### 2. Formal procedure:

If the conduct complained of continues after the informal procedure, then the complainant may file a written complaint regarding the conduct.

##### a. River Heights City Employees

##### i. Complaint

If the complaint is against a City employee, the complainant may submit a written statement regarding the conduct to his/her Department Head and the Mayor or appointed designee. If the complainant, after a reasonable time, feels that no appropriate action has been taken, the complainant may submit the complaint to the City Council. In the event that the Department Head is the party against whom the allegations are being made, the complaint should be filed with the Mayor, or designee and/or City Council.

##### ii. Investigation

The Mayor shall cause an investigation to occur into the alleged misconduct. The investigation shall include, but not be limited to, an interview of the complainant and the alleged harasser. The City will issue a written report of its investigation.

##### iii. Records and Confidentiality

- Records or investigations, reviews and grievance procedures will be kept in a separate confidential file in the City office.

- Notice and documentation of disciplinary action resulting from investigations, reviews, and/or grievance procedures shall be placed in the individual's personnel file.
- Notice and documentation of disciplinary action resulting from investigations, reviews, and/or grievance procedures will be destroyed if the complaint is found without merit.

D. Penalties

Penalties will be determine on the basis of the facts of each case and the extent of harm to the City's interests, as well as any record indicating previous or similar wrongdoing by the accused person. If after investigation, findings indicate that the complaint is meritorious, the employee committing the acts of sexual harassment or discrimination will be appropriately disciplined as set forth in Section 7 of the River Heights City Personnel Policy.

**Section 4  
Hiring and Recruitment:**

Article 1 Hiring:

A. Policy:

1. When a position opens in a department, or a need arises to create a new position, the Department Head shall submit notification of position vacancy to the City Council. Notification shall include position title and a description of the duties and responsibilities, knowledge and skills, and required education and experience for the new position.
2. The Department Head shall cause the opening to be posted where all City employees will be made aware of the opportunity. First consideration will be given to City employees.
3. The Department Head shall review applications to see who meets the minimum qualifications. Applicants that meet the minimum qualifications shall be interviewed. Subject to Council approval, the applicant is notified of hire and beginning date.

Article II. Anti-nepotism:

A. Policy:

1. It is the policy of River Heights City to comply with the anti-nepotism clause as stated in the Utah Code, Annotated 1953, Volume 5B: Title 52-3-1, Chapter 3.
2. No appointing authority may employ, or appoint his father, mother, husband, wife, son, daughter, sister, brother, uncle, aunt, nephew, niece, first cousin, mother-in-law, father-in-law, brother-in-law, sister-in-law to any permanent position within the same department.
3. No individual shall be employed by the City within the same department as another relative without Council approval.

Article III. Probationary Period:

A. Policy:

1. All original appointments are subject to a probationary period. The probationary period for City employees is six (6) months. The Department Head shall give recommendation for

appropriate action (hiring or not hiring) and this shall be communicated to the employee in writing.

## **Section 5. Employee Compensation and Welfare:**

### Article I. Pay Day

#### A. Policy:

1. All River Heights City employees shall be paid monthly except as approved by the City Council.
2. Paychecks will normally be issued at the end of each month.
3. All employees (exempt and non-exempt) will keep a record of their time. This record will be given to the Department Head at the end of the pay period for approval. The record will then be given to the payroll clerk for payment.

### Article II. Hours of Work:

#### A. Normal Workweek:

1. A normal workweek shall be considered as five working days from Monday through Friday or forty (40) hours per week. The workweek shall begin at 12:00 a.m. (midnight) on Sunday and end at 11:59 p.m. on Saturday.
2. An employee hired to work  $\frac{3}{4}$  time shall be considered as five working days from Monday through Friday at thirty (30) hours per week. The workweek shall begin at 12:00 a.m. (midnight) on Sunday and shall end at 11:50 p.m. on Saturday.

#### B. Normal Workday:

1. A normal workday begins at 8:00 a.m. and ends at 5:00 p.m. with a one (1) hour lunch break. The normal workday hours may be varied as the workload requires. Variations shall be at the discretion of the Department Head. As a general rule, a fifteen minute rest break may be taken once in the morning and once in the afternoon. Supervisors will establish a time frame for said rest breaks according to times which will be beneficial to all concerned. Employees shall work under a schedule determined by the Department Head which will fit the requirements of said department.
2. A  $\frac{3}{4}$  time workday begins at 10:00 a.m. and ends at 5:00 p.m. with a one (1) hour lunch break. The  $\frac{3}{4}$  time workday hours may be varied as workload requires. Variations shall be at the discretion of the Mayor. As a general rule, a fifteen-minute rest break may be taken once in the morning and once in the afternoon. Supervisors will establish a time frame for said rest breaks. Employees shall work under a schedule determined by the Mayor.

#### C. "On call" (amended 12/11/01)

1. Beyond the normal work week, one City employee will be required to be "on call" 7 days per week, 24 hours a day rotating schedules in shifts (Friday 5:01 p.m. through Friday 5:00 p.m.)
2. "On call" compensation will be paid at a rate of \$120 per week.

#### D. Holiday Pay

1. Full time employees will be paid for all official River Heights City holidays at the rate of a standard eight-hour work day. If they perform work on the holiday, they will be paid for hours worked at straight pay unless they qualify for overtime pay (See Art. III.A.). Pay for hours worked will be in addition to the standard holiday pay.
2. ¾ time employees will be paid for all official River Heights City holidays at the rate of a standard six-hour workday. If they perform work on the holiday, they will be paid for hours worked at straight pay unless they qualify for overtime pay pursuant to Art. III A. In such event, pay for hours worked will be in addition to the standard holiday pay.

Article III. Overtime Compensation:

- A. River Heights City will compensate employees at one and a half (1 ½) times regular pay for all work in excess of 40 hours per week. All overtime must be authorized by the Department Head.

Article IV. Garnishments:

- A. The City will follow the Utah Code, Unannotated.

Section 6. Employee Benefits

Article I. Leave

- A. Annual Leave:

¾ time employees will be entitled to annual leave based on the following schedule:

<b>¾ Time City Service</b>	<b>Hours Accumulated Each Calendar Month</b>
One Through Ten Years of City Employment	5 Hours
More Than Ten Years of City Employment	7.5 Hours

Full-time employees will be entitled to annual leave based on the following schedule:

<b>Full-Time City Service</b>	<b>Hours Accumulated Each Calendar Month</b>
One Through Ten Years of City Employment (80 Hours)	6.67 Hours
More Than Ten Years of City Employment (90 Hours)	10 Hours

Annual leave should be used on a year to year basis. However, an employee may carry over not more than ninety (90) hours from year-to-year. If an employee has more than ninety (90) annual leave hours as of 31 December of each year, the employee shall be paid for the excess hours at 50% of his/her then rate of pay. If a paid holiday falls within the annual leave period, it is treated as a holiday and is not credited against annual leave. Accumulated annual leave will be paid for by River Heights City when an employee terminates, and in those instances where, in the discretion of the administration, it would be in the best interest of the City to permit an employee

to be paid for such time in lieu from employment. Annual leave may be taken any time after one (1) year of employment for all employees from a  $\frac{3}{4}$  FTE to full-time employees. All time off must be cleared with the Mayor in advance. Accurate records concerning all used and accumulated annual leave will be maintained by the Treasurer and made available, upon request, to the Mayor.

Annual leave is not accrued if the employee is on workman's compensation. If an employee terminates employment and has used more annual leave days than accumulated, the employee must compensate the City for the amount of the annual leave used or may have it deducted from his final paycheck. Annual leave is accrued from the employee's  $\frac{3}{4}$  time status anniversary date.

B. Sick Leave:

$\frac{3}{4}$  Time Employee. As insurance against loss of income when a  $\frac{3}{4}$  time or greater employee is unable to perform his/her work because of the illness or injury of the employee, or for the emergency care of sick or injured dependents of the employee, sick leave is provided. Sick leave may be accumulated at the rate of four (3) hours for each full calendar month of service, up to a maximum of one hundred twenty (90) hours, accrued from  $\frac{3}{4}$  time or greater status anniversary date. As of 31 December of each year, any accrued sick leave in excess of 90 hours shall be paid at 50% of his/her then rate of pay.

An eligible employee may begin to utilize his/her accrued sick leave any time after having completed three months of satisfactory  $\frac{3}{4}$  time or greater employment. Sick leave in excess of three (3) successive days shall be supported by a medical certificate or other acceptable proof. Each employee absent under this provision must arrange for a telephone report to his/her supervisor on the morning of the first day of absence. Abuse of sick leave privileges may be considered grounds for dismissal. After accrued sick leave is exhausted, annual leave accrued to date may be used by the sick or injured employee and they shall retain both their full salary and their workman's compensation benefits until such time as accrued annual leave has been exhausted. No employee shall be entitled to cash compensation for unused sick leave upon separation of service from the City. Any interruption of continuity of employment, the duration of which exceeds thirty (30) days, shall cancel accumulated credit for sick leave. However, an employee will be paid at his/her current rate of pay for all unused sick leave upon retirement, up to a maximum of ninety (90) hours. Sick leave is not accrued if the employee is on workman's compensation. Sick leave is figured from the employee's hire date.

Upon the death of an employee, the employee's designated beneficiary shall be paid, at the employee's current rate of pay, all unused sick leave, up to a maximum of one hundred twenty (120) hours.

C. Jury and Court Leave:

A  $\frac{3}{4}$  time or greater employee appearing in any court, as a witness in a criminal case or as a witness in a civil case for the purpose of giving testimony as to facts related to City employment shall receive full compensation as though he were actually on the job during such time. Any  $\frac{3}{4}$  time or greater employee required to perform jury duty shall also receive full compensation as though he were actually on the job during such period. If, however, the employee receives any remuneration from said jury duty or appearance in court, then the City will pay the employee the difference between the remuneration and full compensation.

D. Family Leave:

1. Staff members may take up to twelve (12) weeks of unpaid leave per year for the birth or adoption of a child, to care to an immediate family member with an eligible health condition, or when unable to work because of an eligible health condition. River Heights City will maintain pre-existing health coverage during the leave period (For employees and dependants hired after January 1, 1996; 100% for the employee, 60% for dependants. The employee is responsible for the remaining 40% dependant coverage.) Once the leave period is concluded, River Heights City will reinstate the employee to the same or equivalent job. Refer to the Family and Medical leave Act of 1993 (FMLA) for eligibility definitions and specific requirements. The City or employee may choose to include the use of sick leave and annual leave in the twelve (12) weeks.

After the use of sick leave and annual leave, leave without pay shall be granted not to exceed a cumulative total of twelve (12) weeks.

E. Other Leave:

If a person has a community or public service position approved by the City which demands time off during working hours from time to time, such time off shall be granted only by prior approval by the City.

F.  $\frac{3}{4}$  Time FTE or Greater Medical Insurance and Life Insurance:

The City participates in a group medical and life insurance program. These programs are available to all  $\frac{3}{4}$  FTE or greater employees.

Any 40-hour full-time employee hired after January 1, 2011 wishing to enroll his family in the medical insurance policy will be required to pay 25% of the premium for his immediate family. River Heights City will pay the remaining 75%. River Heights City will pay 100% of the life insurance premium for the full-time employee.

These programs are available to all  $\frac{3}{4}$  time employees. Any employee employed at  $\frac{3}{4}$  time after August 1, 2022 wishing to enroll his/her family in the medical insurance policy will be required to pay 33% of the premium for the coverage. River Heights City will pay the remaining 66%. River Heights will pay 75% of the life insurance premium for the  $\frac{3}{4}$  time employee. Any employee transitioning to a  $\frac{3}{4}$  time position from a part time position in the city that has worked for the city for 10 years or longer as of August 1, 2022 will have their individual health insurance premium covered at 100%. If this employee requests coverage for their family, they will cover 33% of the premium and the City will cover the remaining 66%.

Article II. Holidays:

The following have been designated legal holidays in the State of Utah and offices will be closed, except as otherwise provided by law:

New Year's Day, January 1  
Human Rights Day, 3<sup>rd</sup> Monday of January  
Presidents Day, 3<sup>rd</sup> Monday of February  
Memorial Day, Last Monday of May  
Independence Day, July 4  
Pioneer Day, July 24

Labor Day, 1<sup>st</sup> Monday of September  
Columbus Day, 2<sup>nd</sup> Monday of October  
Veteran's Day, November 11, will be traded with a yearly poll of the employees to decide the day they are trading for  
Thanksgiving Day, 3<sup>rd</sup> Thursday of November  
Christmas Day, December 25

If a holiday falls on a Sunday, the following Monday will be observed as a holiday. If a holiday falls on a Saturday, the preceding Friday will be observed as a holiday. Employees whose days off are other than Saturday and Sunday, are allowed time off for holidays in a way equitable to conditions affecting employees working Monday through Friday

Article III. Departmental Transfers:

In the event that a position becomes vacated in one department of River Heights City Corp., employees from other departments of the City will be allowed to apply for said position, and shall be given consideration and shall meet minimum qualifications when said position is filled. In the event of such departmental transfer, all accrued benefits will transfer with the employee.

**Section 7  
Disciplinary Action**

1. General Policy.
  - A. 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. All such measures shall follow the presentation of charges to the employee.
  - B. Disciplinary action, up to and including termination, may be imposed for misconduct.
  - C. Written documentation concerning employee disciplinary action imposed will become a permanent part of an employee's Personnel Record.
2. Types of Disciplinary Action.
  - A. Verbal Warning.
    - (1) Wherever grounds for disciplinary action exist, and the Mayor, or designee, determines that more severe action is not immediately necessary, the deficiency demonstrated should be verbally communicated to the employee.
    - (2) Whenever possible, sufficient time for improvement should precede additional disciplinary action.
  - B. Written Reprimand.
    - (1) The Mayor, or designee, may reprimand an employee for cause. The Mayor, or designee, shall furnish the employee with a written Employee Written Reprimand Notification setting forth the reason(s).
  - C. Suspension.

- (1) The Mayor, or designee, may suspend an employee with or without pay for up to, but not exceeding, thirty (30) calendar days for cause.
- (2) On or before the effective date of the suspension, the Mayor, or designee, shall furnish the employee with a written Employee Suspension Notification setting forth the reasons(s) for suspension.
- (3) A copy of the Employee Suspension Notification, signed by the Mayor, or designee, and the employee, shall be permanently placed in the employee's personnel file. If the employee refuses to sign the form; the Mayor, or designee, will so state.
- (4) An employee on suspension shall be responsible for making full contributions to their employee medical insurance benefits.

D. Demotion.

- (1) The Mayor, or designee, may demote, or reduce in grade, an employee for causes.
- (2) On or before the effective date of the demotion, the Mayor, or designee, shall furnish the employee with a written Employee Demotion Notification setting forth the reason(s) for demotion.
- (3) A copy of the Employee Demotion Notification, signed by the Mayor and the employee, shall be permanently placed in the employee's personnel file. If the employee refuses to sign the form; the Mayor, or designee, will so state.

E. Transfer.

- (1) The Mayor, or designee, may transfer an employee (with the exception of a probationary employee) by furnishing the employee with a written Employee Transfer Notification.
- (2) A copy of the Employee Transfer Notification, signed by the Mayor, or designee, and the employee, shall be permanently placed in the employee's personnel file. If the employee refuses to sign the form; the Mayor, or designee, will so state.

F. Termination.

- (1) The Mayor, or designee, through due process, may terminate an employee by furnishing the employee with a written Employee Termination Notification.
- (2) A copy of the Employee Termination Notification, signed by the Mayor, or designee, and the employee, shall be permanently placed in the employee's personnel file. If the employee refuses to sign the form; the Mayor, or designee, will so state.

3. Causes for Disciplinary Action.

A. Causes for disciplinary action, up to and including termination, may include, but are not limited to, the following:

- (1) Violation of the laws of the State of Utah or the United States, other than minor traffic offenses.
- (2) Violation of the code of personal conduct.
- (3) Conduct which endangers the peace and safety of others or poses a threat to the public interest.
- (4) Unjustified interference with work of other City employees.
- (5) Misconduct
- (6) Malfeasance
- (7) Misfeasance



- (8) Nonfeasance
- (9) Incompetence
- (10) Negligence
- (11) Insubordination
- (12) Failure to maintain skills
- (13) Inadequate performance of duties
- (14) Unauthorized absence
- (15) Falsification or unauthorized alteration of records
- (16) Violation of city policies
- (17) Falsification of employment application
- (18) Discrimination in hiring, assignment, or promotion
- (19) Sexual harassment
- (20) Violation of the Personnel Policies and Procedures
- (21) Use of alcohol or drugs, other than medication prescribed by a physician, that affect job performance
- (22) Falsifying of City Records
- (23) Knowingly marking the time slip of another employee, authorizing one's time slip to be marked by another employee, unauthorized alteration of a time slip.
- (24) Unauthorized possession of firearms, weapons, or explosives on city owned property
- (25) Carelessness which affects the safety of personnel
- (26) Threatening, intimidating, coercing, or interfering with fellow employees on the job, or the public at large
- (27) Theft or removal of any city property or property of any employee from the work area premises without proper authorization
- (28) Gambling or engaging in a lottery at any City work area.
- (29) Viewing pornography at any City work area.
- (30) Misusing, destroying, or damaging any City property or the property of any employees.
- (31) Drinking any alcoholic beverage during the workday, or being under the influence of illicit drugs or alcohol during the workday
- (32) Sleeping during working hours
- (33) Fighting on city premises
- (34) Bringing firearms or weapons onto the City premises, with the obvious exception of police officer employees
- (35) Any act which might endanger the safety or lives of others

#### 4. Conducting an Investigation

- A. The Mayor, or designee, shall conduct an investigation into the allegations which form the grounds for disciplinary action.
- B. During an investigation to determine the facts upon which disciplinary action may be imposed, the Mayor, or designee, may place an employee on administrative leave
- C. Disciplinary action shall not be imposed until a Loudermill hearing with appropriate written notice, has been completed by the Mayor, or designee. The investigation shall include an opportunity for the employee to respond to the allegations.

#### 5. Imposing Disciplinary Action

- A. The Mayor, or designee, shall conduct disciplinary action in a consistent manner.
- B. Each employee shall be afforded prior access to City rules, policies, and procedures.
- C. The employee shall receive timely notice of the pre-disciplinary meeting, overview of allegations, and potential disciplinary action.

- D. Prior to imposing the disciplinary action, the employee shall have the opportunity to review the disciplinary action with the Mayor, or designee, the employee shall have the opportunity to respond to the allegations. The employee's written response, if any, and other related documents shall be placed in the employee's personnel file.
  - E. In determining the type and severity of the disciplinary action, the Mayor, or designee, may consider aggravating and mitigating circumstances such as; the repeated nature of misconduct; prior disciplinary action imposed; the severity of the misconduct; the employee's work record; the effect on City operations; and/or the potential of the misconduct to harm person(s) or property.
  - F. For disciplinary action other than a verbal reprimand, the Mayor, or designee, shall notify the employee, in writing, of the finding of the investigation. The written statement shall include:
    - (1) The grounds for disciplinary action, including a description of the specific misconduct for which the disciplinary action is being imposed.
    - (2) Any prior disciplinary action imposed.
    - (3) The disciplinary action to be imposed.
    - (4) The effective date and duration of the disciplinary action.
    - (5) The corrective action necessary for the employee to avoid further disciplinary action.
  - G. Suspension, demotion, transfer, or termination of an employee shall require the approval of the Mayor and Council.
  - H. The Mayor or designee, may note the disciplinary action on their personal notes at the time the disciplinary action is imposed and/or on the employee's performance evaluation form.
6. Appeal Procedures.
- A. "Probationary employees" have no appeal rights.
  - B. Employees have no "verbal warning" appeal rights.
  - C. Employees have no "written reprimand" appeal rights
  - D. Appealing to an Appeals Board. Upon written receipt of an employee transfer or termination notice, some employees have the right to first appeal the disciplinary process and action imposed by the Mayor, or designee, to an Appeals Board (exceptions include Probationary Employees).
    - (1) An employee must submit their written notice of appeal to River Heights City's Clerk within ten (10) days or an employee will be deemed to have waived all appeal rights.
    - (2) The Appeals Board shall be made up of three (3) members.
      - (a) Two (2) of the members will be from River Heights City's City Council. The Appeals Board Chairperson will be one of the River Heights City's City Council members.
      - (b) The City Recorder
    - (3) If the Appeals Board overturns the employee disciplinary action:
      - (a) The Appeals Board may also reinstate any loss of pay associated with the employee disciplinary action.
      - (b) The Mayor, or designee, shall remove the record of the disciplinary action from the employee's personnel file.
    - (4) If the Appeal Board upholds the employee disciplinary action, the employee may then appeal to the City Council.
  - E. Appealing to the River Heights City's City Council. Upon written receipt of an employee suspension, demotion, transfer, or termination notice, some employees have the right to appeal the disciplinary process and action imposed by the Mayor, or designee, to the city council (exceptions include Probationary Employees).

- (1) An employee must submit their written notice of appeal to the River Heights City Recorder within ten (10) days or an employee will be deemed to have waived all appeal rights.
- (2) If the River Heights City Council overturns the employee disciplinary action:
  - (a) The City Council may also reinstate any loss of pay associated with the employee disciplinary action.
  - (b) The Mayor, or designee, shall remove the record of the disciplinary action from the employee's personnel file.
- (3) If the River Heights City Council upholds the employee disciplinary action, an employee has no additional appeal rights.

## Article II Grievances:

If an employee has a problem or grievance, every effort should be made to resolve the matter with his/her immediate supervisor. If mutual agreement cannot be reached, the problem may be referred to the City Council or Mayor. River Heights City will follow the guidelines in the State Code.

If a non-employee has a problem and/or grievance regarding an appointed official or a City employee, the following procedure will be followed:

1. No anonymous complaints will be taken. The complainant must give their identity, a contact number and/or address.
2. The complaint must be specific about the violation.
3. The complaint will be given to the employee's immediate supervisor for investigation, so disciplinary action, if needed, can be performed as outlined in the personnel policy.
4. The identity of the complainant may be kept confidential through the verbal warning stage. However, if the supervisor cannot substantiate the violation, and the complaints continue, the identity of the complainant may be made known.

## **Section 8 Employee Notification and Rights**

- A. Depending on the circumstances, other action, including the notification of appropriate law enforcement agencies may be taken against violators of these policies.
- B. No statements, etc, in this policy shall be constructed in a way that would not permit independent legal action or notification to appropriate law enforcement agencies.

## **Section 9 Employee Development**

### Article I. Development and Training

#### A. Policy

It is the policy of River Heights City to encourage and at times, require employees to attend various seminars, conferences, classes, and other related job training opportunities which are consistent with the following rules.

1. All training opportunities shall be job related and approved by the Department Head, and/or Mayor, or designee.
2. Funds must be available in the appropriate budget to cover the anticipated costs.

3. Training opportunities should be limited to those which will benefit both the employee and the City.

## Article II. Travel and Transportation

### A. Policy:

1. Authorized travel by private vehicle will be reimbursed at the rate allowed by IRS policy to be approved each budget year. Mileage allowance will not be paid unless the trip is authorized by the appropriate official in each department. For trips requiring overnight lodging, employees may be reimbursed for reasonable and necessary lodging cost plus a maximum of \$35.00 per day for meals.
2. All travel expenditures should be recorded and receipts collected. These receipts must be submitted to the Accounts Payable Clerk at the end of each trip along with the employee's record of expenditures. Claims for travel pay not supported by an approved travel request and corresponding expense receipts will not be paid.
3. Known expenses such as conference registration fees or airline fares will be paid in advance provided that appropriate expense vouchers are submitted.
4. Travel expenses must be included in the annual budget for each department anticipating travel, as part of the budget process. Any trip which is not anticipated and reported in the budget must have the approval of the City Council, regardless of the amount of the travel account in the department's budget.

## **Section 10 Retirement Policy**

- A. River Heights City does not offer retirement benefits to its employees.

## **Section 11 Death of an Employee**

- A. Upon the death of an employee, the employee's designated beneficiary shall be paid for:
  1. All hours worked but not paid, at the employee's current rate of pay.
  2. All unused sick leave, up to a maximum one hundred twenty (120) hours, at the employee's current rate of pay.
  3. All vacation hours accumulated but not paid, at the employee's current rate of pay.

## **Section 12 Use of City Equipment and Materials**

### A. Policy

1. The use of City owned property or equipment for personal use is prohibited without the approval of the Department Head and City Council.

## **Section 13 Gifts and Gratuities**

- A. City Employees and elected officials will not accept gifts and gratuities except under circumstances allowed by the Utah Employees Ethics Act, as amended.

**Section 14**  
**Elected Officials**

- A. An elected official is prohibited from holding city employment other than his/her elected office, during the term of his/her office.

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