



**PERSONNEL POLICIES AND
PROCEDURES MANUAL
FOR
THE CITY OF SOUTH SALT LAKE**

Approved:

This manual supersedes all personnel policies and procedures previously established or approved by the City. Where this manual conflicts with Police, Fire, or Dispatch Policies and Procedures, those policies and procedures supersede.

While it is the policy of the City of South Salt Lake to establish reasonable rules of employment conduct and to ensure compliance with these rules through a program consistent with the best interests of the City and its employees, **THIS MANUAL IS NOT, NOR SHALL BE CONSTRUED AS, AN EXPLICIT OR IMPLIED CONTRACT.**

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INTRODUCTION

Welcome,

As an employee of the City of South Salt Lake, you will be expected to read, understand, and follow the Personnel Policies and Procedures contained in this manual.

It is the policy of the City to comply with Federal and State Equal Employment Opportunity and Affirmative Action guidelines. All employment decisions will be made without unlawful regard of race, color, religion, sex, national origin, age, disability, sexual orientation or gender identity. To this end, the City will not engage in any unlawful discrimination against any employee or applicant for employment because of race, color, religion, sex, national origin, disability, age, sexual orientation, gender identity, or veterans' status, and will ensure that applicants and employees are treated without unlawful regard to these characteristics.

It is the obligation of officers, managers, supervisors, and employees of the City to conduct themselves in conformity with the principle of Equal Employment Opportunity and Affirmative Action guidelines at all times. All employment activities including, but not limited to, advertising, recruitment, hiring, promotion, demotion, transfer, disciplinary action, layoff, termination, compensation, and training shall be conducted without unlawful regard to race, color, religion, sex, national origin, age, disability, sexual orientation or gender identity.

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

No employee, officer, agent, or other representative of the City has any authority to enter into any agreement for employment for any specified period of time or to make any agreement or representation, verbally or in writing, which alters, amends, or contradicts the provisions of this Personnel Policies and Procedures Manual.

The City reserves the right to change any of its policies and/or procedures at any time in the future for any reason.

This Personnel Policies and Procedures Manual is not, and shall not be, construed as an explicit or implied contract, shall not modify an existing employment at-will status of any employee and shall not create any due process requirement in excess of Federal or State constitutional or statutory requirements.

Cherie Wood, Mayor

City of South Salt Lake



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SECTION I: STATEMENT OF POLICY

1. EMPLOYMENT BASED UPON MERIT.

Employment and promotion in city government shall be based on merit and fitness, free of personal and political considerations, and shall in no way be influenced by religion, creed, color, sex, age, national origin, ancestry, or disability.

2. INCENTIVES AND CONDITIONS OF EMPLOYMENT.

Just and equitable incentives and conditions of employment shall be established and maintained to promote efficiency and economy in the operation of the City government.

3. GOALS.

The system shall provide the means to recruit, select, develop, and maintain an effective and responsive work force, and shall provide plans for employee hiring and advancement, training and career development, job classification, salary administration, vacations, sick leave, leaves of absence, retirement, fringe benefits, discipline, discharge, and other related activities.

4. EMPLOYEE COMPENSATION REPRESENTATION.

a. General. Employee compensation, including salary, for City of South Salt Lake employees must achieve the following objectives:

- i. Support the City's strategic goals and objectives;
- ii. Attract and retain competent, productive, and motivated employees;
- iii. Be competitive with local municipal employers or other relevant local employers;
- iv. Be internally equitable and consistent; and
- v. Be within the City's ability to pay.

To achieve these objectives, employees and the City administration should regularly and constructively communicate about employee compensation issues.

b. Communication Strategy. Regarding employee benefits, the Mayor will rely on the Benefits Committee for City/employee communication. For employee salaries, individual employees or employee groups are invited to communicate with their respective department directors or chiefs.

c. Responsibilities. City department directors or chiefs, working closely with the Human Resources Division, shall provide opportunities for individual employees or employee groups to become educated in City salary practices and to raise issues or make suggestions regarding salary practices. Employees should take maximum opportunity to communicate about salary matters within their respective City departments. Prior to the submission of the annual City budget, the Mayor will meet individually with each department director/chief to discuss salary issues within the department. On other occasions, department directors may request opportunities to discuss salary issues with the Mayor.

5. BENEFITS COMMITTEE.

a. General. Employee compensation, including employee benefits, supports the City's ability to effectively and professionally serve the citizens and businesses of South Salt Lake. Employee benefits achieve this objective when they advance the City's strategic aims and are integrated with employee wages. The City and its employees should collaborate in reviewing and evaluating employee benefits provided by City of South Salt Lake. Benefits include: workers compensation, unemployment benefits, FMLA leave, medical/health coverage, retirement/separation benefits, disability benefits, life insurance, paid leave, tuition assistance, EAP programs, flexible work schedules, career counseling and other benefits identified by the Mayor or by the Benefits Committee. This Executive Order establishes a Benefits Committee for the purpose of City/employee collaboration regarding benefits. The Executive Order also tasks certain City officials with support for and communication with the Committee.

b. Benefits Committee Membership. The Benefits Committee consists of the following employees appointed by the Mayor, upon recommendation of the department directors: one non-supervisory employee each from the Police Department, Fire Department, Public Works Department, Justice Court, Community Development Department, Urban Livability Department, and Parks and Recreation Department; one non-supervisory employee from City administrative offices; four City supervisors; and two appointed employees. Each Committee member shall be a voting member of the Benefits Committee. The Committee may appoint a chair and vice chair, and establish subcommittees at its discretion. The Committee shall designate three members to serve as the City's Sick Leave Bank Committee.

The Benefits Committee shall be supported by the following non-voting participants:

- i. The Human Resources Administrator
- ii. The City Attorney; and
- iii. The Finance Director

The Benefits Committee may develop procedures to govern its responsibilities under this policy.

c. Benefits Committee Responsibilities. The role of the Benefits Committee is to develop and recommend to the Mayor a comprehensive set of benefits that meets the strategic goals of the City, is integrated with employee wages, and is based on the City's and employees' ability to pay for such benefits.

The Benefits Committee is encouraged to become knowledgeable in benefit "best practices" and to understand the legal context of employee benefits.

The Mayor will regularly meet with the Committee to receive reports or recommendations.

Committee members are encouraged to communicate with their City peers to assure that the best interests of the employees and the City are identified and addressed.

While the Committee should become familiar with employee compensation, the Committee will not be asked for recommendations regarding base salaries for employee groups or individual employees. (See the Employee Compensation Representation Executive Order.)

d. Committee Support. The Finance Director and Human Resources Administrator shall provide general administrative support to the Committee. The City Attorney shall provide legal guidance to the Committee, as appropriate.

6. TENURE.

Tenure of employees covered by the personnel management system shall be subject to good behavior, satisfactory work performance, necessity for performance of work and the availability of funds.

SECTION II: EQUAL EMPLOYMENT & AFFIRMATIVE ACTION

1. EQUAL EMPLOYMENT OPPORTUNITY.

It is the policy of the City to comply with Equal Employment Opportunity (EEO) standards in all phases of personnel administration: job structuring, recruitment, examination, selection, appointment, placement, training, upward mobility, discipline, etc., without unlawful regard to race, color, religion, sex, age, physical or mental disability, national origin or veteran status. It is the obligation of officers, managers, supervisors, and employees of the City to conduct themselves in conformity with the principle of EEO.

2. AFFIRMATIVE ACTION.

It is the goal of the City to conform to federal, state, and local guidelines and to seek qualified applicants from minority groups and protected classes to attain a work force mixture in City departments which closely approximates the relevant labor market. This goal is accomplished through steps outlined in the City's Affirmative Action Plan.

SECTION III: EMPLOYEE HIRING

1. EMPLOYMENT.

Job descriptions defining the essential functions of the vacant position shall be drafted and adopted before the vacancy is posted or otherwise advertised internally or externally.

2. RECRUITMENT.

a. It is the City's policy to give consideration to fill a job position to regular full-time or part-time employees who have completed their probationary period and were initially hired through a competitive process. A review of any disciplinary actions or active disciplinary investigations will be conducted on all otherwise qualified City employees prior to any steps of the selection process. Based upon that review and recommendation from the Human Resource Department, the Mayor may disqualify an employee from participating in the selection process.

b. The general public and City employees will be notified of job openings at least five (5) weekdays prior to the closing date.

c. Only the Human Resource Department, or designee, is authorized to place advertisements and respond to inquiries from employment agencies and/or job applicants.

d. The Department Head, with the Mayor's approval, may request a position be advertised internally only in order to determine qualifications of current eligible employees.

e. Job opening notices indicating the appropriate qualifications must be advertised in accordance with the City's Affirmative Action Plan, as deemed by the Human Resource Department, on at least three (3) separate days.

3. SELECTION.

- a. Nepotism. It is the policy of the City to comply with the provisions of Utah's Anti-Nepotism Act, Section 52-3-1, Utah Code Annotated, as amended. Except as allowed by state law, the City prohibits City employees from employing, appointing, voting for the appointment of, directly supervising, or being directly supervised by their father, mother, husband, wife, son, daughter, brother, sister, uncle, aunt, nephew, niece, first cousin, father-in-law, mother-in-law, brother-in-law, sister-in-law, son-in-law, or daughter-in-law. Although not expressly stated, this provision also includes stepchildren or stepparent relationships (i.e., the statute covers all relations by consanguinity or affinity within the degree of first cousin).
- b. Employment of Minors. It is the policy of the City that no one under the age of fourteen (14) shall be hired for any position.
- c. All individuals considered for any position must meet the minimum requirements as outlined in the job description and determined by the Human Resource Department.
- d. Selection Process.
 - i. All applicants for employment in merit service shall be subject to examination, which shall be public, competitive and free, and shall be for the purpose of determining the qualifications of applicants for positions. Examinations may include written testing, assessment centers, oral interviews, physical qualifications, and health, or any other process that shall be practical and shall fairly test the fitness of the persons examined to discharge the duties of the positions to which they seek to be appointed.
 - ii. In all cases, department heads, or designee, will notify Human Resources of the position to be filled. Human Resources will coordinate all application and examination processes. Based on the results of the examination process, Human Resources will provide the department with a list of applicants certified as eligible to fill the open position. The list will include five applicants that shall have the highest rating following the examination process. If more than one position is available in the same department, one additional name will be added to the list for each additional position to be filled.
 - iii. Other than for Police and Fire Department rank promotions, current qualified City employees who apply for an open position and are granted an interview and/or examination will be awarded preference points equal to 5% of the total possible points as determined by the examination process.

4. PLACEMENT.

- a. Rejection Letters. Within five (5) working days after the job offer has been accepted, non-selected job applicants shall be notified. The Human Resource Department, or designee, will send a Job Rejection Letter to each job applicant who was not selected for a job opening.
- b. Job Offers. The Job Offer Letter shall clearly state that the offer is not accepted until the candidate signs the written form and returns it to the City by the requested date.
- c. Medical Examinations. Once the City has extended a conditional job offer to the job applicant, a medical interview or examination may be conducted by a health professional chosen by the City to determine a job applicant's ability to fulfill essential job related requirements. Only the Human Resource Department, or designee, may authorize such interviews or physical examinations. All costs for required medical interviews or physical examinations will be borne by the City. The prospective employee must sign a written release of this information to the City.

d. Reinstatements. Employees who are reinstated into the City may maintain their original anniversary date for seniority purposes as well as for those benefit programs governed by the anniversary date. The policy will be as follows:

- i. Layoffs. Employees who terminate because of reduction in work force will maintain their original anniversary date for seniority purposes if they are re-employed by the City within one year after date of termination.
- ii. Voluntary resignations. Employees who voluntarily terminate their employment with the City may maintain their original anniversary date, subject to Human Resource Department or designee's approval, if they are re-employed by the City within six months after date of termination.

e. Orientation. Newly hired employees shall complete all required paperwork and receive orientation as a new employee of the City on their first day of work, or as soon thereafter as possible.

f. Probationary Period.

- i. All new employees shall be subject to a one (1) year probationary period. During this period, probationary employees may be terminated with or without notice for any or no reason without any right to due process, notice, explanation, or appeal in connection with said termination.
- ii. Present employees who apply for and are granted a transfer or promotion to another position shall be on probation for a one (1) year period beginning at the time of transfer or promotion.

g. Rehire.

- i. A person who has terminated employment with the City in good standing in compliance with Section VIII of this chapter shall be entitled to apply to be rehired for the same position previously employed. Such application must be made within six (6) months of the effective date of resignation.
- ii. The applicant shall have no priority or preference to be rehired. The decision to rehire is solely at the discretion of the department head. If the applicant for rehire is employed after such request, such applicant shall serve a probationary period similar to new hires without rehiring "benefits".
- iii. For purpose of computation of seniority, rehired personnel shall be entitled to credit for all time previously served, not including time that the rehired personnel spent away from the employer. Seniority shall only be given after successful completion of a satisfactory probationary period.

5. VOLUNTEERS.

Volunteers are considered employees of the City only for the purposes of:

- a. Workers compensation benefits for compensable injuries sustained by the volunteer while acting in the scope of employment.
- b. Operating City owned vehicles or equipment when the volunteer is properly licensed to do so.
- c. Liability insurance coverage offered employees.

SECTION IV: ALCOHOL AND DRUG FREE WORKPLACE

1. POLICY STATEMENT.

The City finds that a healthy and productive work force, safe working conditions free from the effects of drugs and alcohol, and maintenance of the quality of City services are important to the City, its employees, and the general public. The City further finds that the abuse and misuse of drugs and alcohol create a variety of workplace problems, including increased injuries on the job, increased absenteeism, increased financial burden on health and benefit programs, increased workplace theft, decreased employee morale, decreased productivity, and a decline in the quality of services. The City also recognizes alcohol and drug abuse as a health hazard and encourages employees to seek help.

Therefore, in balancing the interests of the City, its employees, and the welfare of the general public, and to further implement its Drug-Free Workplace policy, the City finds that fair and equitable testing for drugs and alcohol in the workplace is in the best interest of all concerned.

The unlawful manufacture, distribution, possession, and the illegal use, abuse, or misuse of a controlled substance is prohibited. The use of drugs or alcohol, or being under the influence of drugs or alcohol, while on City premises or while conducting City business off City premises is prohibited. A violation of this policy will result in disciplinary action, up to and including termination. Drug and alcohol test results obtained under this policy will not be used against the employee in any criminal proceeding. However, any employee who violates any law is subject to prosecution just like any other citizen, and each employee of the City must understand that illegal conduct which is proven independently of the City's enforcement of this policy will be subject to prosecution.

All recruitment announcements for any position of employment in the City, including in-house recruitments and promotions, shall disclose that a chemical screen test is required.

2. INTERPRETATION SHALL CONFORM TO DISABILITY LAWS.

The City shall conform to the Federal Rehabilitation Act and the Americans With Disabilities Act (ADA) and related Utah law prohibiting an employer from discriminating against disabled persons. However, pursuant to those laws, the City may deny employment to any person whose current use of alcohol or drugs would or may constitute a threat to personal or public safety or to City property or prevent that employee from performing the essential duties of the job in question, after having been given all consideration and reasonable accommodations required by the Federal Rehabilitation Act, ADA, and related Utah law.

3. REHABILITATION VERSUS TERMINATION.

Employees who violate the City's drug and alcohol policy are subject to disciplinary action. Although that disciplinary action may include termination of employment, it is the policy of the City to seek rehabilitation of employees after a first violation when based upon the recommendation of the Department Head, or designee, the Employee Assistance Program (EAP) counselor's findings, and the employee's willingness to seek and follow professional advice. However, upon a second violation at any time during the employee's employment with the City, termination of employment shall result. Nothing in this policy shall be construed to require the City to offer rehabilitation in all cases of a first time violation. Each case shall be examined on its own facts and the result will be based on that analysis. Depending upon the mitigating and aggravating factors in a given case and upon the findings of the employee's EAP counselor, termination of employment may be entirely justified.

4. RESPONSIBILITIES.

- a. The Human Resource Department shall implement this policy. This action shall include thorough discussion of the City drug and alcohol screening policy; training Department Heads and Supervisors to focus on job performance and safety and recognize signs of drug and alcohol abuse; training Supervisors on referral procedures; and monitoring compliance with Federal and State disability laws; monitoring rehabilitation; assisting departments as appropriate in reviewing and implementing disciplinary and rehabilitation referral actions; recommending, reviewing and approving treatment facilities; and advising departments on referral procedures, including a general explanation of employee health insurance benefits which may be available.
- b. Department Heads shall inform Supervisors of their responsibilities in implementation of this policy. Specifically, Supervisors shall be directed to recognize job performance and safety deficiencies which may be related to drug and alcohol abuse problems, and to document facts and observations which lead to reasonable suspicion that an employee is violating this policy.
- c. Department Heads, with the assistance of the Human Resource Department, shall conduct an orientation with all employees. The orientation shall include a thorough discussion of this policy; restrictions on drug and alcohol possession and use; availability of counseling and treatment, including both voluntary and departmental referrals to psychological services and rehabilitation facilities; and disciplinary actions which may result from violation.
- d. Each City employee shall refrain from the use of illegal drugs and alcohol, and shall not misuse prescription drugs which affect safety or job performance; shall refrain from the possession of illegal drugs or alcohol in the buildings, vehicles or other property of the City; and enter into a written rehabilitation agreement and pursue and complete rehabilitation for a drug or alcohol abuse problem that affects job performance or safety, if required as a condition of continued employment with the City.
- e. Any City employee working in a safety-sensitive position shall immediately inform his or her Supervisor if that employee has started the use of any prescription or over-the-counter medication, concerning which the employee has received a written or verbal admonition that the medication in question does or may cause drowsiness, and which cautions against operation of machinery or motor vehicles while taking that medication.

5. DEFINITIONS.

- a. "Abuse/misuse" means abuse or misuse of either an illegal substance or a controlled substance obtained without a prescription for other than medicinal purposes; drug misuse is the inappropriate use of alcohol or prescription drugs. "Use of a drug" means the presence of a drug or alcohol, or their respective metabolites, in the body.
- b. "Alcohol and Drug Screening Test" means a generally accepted and proven test methodology as recommended by the laboratory and medical experts selected by the City, consisting of two tests, a screening test and a confirmation test, of the blood, breath or urine, or any combination thereof. Tests may be administered for either or both drugs and alcohol as provided in this policy, and may consist of any or all of the test methodologies available to the City.
- c. "Alcohol Content" means the amount of alcohol in a volume of breath, expressed in terms of grams of alcohol per 210 liters of breath; or the amount of alcohol in a volume of blood or urine, expressed in terms of grams of alcohol per deciliter.
- d. "Chemical Screening Test" means the same as "Alcohol and Drug Screening Test."
- e. "Controlled Substances" means substances whose sale is controlled by federal and/or state law, including all prescription medications and alcohol.

f. “Evidential Breath Testing Device” means a device approved by the National Highway Traffic Safety Administration for the evidential testing of breath and placed on NHTSA’s Conforming Products List of evidential breath measurement devices (CPL), and identified on the CPL as conforming with the model specifications available from the National Highway Traffic Safety Administration, Office of Alcohol and State Programs.

g. “Illegal Substances” means chemical substances that have been identified in State and Federal statutes as illegal. For the State of Utah and City, this includes, without limitation, cocaine and its derivatives, amphetamines, heroin, natural and synthetic hallucinogens and marijuana.

h. “Outside Applicant” means a person who has applied to work regular part-time or full-time for the City, including an applicant for a seasonal/temporary position, and any other such position which requires operation of motor vehicles and/or dangerous equipment, and past employees eligible for rehire.

i. “Positive Test” means alcohol and drug screening test results that meet or exceed the standards outlined in Subsection 22.

j. “Reasonable Suspicion” means an articulable belief based on documented specific facts and reasonable inferences drawn from those facts that an employee is under the influence of drugs or alcohol. Circumstances which constitute a basis for determining “reasonable suspicion” may include, but are not limited to, a pattern of abnormal or erratic behavior; information provided by a reliable and credible source which can be substantiated or corroborated; a reportable work-related traffic or non-traffic accident; direct observation of drug or alcohol use; or the presence of the physical symptoms of drug or alcohol use (i.e., glassy or bloodshot eyes, alcohol odor on breath, slurred speech, poor coordination and/or reflexes).

k. “Safety-sensitive Positions” means all sworn law enforcement personnel; all full-time and part-time firefighters; all City employees whose job descriptions require the operation of City-owned vehicles or motorized self-propelled equipment; all City employees who operate City-owned vehicles or motorized self-propelled equipment on a regular weekly basis as an assigned duty for a period of time in excess of six months, regardless of their job descriptions; and all other City personnel so designated from time to time based upon an assessment of the elements of each employee’s duties, as determined by the Human Resource Department after consultation with the affected department and Department Head.

6. CHEMICAL SCREENING TESTING CATEGORIES.

a. Final Applicants. All final inside and outside applicants selected for employment are required to submit to mandatory chemical screening testing of the City’s choice.

b. Post-accident Testing. A City employee who is involved in a traffic accident while driving a motor vehicle on employment-related business shall submit to mandatory chemical screening testing of the City’s choice.

A City employee who is involved in any other work-related incident shall submit to mandatory chemical screening testing of the City’s choice if that incident results in the death of any person or serious bodily injury to a person that requires immediate medical treatment away from the scene of the incident.

c. Return-to-duty Testing. Before a City employee returns to work following a positive test for alcohol exceeding the limits set forth in this policy, that employee shall undergo mandatory return-to-duty chemical screening testing of the City’s choice, with confirmed results indicating an alcohol content level of less than 0.04 percent.

Before a City employee returns to work following a positive drug test, that employee shall undergo a mandatory return-to-duty chemical screening test with negative results for controlled substances.

If the City has reasonable suspicion that the employee has become a multiple-substance abuser during the leave period, that employee may be required to submit to mandatory chemical screening testing for both alcohol and drugs. A report from the employee's EAP treatment counselor may form the basis for reasonable suspicion to require dual testing.

d. Follow-up Testing. Subsequent to an employee's return to duty following a drug or alcohol related leave of absence, or following the completion of treatment for drug or alcohol abuse, that employee shall submit to mandatory follow-up chemical screening testing of the City's choice during duty hours at least six (6) times during the following twelve (12) months. Upon the recommendation of the employee's EAP treatment counselor, the employee may be required to submit to mandatory follow-up chemical screening testing during duty hours for up to (18) times during the following thirty-six (36) months. Follow-up testing shall be unannounced and is administered as in the case of random testing as provided in this policy.

e. Reasonable Suspicion Chemical Screening Testing. A City employee is required to submit to chemical screening testing of the City's choice if the employee's Supervisor has reasonable suspicion to believe that the employee is under the influence of alcohol or drugs while on duty.

f. Random Chemical Screening Testing. Each fiscal year, the City shall administer random chemical screening tests for both alcohol and drugs to 25% of employees in safety-sensitive job assignments which are not otherwise classified under the CDL (Commercial Driver License) testing program. Chemical screening testing for CDL job assignments will be administered per Department of Transportation guidelines and given to detect the presence of alcohol; amphetamines and methamphetamines; cocaine and its metabolites; opiates; phencyclidine; and cannabinoids and their metabolites. Alcohol screening shall be done by breath testing, though the City may also test for alcohol in samples taken for purposes of the drug screening testing. Employees shall be selected through the use of a computer-based random number generator which shall be provided by an independent entity. As of the date of this policy, that entity is Intermountain MRO, but random number generation may be provided by another entity as the City shall determine.

7. DRUGS TO BE TESTED.

a. When drug and alcohol screening is required under this policy, a test or tests will be given to detect the presence of the following drug groups:

- i. Alcohol (ethyl).
- ii. Amphetamines and methamphetamines (e.g., speed).
- iii. Cocaine and its metabolites (e.g., crack cocaine).
- iv. Opiates (e.g., codeine, heroin, morphine, etc.).
- v. Phencyclidine (e.g., PCP, angel dust).
- vi. Cannabinoids and their metabolites (e.g., marijuana, THC, hashish),
- vii. Benzodiazepines (e.g., Valium, Xanax, Ativan, etc.),
- viii. Barbiturates (e.g., Fioricet, Amobarbital, Butobarbital, Pentobarbital, Phenobarbital, Secobarbital, etc.),
- ix. Methadone, and
- x. Propoxyphene (e.g., Darvon, Darvocet).

b. In addition to the specific drug groups named in the above paragraph, the City may also test for the presence of any other controlled substance, if reasonable suspicion exists to believe an employee is impaired due to the use of another controlled substance.

c. Sampling shall occur at the primary medical facility listed in Subsection 22, except in exigent circumstances, in which case samples may be taken at any location by qualified personnel from the primary facility. An alcohol breath test shall be administered at the medical facility. Testing of blood and urine samples shall occur at an approved laboratory as set forth in Subsection 21. If the City elects to administer a breath test, a blood or urine sample, or both, a split sample shall be taken to allow additional testing at the City's discretion, and to allow a second confirmatory test at the request of the employee as provided in Subsection 19.

8. TESTING PROCEDURES.

a. Final Applicant Testing. The Human Resource Department shall be notified before any department or Department Head, or other City hiring authority offers employment to a final inside or outside applicant. The Human Resource Department will then formally offer the job to the applicant contingent upon passing the pre-placement screening test and physical. An alcohol and drug screening test for the applicant, as part of the pre-placement physical, will then be scheduled.

The Human Resource Department shall give the applicant a copy of this policy, a consent and release form, and the date of the test appointment. The consent and release must be signed before the applicant may be tested.

After receipt of the test results, the Human Resource Department will inform the department or Department Head of the results. This disclosure is limited to whether the test result is positive or negative, and the information shall be kept confidential by the applicant's department or Department Head and all other City personnel who may be aware of the test results, as provided in this policy.

The Human Resource Department will notify the applicant of a confirmed positive test result.

b. Reasonable Suspicion. The City may require a current City employee to undergo chemical screening testing of the City's choice if the employee's Supervisor has reasonable suspicion that the employee is under the influence of drugs or alcohol during work hours. Before any testing may occur, the Supervisor shall immediately make a verbal report of specific facts, symptoms or observations which formed the basis for determination that reasonable suspicion existed to the employee's department or Department Head, and to the Human Resource Department or the City Attorney, or their respective designees. As soon as practical, but not later than 24 hours, the Supervisor shall fill out a reasonable suspicion observation form, describing the specific facts, symptoms, or observations which formed the basis for the determination that reasonable suspicion existed to justify testing the employee. This written documentation shall be forwarded to the employee's department or Department Head and to the Human Resource Department.

If an alcohol test required by this method is not administered within two hours following the determination to test, the City shall prepare and maintain on file a record stating the reasons the alcohol test was not promptly administered. If an alcohol test required by this method is not administered within eight hours following the determination to test, the City shall cease attempts to administer an alcohol test and shall state in the record the reasons for not administering the test.

Reasonable suspicion chemical screening testing shall be administered only upon observations made just prior to, during, and just after performance of the employee's duties.

Upon a determination that testing is required, the following procedure shall be followed:

- i. Prior to giving a sample, the employee shall sign a consent and release form, which shall be provided by the employee's Supervisor.
- ii. The employee will be immediately taken by the Supervisor or another Supervisor or management employee of the department to the medical facility for sample collection or breath testing.
- iii. If the employee is not able to be taken to the medical facility for sample collection or breath testing, the Supervisor shall immediately telephone the medical facility (any time day or night) and/or call medical personnel from the facility to go to where the employee has been taken to collect the drug and alcohol screening test samples.
- iv. The employee may be immediately removed from duty and assisted in getting home after the drug and alcohol screening test.
- v. The employee may be placed on administrative leave, with pay, until the test results are available and a preliminary administrative review has been conducted.

An alcohol and drug screen test for "reasonable suspicion" includes testing of urine, blood, or breath, or any combination of these tests, as determined by the City. Nothing in this Subsection shall be construed to restrict the City's authority to test a current employee who is an inside applicant selected for employment.

c. **Random Testing for Safety-sensitive Positions.** Employees subject to random testing will be tested in accordance with the same procedure as is used for testing of applicants selected for employment with the City, except that the test will be unannounced and will be administered without delay. If an employee has an alcohol concentration greater than 0.02 but less than 0.04, the employee will not be allowed to perform any safety-sensitive functions for the City until the start of the next regularly scheduled duty period, but not less than 24 hours after the administration of the test.

d. **Post-accident Testing.** As soon as is practical after an accident, the employee's Department Head, or designee, shall determine if the event requires testing under this policy. If a test is required, the City shall take the employee to the medical facility for breath testing or sample collection, or both. Samples of either urine or blood, or both, may be obtained as determined by the City. If an alcohol test allowed by this method is not administered within eight hours following the determination to test, the City shall cease attempts to administer an alcohol test and shall state in the record the reasons for not administering the test. If a drug test required by this method is not administered within 32 hours following the accident, the City shall cease attempts to administer drug test, and shall state in the record the reasons for not administering the test.

e. **Return to Duty Testing.** As a condition of returning to duty after a violation of this policy, an employee shall be subject to chemical screening testing as determined by the City.

f. **Follow-up Testing.** As a condition of returning to duty after a violation of this policy, employees shall be subject to unannounced follow-up chemical screening testing. The frequency and the period during which the employee is subject to this testing shall be established in writing and shall be provided to the employee. The testing under this method shall be administered as in the case of the random mandatory screening testing described in this policy.

9. PRIOR NOTICE OF TESTING POLICY.

Any prior notice required by this policy, by statute, or ordinance may be provided by any or all of the following means, as determined by the City: personal notice to the employee, employee notices, newsletters, staff meetings and special training or orientation sessions. Such notice shall contain, without limitation, the following information:

- a. The need for drug and alcohol testing;
- b. The circumstances under which testing may be required;
- c. The procedure for confirming an initial positive drug test result;
- d. The consequences of a confirmed positive test result;
- e. The consequences of refusing to undergo a drug and alcohol test;
- f. The right to explain a positive test result and the appeal procedure available; and
- g. The availability of drug abuse counseling and initial referral services.

10. NOTICE AND CONSENT.

Before a drug and alcohol test is administered, employees and applicants will be required to sign a consent form authorizing the test and permitting release of test results to those City officials with a need to know and to the Employee Assistance Program.

11. REFUSAL TO CONSENT.

- a. Applicants. An applicant who refuses to consent to a drug and alcohol screen test will be denied employment with the City. If the applicant is a current City employee, the applicant will be denied employment in the position for which application was made and referred to the City Employee Assistance Program. The employee shall also be subjected to disciplinary proceedings consistent with this policy.
- b. Employees. Employees who refuse to consent to a drug and alcohol screen test are subject to disciplinary action, including termination. If a breath or urine test is requested by the City, employees who fail to provide an adequate sample without a valid medical explanation are deemed to have refused to consent to testing. No disciplinary action shall be taken without the Human Resource Department first attempting to discuss the matter with the employee.

12. CONFIRMATION OF TEST RESULTS.

If a blood or urine chemical screening test yields a positive result, the same sample shall be subjected to a GC/MS confirmation test using a portion of the same test sample given by the employee or applicant for use in the first test. If a breath test for alcohol yields a positive result, a second confirmatory breath test shall immediately be administered using the same breath testing device.

If the GC/MS or a confirmatory breath test confirms the initial positive screening test result, the employee or applicant shall be notified of the results in writing by the Human Resource Department. This notice shall also inform the employee or applicant of the right to obtain a second blood or urine confirmation test as provided in Subsection 19. A second confirmatory breath test is not available. The letter of notification shall identify the particular substance found based upon established cutoff limits. A medical review officer's evaluation shall be obtained prior to notification by the Human Resource Department.

Employees or applicants with a confirmed positive blood or urine test may have a retest conducted on the same sample at another laboratory selected by the City, as provided in Subsection 19.

13. CONSEQUENCES OF A CONFIRMED POSITIVE TEST RESULT.

a. Applicants. Outside applicants having confirmed positive test results will be denied employment with the City.

b. Employees. If an employee's positive test result has been confirmed, the employee is subject to disciplinary action up to and including termination, in accordance with this manual. Factors to be considered in determining the appropriate disciplinary response may include the employee's work history, length of employment, current job performance, the circumstances under which the violation was detected, and the employee's past disciplinary record, together with such other factors as may be determined by the City. No disciplinary action will be taken against employees who voluntarily identify themselves as drug user, prior to the time their use has otherwise been detected; who obtain counseling and rehabilitation through the City's Employee Assistance Program; and who thereafter refrain from violating the City's drug and alcohol policy. However, this provision shall not restrict the City from taking disciplinary action arising from other violations of City conduct rules and standards or making job reassignments to reduce the risks of accident or injury that may result from the use of alcohol or drugs. Any employee aggrieved by such personnel action, temporary or otherwise, may appeal pursuant to this manual.

14. HEARING.

Employees whose confirmation test result is positive, or who was disciplined for refusing to take a test upon request by the City pursuant to this policy, shall be granted a hearing, if requested, in accordance with the grievance and appeal adjudication procedures set forth in this Manual.

The scope of the hearing is limited to a review of the facts relating to the determination that the employee be required to submit to chemical screening testing, the reasons for refusing to take the test after being requested to do so, if applicable, and the test results, if any. The employee has the burden of going forward with evidence that this policy has not been correctly administered in the employee's case. The employee may be represented by a person of his or her choice.

The Employee Appeals Board hearing the appeal shall issue written findings supporting its conclusion whether the employee has shown, by a preponderance of the evidence, that the request that the employee submit to a test was improper or not justified under this policy, that the employee's refusal to submit to testing was justified under this policy, or that the test results, if any, should be not be accepted.

If the Employee Appeals Board finds the request that the employee submit to testing was not justified or allowed by this policy, or rejects the test results, if any, the employee shall be restored, without prejudice, to the status the employee had or would have had if no action had been taken pursuant to this policy, and any compensation lost as a result of any disciplinary action shall be paid to the employee.

If the Employee Appeals Board upholds the City's request that the employee submit to testing, or, if applicable, finds that the employee has improperly refused to submit to testing under this policy, and determines that the test results, if any, were properly obtained, the disciplinary order imposed on the employee shall be confirmed.

15. MANDATORY REFERRAL TO EMPLOYEE ASSISTANCE PROGRAM.

Upon the first confirmed determination that an employee is under the influence of drugs or alcohol, the City shall refer the employee to EAP for initial assessment, counseling, and rehabilitation. Participation in an approved drug/alcohol rehabilitation program may be required as a condition of continued employment, and the employee may be required to enter into a written rehabilitation agreement with the City. Disciplinary action based on a violation of the City's drug and alcohol screening policy is not automatically suspended by an employee's participation in EAP or similar rehabilitation program.

16. CONFIDENTIALITY OF TEST RESULTS.

All information from an employee's or applicant's drug and alcohol test is hereby classified as a controlled record as defined in the Governmental Records and Management Act (GRAMA), and only those legally entitled to know may be informed of test results. Disclosure of test results to any other person, agency or

organization is prohibited unless written authorization is obtained from the employee or applicant or upon subpoena in accordance with law. Test results will not become part of the employee's personnel file and will be secured in a separate locked file in the Human Resource Department.

17. **PRIVACY IN DRUG TESTING.**

Urine samples shall be provided in a private restroom stall or similar enclosure so that employees and applicants may not be viewed while providing the sample. Street clothes, bags, briefcases, purses, and other containers may not be carried into the test area. The water in the commode, if any, shall be colored with blue dye to protect against dilution of test samples. The room should not have a sink or access to water of any kind.

18. **LABORATORY TESTING REQUIREMENTS.**

All drug and alcohol testing of employees and applicants shall be conducted at medical facilities or laboratories selected by the City. To be considered as a testing site, a medical facility or lab must submit in writing a description of the procedures that will be used to maintain test samples. Factors to be considered by the City in selecting a facility include, without limitation:

- a. Sampling procedures which ensure privacy for employees and applicants and which prevent tampering;
- b. Methods of analysis which ensure reliable test results, including the use of gas chromatography/mass spectrometry to confirm positive screening test results;
- c. Chain-of-custody procedures which ensure proper identification, labeling and handling of test samples; and
- d. Retention and storage procedures which ensure reliable results for confirmatory tests of original samples.

19. **SECOND CONFIRMATION TEST.**

When the applicant or employee is informed of a confirmed positive test result, he or she shall also be informed of the right to request a second confirmation test of the same blood or urine sample by notifying the Human Resource Department within 72 hours of notification of the positive test results. The cost of the second confirmation test shall be shared equally by the City and the applicant or employee. If the test is negative, the City shall reimburse the applicant or employee's share of the cost of the test. The second confirmation test will be performed by another laboratory selected by the City and shall be interpreted by a qualified medical review officer of the City's choice.

20. **REGULATIONS NOT SUPERSEDED/RIGHT TO AMEND.**

This policy shall not alter nor supersede any existing grievance or disciplinary procedures established by this manual. The City reserves the right to amend this policy.

21. **APPROVED MEDICAL FACILITY CHEMICAL SCREENING TESTS.**

Primary Medical Facilities	Approved Labs for Chemical Screening
WorkMed-Salt Lake 1685 West 2200 South Salt Lake City, Utah 84119	ARUP Laboratories 500 South Chipeta Way Salt Lake City, Utah 84108
DFW – IDT 223 West 700 South Salt Lake City, Utah 84101	Northwest Drug Testing 1141 East 3900 South Salt Lake City, Utah 84124

22. DRUG TEST.

a. An immunoassay test shall be used for screening all urine samples. The test procedure shall screen for evidence of any single drug or any combination of drugs listed below. The cutoff limit for the screening test of a specific drug in each class is as follows:

SCREENING (Initial) TEST

Drug Class	Cutoff Limit
Amphetamines, methamphetamines (speed)	1000 ng/ml
Cannabinoids (marijuana, THC, hashish) and metabolites	50 ng/ml
Cocaine and its metabolites	300 ng/ml
Opiates (Heroin, morphine, codeine, etc.)	2000 ng/ml
Phencyclidine (PCP, Angel Dust)	25 ng/ml
Benzodiazepines	300 ng/ml
Barbiturates	300 ng/ml
Methadone	300 ng/ml
Propoxyphene	300 ng/ml

If any specific drug is present at or above the cutoff limit, the screening test is deemed to be positive.

b. Drug Confirmation Test. Gas chromatography and mass spectrometry (GC/MS) technology shall be used to confirm all positive drug screening test results. The cutoff limit for the confirmation of specific drugs in each class is as follows:

Drug Class	SPECIFIC DRUGS OR METABOLITE AS CONFIRMED BY GC/MS	Cutoff Limit
Amphetamines	Amphetamine	500 ng/ml
	Methamphetamine	500 ng/ml
Cannabinoids	Delta 9 (Tetrahydrocannabinol THC)	15 ng/ml
	11-nor-9carboxy	15 ng/ml
Cocaine	Benzoylcegonine, a metabolite	150 ng/ml
Opiates	Codeine	2000 ng/ml
	Morphine	2000 ng/ml
	Hydrocodone	300 ng/ml
	Oxycodone	300 ng/ml
Phencyclidine (PCP)	Phencyclidine (PCP)	25 ng/ml
Benzodiazepines		100 ng/ml
Barbiturates		100 ng/ml
Methadone		300 ng/ml
Propoxyphene		100 ng/ml

If a specific drug meets or exceeds the GC/MS cutoff level, the GC/MS test shall be considered a positive test confirming the positive screen test.

The City may test on a case-by-case basis for controlled substances not listed in the tables. The threshold and confirmation level for each drug so tested shall be established by the City upon the advice of the laboratory or the medical review officer, or both.

- c. Alcohol Screening and Confirmation Test.
 - i. Screening for alcohol shall use one or more of the following tests, as determined by the City:
 - (1) Urine test by immunoassay;
 - (2) Blood test by gas chromatography;
 - (3) Breath testing by an evidential breath testing device; or
 - (4) All of the above.
 - ii. A screening test for alcohol shall be deemed positive if the alcohol content level meet or exceeded 0.04 percent. A confirmation test will be given if a positive screen test result is obtained. Confirmation test for alcohol shall consist of one or more of the following tests:
 - (1) Gas chromatography testing of blood or urine, or both;
 - (2) Evidential breath testing device; or
 - (3) Both of the above.
- A confirmation test result for alcohol shall be deemed positive if the alcohol content level meets or exceeds 0.04 percent.

SECTION V: EMPLOYEE CODE OF CONDUCT

1. PROFESSIONALISM.

a. Expectations. The City is a professional association whose purpose, among others, is to provide professional service to its residents and businesses. Its employees must adhere to high standards of public service that emphasize professionalism, courtesy, and avoidance of even the appearance of illegal or unethical conduct. Employees are required to efficiently carry out the work items assigned as their responsibility; be punctual and do their part in maintaining good relationships with their supervisors and fellow employees, the public, and employees and officials of other governmental organizations. Professionalism includes providing good customer service, maintaining knowledge of tasks and responsibilities assigned in each employee's job description, and complying with applicable Standard Operating Procedures for the employee's Department.

Employees are expected to maintain city-assigned vehicles and equipment. Employees shall not smoke or use other tobacco products, including electronic tobacco devices, in any city-owned vehicle or equipment.

Employees are expected to maintain good hygiene and a clean personal appearance. Standards of dress shall be appropriate to the job and according to the Dress Code and appropriate to the tasks to be accomplished.

b. Dress code. Employees are responsible to make sound choices regarding proper business wear while serving the public and working with others. When it comes to portraying the appropriate image for a public servant, it is better to be overdressed than underdressed. The key for employees is to dress appropriately for the job assignment and to maintain a neat, professional appearance.

Professional business attire includes: slacks, khakis, dresses and skirts with modest hemlines, official city shirts, sport shirts, collared shirts, knit shirts, turtlenecks, sweaters, loafers, and tennis shoes and sandals. Denim jeans may not be excessively faded, ripped, or torn or contain holes. Clothing should be neat, clean, pressed or wrinkle free and without holes or frayed areas. Even on “dress down day,” employees scheduled to represent the city at meetings and other engagements should dress appropriately for the occasion.

Unacceptable attire includes, but is not limited to: casual t-shirts unless worn under another blouse, shirt, or jacket; sweat pants/shirts, nylon workout pants, jogging suits, spandex or other exercise clothing; short; cutoffs; beach attire; halter, tank, tube or crop tops and any tops with bare shoulders unless worn under another blouse, shirt or jacket; dresses or skirts that are excessively short or tight fitting; sheer clothing unless worn over an opaque article of clothing, clothing revealing bare backs, midriffs, or other clothing that is otherwise revealing, distracting, or provocative; flip flops and similar items of casual attire that do not present a business-like image. Extreme clothing styles, designed to call attention to one’s self, portray an unprofessional image are to be avoided.

Certain visible jewelry inserted into body piercing, elaborate tattoos in prominent locations and extreme hair colors or styles that loudly call attention to the employee distract from the professionalism, propriety and decorum the public expects of those who conduct its business. Visible jewelry inserted into body piercing, aside from modestly pierced ear lobes, is prohibited on the job. Elaborate tattooing in prominent locations must be covered with clothing.

Maintaining clean, well-kept hair, beards and mustaches, good personal hygiene, absence of offensive body odor and general neat grooming is expected. Cologne and perfume should not be used in excess.

c. Training and professional development. Employees must attend City trainings which are designated as mandatory, such as sexual harassment prevention training. If schedules conflict with the timing of mandatory training, it is the responsibility of the employee to contact Human Resources and Information Services to schedule an alternate time to complete the training on or before the required date.

2. PRIVILEGED INFORMATION.

a. City employees generate and have access to records that are protected by Utah’s Government Record Access and Management Act (GRAMA). Employees are only permitted to access such information if their job duties require them to do so. Under GRAMA, employees have the responsibility to keep confidential any record of a private, protected or controlled classification until the employee receives proper authorization to release the record. If a non-City employee requests access to a potentially restricted record, that person is required to file a GRAMA request so that it can be determined whether the record is non-public.

b. Employees may not use privileged or non-public information for their personal gain, nor to benefit family, friends or acquaintances. The improper release or use of non-public information is punishable by criminal sanctions. If a conflict of interest arises or an employee has an outside interest which will be affected by a City plan or activity, this situation should be reported to the Mayor immediately. Such situations might include a family member bidding for a City contract over which you have some control, or a real estate transaction which will benefit family or close friends.

3. CONFIDENTIALITY OF PERSONAL EMPLOYEE INFORMATION.

Some aspects of public employment are public information, such as job descriptions and compensation information. However, in matters of a personal nature, public employees have the same right to privacy that is enjoyed by other members of our community. If an employee receives information about another employee's medical, family or financial situations, the receiving employee is required to keep such matters confidential. Such information might include a specific medical prognosis, reports of marital strife, or a child support obligation. Gossip or unauthorized discussions about confidential matters is damaging to a professional environment. Unless the subject employee specifically authorizes you to reveal this information, assume that it is to be kept confidential. Never discuss confidential information with those who are not authorized to receive it, either inside or outside the workplace.

4. ETHICS.

City employees must comply with the provisions of the Utah Municipal Officers' and Employees' Ethics Act (the "Ethics Act"), Sections 10-3-1301 et seq., including the prohibition against:

- a. Disclosing or improperly using confidential information, or using or attempting to use the employee's position, for personal gain or to secure special privileges for the employee or others;
- b. Failing to disclose conflicts of interest as provided in the Ethics Act, including an interest in a business which is regulated by the City, or the receipt of compensation for assistance in effecting a transaction with the City; or
- c. Inducing or seeking to induce any employee or official to violate the Ethics Act.

5. GIFTS AND GRATUITIES.

a. Generally. City employees will not accept gifts or gratuities except under circumstances allowed by the Municipal Officers' and Employees' Ethics Act, Section 10-3-1301 et seq., Utah Code Annotated, as amended, or any other applicable federal, state or local law, which in effect states:

- i. City employees may not knowingly receive, accept, take, seek, or solicit, directly or indirectly, for themselves or another a gift of substantial value or a substantial economic benefit tantamount to a gift that:
 - (1) 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; or
 - (2) The person knows or that a reasonable person in that position should know that under the circumstances the gift or gratuity is primarily for the purpose of rewarding the person for official action taken.
- ii. This provision, however, does not apply to:
 - (1) An occasional non-pecuniary gift having a value of less than \$50, except as provided in subsection 5.b. related to procurement;
 - (2) An award publicly presented in recognition of public services;
 - (3) Any bona fide loan made in the ordinary course of business; or
 - (4) A political campaign contribution.

b. Procurement & Contracts. Notwithstanding the above policy, City employees are prohibited from soliciting or receiving any gift, gratuity, favor, entertainment, loan or item of monetary value from any person seeking to obtain business with the City, or whose contract is being managed by that employee, or from similarly receiving or soliciting such a gratuity for a family member. There is an exclusion for hospitality gifts of a value of less than \$10, so long as you do not receive more than \$50 of these hospitality gifts during a year.

6. HARASSMENT.

a. City employees should not use harassing, libelous, threatening, abusive, foul, or offensive or obscene speech, conduct, cyber bullying, or otherwise. Among those things which are considered offensive are any verbal or nonverbal communications which contain sexual implications, racial slurs, gender-specific comments, or any other comment that offensively addresses someone's age, sexual orientation, religious or political beliefs, national origin, or disability.

b. Reporting Procedure.

i. Any employee who experiences an unwelcome, harassing or hostile work environment or who has personal knowledge of clearly offensive conduct should address such behavior/conduct through the formal remediation process.

ii. Formal complaints should be in writing to the office of the Director of Human Resources and Information Services and specify:

(1) The identity of the complainant and the date of the alleged offense.

(2) The identity of the allegedly offending employee(s).

(3) The alleged offensive behavior that the employee engaged in.

(4) The frequency of the alleged offensive behavior.

(5) Alleged damage the complainant suffered as a result of the alleged offensive behavior.

(6) How the complainant would like the matter settled, or what the complainant would like to see happen.

iii. Complainants will be allowed a reasonable amount of time during work to prepare a formal complaint, not to exceed ten (10) business days.

iv. Formal Remediation Process.

(1) The complainant should submit the formal written complaint to anyone of the following individuals:

(a) The employee's immediate supervisor.

(b) The Department Director/Chief.

(c) The Director of Human Resources and Information Services.

(d) The City Attorney.

(e) The Chief of Staff .

- (2) The submitted complaint should be forwarded immediately to the Human Resources Department to conduct a confidential investigation into the allegations. The Human Resource Department shall notify the Department Director/Chief and City Attorney of the complaint, except where the allegations involve such entity. If the allegations involve the Human Resource Department, the complaint should go to the City Attorney. If the allegations involve the City Attorney's Office the Director of Human Resources and Information Services will request authority from the Mayor to seek outside counsel to investigate and advise regarding the allegations.
- (3) The Director of Human Resources with the assistance of the City Attorney, will conduct an investigation into the formal written complaint. If any of these three entities are involved in the allegations, that entity will be excluded from the investigation process.

7. OUTSIDE ACTIVITIES.

a. Employment. Employees are permitted to hold outside employment so long as it does not interfere with their City job responsibilities. The employee's Department Director/Chief may request that the employee restrict outside employment if the quality of the employee's work diminishes. Outside employment may not be of a type that would reasonably give rise to suspicion of conflicting interests or duties, or which would threaten the status or dignity of the employee's professional occupation.

Employees are prohibited from engaging in outside employment activities while on the job, and from using City time, supplies or equipment in outside employment activities.

Any employees who hold an interest in, or is employed by, any entity doing business with or regulated by the City must submit notice of that interest to the Mayor.

b. Communication. By virtue of taking on public employment, City employees are subject to restrictions in how, when or what they communicate to others. Employees are free to engage in expressive activities as it relates to speaking on matters of public concern, such as government policies. Employees are not restricted from speaking or writing on their own time on topics which are unrelated to the employee's employment; however, communications that jeopardize the mission of the City or place the professionalism of its officers or employees into serious disrepute are prohibited.

8. POLITICAL ACTIVITIES.

a. Employees are required to comply with provisions of state law governing the conduct of employees during elections, Utah Code Ann. § 10-3-1108. The federal Hatch Act may also prohibit public employees from seeking election in partisan elections. Employees should consult with the office of the City Attorney before making a decision to become a candidate in an election.

b. No City employee or official may participate in campaigning or fundraising while on duty, nor may any employee direct or coerce other employees into campaigning or donating to campaigns.

c. Employees may not engage in political or partisan discussions with members of the public while on duty.

d. An employee who wishes to seek election to a political office shall request and obtain a leave of absence from their Department Director/Chief no later than the day following the primary election for such office. An unpaid leave of absence shall be granted for the period of time from the day following the primary election to the day following the general election. The employee may use vacation or comp leave to engage in campaigning.

e. If elected to public office, the employee may request an unpaid leave of absence during the periods in which the employee receives compensation for service in the public office. The employee may also use vacation or comp leave time for such service.

- f. Employees may not concurrently hold an elected office in the City.
- g. Nothing in this subsection shall be construed to restrict the right of any employee to hold membership in a political party, or to be an officer therein, to vote as he or she chooses, to express privately any opinions on any political subject or candidates, to maintain political neutrality, or to attend political meetings outside of work hours.

9. SOCIAL MEDIA.

Social media is fast becoming the way that people communicate. Social media takes multiple forms, including internet forums, blogs, chat rooms, online profiles, podcasts, instant messaging, and social media applications. Applications are numerous and vary depending upon the preferences of the individual, such as Facebook, LinkedIn, MySpace, YouTube, Twitter, Flickr, Pinterest and ZoomInfo. Every year, new forms of social media are introduced.

The City of South Salt Lake sees social media as a powerful tool to deliver information to the public regarding programs, activities, and directions in case of an emergency. Such information can be quickly and efficiently disseminated to interested parties, increasing productivity and response from the public.

However, with this new technology comes additional responsibility for all city officials and employees to prevent the unauthorized disclosure of information. Additionally, employees must understand that unwise or inappropriate use of social media can negatively impact the City of South Salt Lake. Employees who violate this policy and the Guidelines herein are subject to discipline, including termination.

- a. Official City Social Media Outlets. Under the direction of the Mayor's office, the City may establish social media sites to facilitate the dissemination of information, but always subject to the following guidelines:
 - i. The Mayor must approve any official use of social media, and the IT department may implement additional policies and procedures for the establishment and maintenance of official social media outlets.
 - ii. The media must be operated such that it allows for dissemination of information, but *is not a forum for discussion or comment* unless specifically authorized by the Mayor. City staff generally lacks the resources to manage a forum for public discussion consistent with the First Amendment. As such, only non-public forums may be created by social media outlets and websites (City provides information, no opportunity for others to comment or discuss). Citizens have numerous other outlets through which they can express their opinions, whether positive or negative.
 - iii. All content posted on the City's social media outlet must be related to the conduct of city business. The City cannot promote other businesses or organizations through its social media. Business or other partners may be mentioned in connection with the presentation of an award or based on participation in an event with which the City is affiliated.
 - iv. The IT department will maintain a list of approved social media outlets. Any other social media outlet which is utilized without Mayoral approval must be immediately taken down.
 - v. Once established, a social media outlet must be maintained and updated regularly so that all content is accurate and up-to-date. Sites with obsolete or inaccurate material may be closed by the IT department, after consultation with the Mayor's office.
 - vi. Posts should be limited to material relevant to the purpose of the social media site. For instance, if the Public Works Department created a Twitter account to notify citizens of construction projects in the City, it would be inappropriate to broadcast a Father-Daughter dance through that outlet.
 - vii. All content is subject to the restrictions and requests governed by GRAMA, and efforts must be made to archive such materials pursuant to the State's retention schedule.

b. **Personal Social Media Use.** As citizens, employees have the right to speak on matters of public concern, unless those comments disrupt the City's operations. A public forum is not the place to vent personal complaints about co-workers, supervisors, vendors, citizens, customers or the City. Engaging in such behavior can reflect poorly upon the City and impede its efforts to deliver services to its citizens. By publishing anything in a publicly available medium, be aware that you waive any expectation of privacy with regard to that published material. This policy does *not* prohibit employees from using social media to engage in concerted activity protected by section 7 of the National Labor Relations Act (NLRA).

Employees are subject to discipline, including termination, if the employee engages in the following conduct:

- i. Unauthorized use of social media outlet to speak on behalf of the City. The Mayor's office or a designated public information officer is approved to give official statements on behalf of the City. An employee may not give advice or state the City's position on a given subject based upon that employee's position in the City. Neither may an employee establish or maintain a website or other social media site which holds itself out as endorsed by or affiliated with the City. Any statement which could be construed as such a statement must be accompanied by a disclaimer stating that content being posted does not represent the views of the City.
- ii. Posting confidential, private, sensitive or proprietary information. Data which is not publicly available may not be posted online or made available to unauthorized individuals. This includes personal information of employees or citizens, case photos, or drafts of documents.
- iii. Posting obscenity, slurs, conduct unbecoming of your office, or personal attacks. If any of your social media indicates that you are affiliated with the City, then all material posted on that site must comply with the personnel manual. If you could not post it at your workstation, then don't post it online. Any speech or expression which is significantly related to the City, and which could compromise or damage the City's mission, function, reputation or professionalism, is prohibited. This includes linking to inappropriate content.
- iv. Interference or distraction from work duties. Whether accessed through a laptop computer or a PDA, it is impermissible to allow the use of social media to disrupt or distract you from your work responsibilities. Employees only may access social media using personally owned devices during approved breaks.

Be aware: once you've posted something on social media, it is out of your control. People can comment on your post, save it, repost it, forward it, or otherwise take control of it. Posting distasteful, immature or offensive content on social media sites may also shut doors to other opportunities.

SECTION VI: NON-DISCIPLINARY INTERVENTION AND DISCIPLINARY ACTION

1. GENERAL POLICY.

- a. It is the policy of the City that management will inform its employees about performance expectations, what constitutes employee misconduct, and what the employee may do to correct any misconduct or substandard performance.
- b. It is the responsibility of all employees to observe rules of conduct necessary for the proper operation of City government and to perform their assigned duties as trained and as directed. Administrative guidelines have been established for the handling of substandard performance and misconduct when required.
- c. Management may, but is not required to use non-disciplinary measures as appropriate to address substandard employee performance and misconduct. Such measures include: training, re-training, counseling, written or verbal reprimands, and performance plans. Management is required to document each non-disciplinary measure. Such documentation shall be maintained as directed by the Human Resources and Information Services Department.
- d. Disciplinary action, up to and including termination, may be imposed for misconduct and substandard performance.
- e. The results of any employee discipline will become a permanent part of an employee's personnel record.
- f. Department Directors/Chiefs shall impose disciplinary action. For the purposes of imposing discipline, the court administrator is considered a Department Director/Chief. In the event a Department Director/Chief is unavailable, the City's Chief of Staff may impose discipline or designate another city executive to impose discipline.
- g. Supervisors, managers, deputy directors, and Directors/Chiefs may use non-disciplinary intervention to address misconduct and substandard performance; however, all written reprimands shall be approved by a Director/Chief after consultation with the Director of Human Resources and Information Services.
- h. Employees who have been suspended without pay for cause or who have been demoted for cause are ineligible for a merit increase within the year following the suspension or demotion.

2. TYPES OF DISCIPLINARY ACTION.

- a. Suspension.
 - i. After consulting with the City Attorney and the Director of Human Resources and Information Services, the Director/Chief may suspend employees without pay.
 - ii. When suspending an employee, the Department Director/Chief shall follow due process proceedings hereinafter set forth in subsection E of this section, entitled Imposing Disciplinary Action.
 - iii. On or before the effective date of the suspension, the Department Director/Chief shall furnish the employee with a written employee suspension notification setting forth the reason(s) for suspension.
 - iv. A copy of the employee suspension notification, signed by the Department Director/Chief shall be sent to the human resource department and be permanently placed in the employee's personnel file.

- b. Demotion.
 - i. The Department Director/Chief after consultation with human resource department and the City Attorney may demote or reduce in grade employees for cause.
 - ii. When demoting an employee, the Department Director/Chief shall follow the due process proceedings hereinafter set forth in subsection E of this section, entitled, Imposing Disciplinary Action.
 - iii. On or before the effective date of the demotion, the Department Director/Chief shall furnish the employee with a written employee demotion notification setting forth the reason(s) for demotion.
 - iv. A copy of the employee demotion notification, signed by the Department Director/Chief shall be sent to the human resource department and be permanently placed in the employee's personnel file.

- c. Termination.
 - i. The Department Director/Chief after consultation with human resource department and the City Attorney may terminate employees for cause.
 - ii. When terminating an employee for cause, the Department Director/Chief shall follow the due process proceedings hereinafter set forth in subsection E of this section, entitled, Imposing Disciplinary Action.
 - iii. On or before the effective date of the termination for cause, the Department Director/Chief shall furnish the employee with a written employee termination notification setting forth the reason(s) for termination.
 - iv. A copy of the employee termination notification, signed by the Department Director/Chief shall be sent to the human resource department and be permanently placed in the employee's personnel file.
 - v. Any employee who has been terminated for cause may not be rehired without the express permission of the Mayor and at least three years from the date of termination.

3. 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, regulations, or ordinances of the City, the State of Utah, or the United States, other than minor traffic offenses.
- b. Any violation of the Employee Code of Conduct.
- c. Any violation of this Personnel Policies and Procedures Manual.
- d. Conduct which endangers the peace and safety of others or poses a threat to the public interest.
- e. Any type of inappropriate behavior while on the job or related to the job.
- f. Unauthorized absence.
- g. Falsification or unauthorized alteration of records.

- h. Falsification of employment application.
- i. 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.
- j. Gambling or engaging in a lottery at any City work area.
- k. Misusing, destroying, or damaging any City property or the property of any employees.
- l. Sleeping during working hours, with the obvious exception of firefighters.

4. CONDUCTING AN INVESTIGATION.

- a. The Department Head, or designee, shall conduct an investigation into the allegations which form the grounds for disciplinary action.
- b. The Department Head, or designee, may place employees on paid administrative leave during an investigation to determine the facts upon which disciplinary action may be imposed.
- c. Disciplinary action shall not be imposed until a hearing, with appropriate written notice, has been held pursuant to Subsection 5 of this section, entitled "Imposing Disciplinary Action." The investigation shall include an opportunity for the employee to respond to the allegations.

5. IMPOSING DISCIPLINARY ACTION.

- a. The Department Director/Chief shall oversee or conduct disciplinary action.
- b. Prior to imposing disciplinary action, the employee shall be invited to a pre-disciplinary meeting. The employee shall be afforded prior access to the City's rules, policies, and procedures.
- c. The employee shall receive timely notice of the pre-disciplinary meeting, which notice shall include an overview of allegations, and potential disciplinary action which may be taken.
- d. During the pre-disciplinary meeting the employee shall have the opportunity to respond to the allegations.
- e. Following the pre-disciplinary meeting the Department Director/Chief shall make a determination of whether the allegations are sustained and the type and severity of discipline. In determining the type and severity of the disciplinary action, the Department Director/Chief may consider aggravating and mitigating circumstances such as: the repeated nature of misconduct; prior non-disciplinary intervention and disciplinary action; the severity of the misconduct; the employee's work record; and the effect on city operations.
- f. After making the disciplinary determination, the department director or chief shall notify the employee, in writing, of the findings of the investigation and the disciplinary action taken. The written statement shall include:
 - i. The grounds for disciplinary action, including a description of the specific misconduct for which the disciplinary action is being imposed.
 - ii. Prior non-disciplinary intervention or disciplinary action.
 - iii. The disciplinary action to be imposed.
 - iv. The effective date and duration of the disciplinary action.

- v. The corrective action necessary for the employee to avoid further disciplinary action, except in cases of termination of employment for cause.
- vi. Corrective action may include directed training, directed employee assistance intervention, a performance plan, or other action. If a performance plan is used, the plan shall include goals to be achieved within 90 days.

6. APPEAL PROCEDURES.

- a. The Administrative Law Judge shall hear all appeals from appealable employment actions.
- b. Non-appealable Rights.
 - i. No probationary, temporary/seasonal, or part-time employee, or employees appointed by the Mayor has the right to appeal any disciplinary action.
 - ii. No employees have appeal rights for:
 - (1) Verbal warnings,
 - (2) Written reprimands,
 - (3) Involuntary assignment for disciplinary purposes which does not affect the employee's rate of pay,
 - (4) Any termination, transfer or pay reduction which is made for non-disciplinary reasons, such as reduction in force, furlough, reorganization, or a broadly applicable reduction in salary which affects multiple employees in a department,
 - (5) Discharge or involuntary reassignment due to loss of state or federal licensure or certification which are required for the employee's position, or
 - (6) Suspension for two days or less without pay.
- c. Appealable Rights for Merit Employees.
 - i. A merit employee may file an appeal from any disciplinary action resulting in a dismissal, demotion, suspension for over two days without pay, or a transfer for a disciplinary purpose to a position with less remuneration.
 - ii. A merit employee may file an appeal from a termination or involuntary transfer due to a determination of unfitness for duty.
- d. Appealing to the Administrative Law Judge.
 - i. Employees desiring to appeal an appealable action must submit their written notice of appeal, describing in detail the grounds for the appeal with any supporting documentation, to the City Recorder **within ten (10) calendar days following the final action giving rise to the appeal, or an employee will be deemed to have waived all appeal rights.**
 - ii. A copy of the appeal shall also be filed with the employee's Supervisor and the Human Resource Department. Upon receipt by the City Recorder of the employee's appeal, a date and time shall be set for the Administrative Law Judge to hear the appeal. All appeal documents will then be forwarded to the Administrative Law Judge.
 - iii. Procedures, hearings and decision of the Administrative Law Judge shall be conducted as provided in Section 2.60.040 of the South Salt Lake Code.

- e. Appeal of Decision.
 - i. A final action or order of the Administrative Law Judge may be appealed to the Court of Appeals by filing with that court a notice of appeal. The notice of appeal shall be filed within 30 days after certification of the ALJ's decision to the City Recorder. The Court of Appeals' review shall be on the record of the Administrative Law Judge.
 - ii. A verbatim transcript of the hearing before the Administrative Law Judge shall be produced at the request of an employee after payment of a reasonable fee to be established in the Consolidated Fee Schedule.

SECTION VII: TERMINATION OF EMPLOYMENT

1. REQUIRED NOTICE PRIOR TO TERMINATION.

- a. All employees, both merit and appointed employees, must notify the City in writing, at least two (2) weeks before retiring or voluntarily resigning.
- b. The City does not have a requirement to give any prior notice to employees before terminating their employment with the City.
- c. Unused, accrued vacation time (if applicable), compensatory time of non-exempt Fair Labor Standards Act employees (if applicable), and vested sick leave (if applicable) will be paid upon termination of employment.

2. COBRA.

Any employee that is separated from the City is entitled to a continuation of insurance coverage per the mandates of the Consolidated Omnibus Budget Reconciliation Act (COBRA) of 1985, as stated in City's COBRA Notification.

- a. Federal Public Law 99-272 (which became effective July 1, 1986 and is known as COBRA) requires that all employers of 20 or more full-time employees offer a continuation of group insurance coverage to individuals who fall under one of the following "qualifying events":
 - i. Termination of employment (other than for gross misconduct), for a maximum continuation period of eighteen (18) months.
 - ii. Reduction of work hours below eligibility requirement, for a maximum continuation period of eighteen (18) months.
 - iii. Dependent coverage terminated due to death of employee, for a maximum continuation period of thirty six (36) months.
 - iv. Divorce or legal separation from employee, for a maximum continuation period of thirty six (36) months.
 - v. Spouse or dependent of Medicare eligible employee, for a maximum continuation period of thirty six (36) months.
 - vi. Dependent child who ceases to be a dependent under the generally applicable requirements of the group plan, for a maximum continuation period of thirty six (36) months.
- b. Under the Act, a qualifying individual is entitled to continued group insurance coverage identical to that which is provided to similarly situated beneficiaries to whom a qualifying event has not occurred. Individuals who are entitled to continued benefits under COBRA guidelines are required to pay the entire

premium required under the policy during the entire period of the continued coverage. The premium a qualifying individual will be required to pay may not exceed one hundred and two percent (102 %) of the applicable premium, for any period of continued coverage. Failure to pay the monthly premium will result in a cancellation of the insurance.

c. The insurance benefits offered under the COBRA guidelines will be terminated if and when any of the following occur:

- i. A qualifying individual fails to pay the premium at the time it is required.
- ii. A qualifying individual becomes eligible for coverage under any other group insurance plan due to employment or remarriage.
- iii. At the expiration of a qualifying individual's maximum continuation period.

d. The offer of continued insurance coverage under COBRA is made independent of any other offer to continue insurance that may be required under any applicable state law.

e. A qualifying individual has sixty (60) calendar days from the termination date of their current coverage to decide whether to continue their insurance coverage under this plan. If they decide to apply for the continued coverage, all due and owing premiums must be paid before coverage will be granted. If they fail to apply for coverage within the sixty (60) calendar days, they will have waived their rights to continuation of coverage under the COBRA guidelines. They are not required to apply for or accept coverage under COBRA.

3. REDUCTION IN FORCE.

Reduction in Force ("RIF") may be required when there are inadequate funds, a change in workload, a decision to contract for services, the restructuring of the manner in which a City department provides services or lack of work. RIF shall proceed according to the following rules:

a. When staff will be reduced in one or more job positions or positions entirely eliminated, the Human Resources Specialist and the Department Head of the affected department shall prepare a Reduction in Force Plan ("RIFP"). Merit employees shall be given formal written notification of separation only after a RIFP has been prepared, reviewed and approved by the Mayor. In creating the RIFP the following items shall be set forth:

- i. the positions to be eliminated.
- ii. a statement of measures taken to reassign affected employees to vacant positions based upon interchangeable skills.
- iii. a list of all affected employees showing their total length of service with the City and length of service in the current position.

b. Only merit employees who have been identified in an approved RIFP are subject to RIF.

c. Length of service with the City shall be determined by the length of the total City service that commenced in a competitive merit position for which the probationary period was successfully completed.

- i. For part-time work, length of service shall be reduced in proportion to hours actually worked during any period of part-time service.
- ii. Time served in a non-merit appointed position, subsequent to attaining career service tenure, with no break in service, shall also be counted for purposes of length of service.
- iii. Time spent in a leave without pay status covered under FMLA or for service in the uniformed services covered under the USERRA shall be counted for purposes of length of service.

- iv. Time spent in leave without pay status for any purpose other than FMLA or USERRA may not be counted.
 - v. Length of service shall be computed in years with partial years expressed as a fraction of a year based upon the number of days of service in the partial year.
 - vi. In the event of a tie in length of service, the length of service in the current position shall be the tie-breaker.
- d. The order of separation from service shall be as follows:
- i. non- merit employees
 - ii. probationary employees
 - iii. merit employees with the least time in length of service shall be separated first.
- e. Employees separated from service due to RIF (“RIF’d”), including any covered under USERRA or FMLA in a leave without pay status, shall be given written notification of separation at least twenty (20) days prior to the RIF.
- f. A RIF’d employee is eligible for reappointment into a merit position for which he or she qualifies, in a salary range comparable to, or less than, the last merit position held, for a period of one year following the date of separation or until reappointed to the same or different position, whichever occurs first.
- g. The Human Resources Specialist shall maintain a reappointment register and shall make the determination whether a RIF’d employee meets the requirements of any vacant position.
- h. A RIF’d employee reappointed to a merit position shall not be required to complete a probationary period.
- i. At the discretion of the Mayor, a RIF’d employee reappointed to a merit position, may be allowed to purchase back any accumulated annual leave cashed out at the time he or she was RIF’d.

SECTION VIII: RECORD KEEPING

1. **GENERAL POLICY.**
Federal law requires employers to keep detailed data about their employees.
2. **CONFIDENTIALITY.**
Employee records are maintained in compliance with the law.
 - a. Confidentiality must be maintained at all times with access limited to employees and their Supervisory chain.
 - b. The City’s policy is that only relevant, job-related information is maintained on its employees, that such information is held in strict confidence, and that access is limited only to those who require it for legitimate business reasons.
 - c. Employees have the opportunity to review their own files in the presence of the Human Resource Department, or designee, on City premises during regular business hours.

3. PERSONNEL FILES REQUIREMENTS.

a. General.

- i. Personnel files are maintained on each employee and kept by the Human Resource Department, or designee. The record copy (original) of all appropriate personnel information, as set forth hereafter, related to an employee shall be filed in the employee's personnel file.
- ii. No information from any record placed in an employee's personnel file will be communicated to any person or organization except by the Human Resource Department, or designee.
- iii. Employees, or their representative designated in writing, may examine the employee's personnel file upon request during normal working hours at the City. When Supervisors require access to the personnel file of an employee under their supervision for the handling of personnel matters, the supervisor must obtain authorization from the Human Resource Department, or designee.

b. Contents.

- i. An employment record, including the employee's job application, resume, Employment Eligibility Verification (Form I-9), Employee's Withholding Allowance Certificate (Form W-4), etc.
- ii. A signed copy of the employee's acknowledgment of receiving a copy of the personnel policies and procedures manual; and the performance standard for the position the employee currently occupies.
- iii. All personnel action forms, including:
 - (1) Performance evaluations.
 - (2) Promotions or transfers.
 - (3) Salary rate changes.
 - (4) Disciplinary action taken.
- iv. Any information the employee wants included in response to any of the above actions.
- v. Records of citations for excellence or awards for good performance.
- vi. Annual records of any leave accrued and taken. Official records of vacation and sick leave accrual and of leave usage are kept for employees by the Human Resource Department, or designee. Leave balances are shown on the official record to reflect any remaining leave to which an employee is entitled. Employees may check with the Human Resource Department, or designee, to obtain information regarding their current leave usage.
- vii. Record of any other pertinent information having a bearing on the employee's status.

c. Employee Information/Change of Employee Status. Employees are responsible for ensuring that personal employee information contained in their personnel files is current and accurate. Employee information (any change in number of dependents, marital status, address, telephone number, etc.) should be updated by completing an Employee Information/Change of Status Form and giving it to the Human Resource Department, or designee, to file in their personnel file.

- d. Giving References. The City limits information given in a reference to the following:
 - i. Verification that the employee worked, full-time or part-time, for the City during a stated period.
 - ii. A description of the position held.
 - ii. Verification that the employee achieved a given salary range.
4. REQUIREMENTS FOR OTHER FILES.
Records related to the items listed below should be kept for a period of at least two (2) years. In addition, records should be examined annually to keep the files current and to save those records that management feels should be kept longer.
- a. Job applications.
 - b. Test papers completed by job applicants or candidates for any position.
 - c. Results of any pre-employment physical exam and mobility exams should be kept for a period of at least four (4) years.
 - d. Any advertisements or notices relating to job openings, promotions, training programs, or opportunities for overtime work.
5. FAIR LABOR STANDARDS ACT MINIMUM WAGE REQUIREMENTS.
The City should keep the following data on all employees for a period of at least two (2) years.
- a. Employee's sex;
 - b. Time and day work week begins;
 - c. Hours worked each day and total hours worked each week;
 - d. Total daily or weekly straight-time earnings;
 - e. Total additions to, or deductions from, wages paid each pay period, including an explanation of items that make up additions and deductions;
 - f. Date of payment and pay period covered; and
 - g. Total overtime above regular compensation for work week.
6. OTHER REQUIREMENTS.
There are record keeping requirements under other federal and state laws over which the personnel record keeping function has jurisdiction:
- a. OSHA record of injuries.
 - b. ERISA record of pensions.
 - c. IRCA requires verification of status forms to be kept for three (3) years after the person is hired or for one (1) year after employment is terminated, whichever is later.

SECTION IX: EMPLOYMENT CLASSIFICATIONS/COMPENSATION

1. GENERAL POLICY.

The City will pay at least minimum wages and overtime to all employees except those who are specifically exempt from minimum wage and overtime requirements under the Fair Labor Standards Act (FLSA) of 1938. The City will also provide equal pay to all employees doing similar work which requires substantially equal skill, effort, responsibility, and performed under similar working conditions, in accordance with the Fair Labor Standards Act of 1938 and the Equal Pay Act of 1963.

2. EMPLOYMENT CLASSIFICATIONS.

There are three classifications of employees within the City:

a. Full-time. Employees hired for an indefinite period in a position for which the normal work schedule is forty (40) hours per week. Full-time employees may or may not qualify for specific City benefits and/or be members of the merit personnel system. Mayor is a full-time elected position.

b. Part-time. Employees hired for an indefinite period in a position for which the normal work schedule is less than forty (40) hours per week. Part-time employees may or may not qualify for specific City benefits and/or be members of the merit personnel system. Unless otherwise specified, part-time employees must be scheduled and work at least twenty (20) hours per week in order for the part-time position to be considered or designated as a benefited part-time position. City Council is a part-time elected position with benefits specific to the elected position.

c. Temporary/Seasonal. Employees hired for a position which is required for only a specific, known duration, usually less than six (6) months. Temporary/seasonal employees may or may not qualify for specific City benefits and/or be members of the merit personnel system.

3. EMPLOYMENT STATUS.

a. To facilitate provisions of the Fair Labor Standards Act, employees shall also be classified as either exempt or nonexempt, with respect to eligibility for overtime payment. They shall be defined as:

i. Exempt. Positions of a managerial, administrative, or professional nature, as prescribed by Federal and State Labor Statutes shall be exempt from minimum wage and mandatory overtime payment regulations.

(1) Exempt employees have no right to overtime or compensatory time; however, the Mayor may authorize compensatory time plans for exempt employees.

(2) Exempt employees may accrue compensatory time for hours in excess of 40 hours worked per week up to a maximum of 80 hours of compensatory time. This time shall be calculated at a straight time rate.

(3) Exempt employees who accrue compensatory time have no property right or cash value in the accrued time. Use and/or scheduling of compensatory time is solely within the Mayor's discretion.

(4) Upon termination of employment, for whatever reason, an exempt employee is not entitled to cash or other compensation in exchange for unused, accrued compensatory time.

ii. Nonexempt. Positions of a clerical, technical, or service nature, as defined by Federal and State Labor Statutes, which are covered by provisions for minimum wage and mandatory overtime payment regulations.

b. Positions Not in Merit Service and Exempt from FLSA. The following full-time positions of employment in city government shall not be merit service and are exempt from FLSA:

- i. Elected members of the City Council, and staff;
- iii. The Mayor, and his or her Executive Secretary/Assistant;
- iii. The following heads of departments and divisions appointed by the Mayor, with the advice and consent of the City Council:
 - (1) Chief of Police,
 - (2) City Attorney,
 - (3) City Engineer,
 - (4) City Recorder,
 - (5) City Treasurer,
 - (6) Community Development Director,
 - (7) Director of Emergency Management,
 - (8) Director of Finance,
 - (9) Director of Public Works,
 - (10) Fire Chief,
 - (11) Justice Court Judge,
 - (12) Parks and Recreation Director,
 - (13) Personnel Director,
 - (14) Urban Livability Director,
 - (15) Urban Design Director,
 - (16) One confidential secretary or assistant to any of the foregoing officials as deemed necessary by the City Council,
 - (17) Members of policy, advisory, review, and appeal boards, or similar bodies, who do not perform administrative duties as individuals.

c. Merit, Full-time Positions Exempt From FLSA. The following full-time positions of employment in city government shall be exempt from FLSA provisions and shall be members of the merit personnel systems with the benefits accorded thereby.

- i. Assistant City Attorney/Prosecutor,
- ii. Deputy City Attorney,
- iii. Fire Battalion Chief,

- iv. Human Resource Administrator,
- v. MIS Coordinator,
- vi. Police Captain,
- vii. Public Works Supervisor,
- viii. Senior Accountant,
- ix. Deputy Fire Chief,
- x. Assistant Police Chief,
- xi. Sergeant/MIS Specialist,
- xii. Court Administrator,
- xiii. Deputy Public Works Director
- xiv. Deputy Community Development Director

d. Positions Not in Merit Service. The following positions of employment in city government shall not be merit service:

- i. People employed to make or conduct temporary and special inquiries, investigations or examinations on behalf of the Mayor or City Council;
- ii. Volunteer personnel who receive no regular compensation from the City;
- iii. On-call part-time and temporary/seasonal employees.

4. COMPENSATORY TIME.

a. Compensatory time may be given in lieu of overtime at the City's discretion. The Department Head, or designee, will schedule when an employee's compensatory time will be used. Employee requests to use their accumulated compensatory time during specific dates and times, must be approved by the Department Head, or designee. If employees are unable to use the compensatory within the time limits set by the Department Head, or designee, overtime must be paid.

b. Compensatory time will be accumulated at the regular hourly rate of one (1) hour for every hour worked, during regular, non-overtime hours worked.

c. Compensatory time will be accumulated at the overtime rate of one and one-half (1 and ½) hours for every hour worked, for all overtime hours worked.

5. OVERTIME PAY.

- a. For employees engaged in public safety activities within the Fire Department: overtime pay would apply for over one hundred eighty-two (182) hours worked in a work period consisting of twenty-four (24) consecutive days, and shall be compensated at the rate of one and one-half (1 and ½) times the regular hourly rate of the employee.
- b. For employees engaged in public safety activities within the Police Department: overtime pay would apply for over eighty-six (86) hours worked in a work period consisting of fourteen (14) consecutive days, and shall be compensated at the rate of one and one-half (1 and ½) times the regular hourly rate of the employee.
- c. For employees not engaged in public safety activities: overtime pay would apply for over forty (40) hours worked in a work week, and shall be compensated at the rate of one and one-half (1 and ½) times the regular hourly rate of the employee.
- d. If a holiday, vacation, or sick day falls within a work week, the employee must work forty (40) hours over and above these hours before overtime must be paid. If employees work on a holiday because of an emergency situation, they will receive their regular straight-time pay for the time worked, plus holiday pay.
- e. Overtime shall be approved by the Department Head, or designee, before worked. In case of emergency conditions, overtime compensation may be authorized after the work has been performed. Violation of this policy may result in disciplinary action, up to and including termination.

6. DAILY LOGS OR TIME SHEETS.

- a. All employees of the City are required to maintain and sign an accurate and legible record of all their hours worked for the City on time cards.
- b. Time cards will be signed and dated by the employee, and forwarded to the Human Resource Department, or designee, as directed for review and payment.

7. WORK SCHEDULES.

Department Heads shall consult with the Mayor to establish regular work schedules for divisions or work groups. Department Heads shall not approve individual employee alternative work schedules where such approval would have an adverse impact on the City. Adverse impact occurs when productivity is declined, service to the public is diminished, or there is an increased cost to the City. Individual employee alternative work schedules may not be approved if the employee's schedule would have a detrimental impact on other employees in a work group.

- a. Department Heads may approve the following employee alternative work schedules.
 - i. 4/10's compressed work schedule. Employee works four days during business hours ten hours per day. The employee's schedule allows the employee to take one day off. The scheduled day off may be on Friday, but may be on another day based on City needs.
 - ii. 5/8's flextime or staggered shifts. Employee works five days per week eight hours per day; however, the employee is allowed to arrive at work earlier or later than other employees.
 - iii. Variation 40 hours work schedule. Employee works longer hours for four days, and works a half day or fewer hours on one day in a work week. The fewer hours on one day may be on Friday, but may be on another day based on City needs.

- b. Once an alternative work schedule has been approved, the following leave rules apply.
 - i. Alternative work schedules for employees will remain constant each week: however, employees must remain flexible for unforeseen needs and be able to respond in a timely manner to City service requirements. Employees on alternative work schedules are encouraged to schedule personal business when not at work. Alternative work schedules shall include appropriate lunch periods. During some weeks, an employee may be required to work a schedule other than the employee's approved alternative work schedule. Such situations, to include the working of overtime, shall be managed consistent with the provisions of the Personnel Manual.
 - ii. If an employee is scheduled to work more than 8 hours on a holiday, the employee will only receive 8 hours of holiday pay.
 - iii. If an employee has an approved 4/10's compressed work schedule or variation 40 hours work schedule and the employee's flex time off falls on a holiday, the employee may be given the preceding or following day or work time off, or the employee will work traditional eight-hour shifts for that week, at the discretion of the employee's supervisor or Department Head.
- c. Department Heads may implement alternative work schedules for certain periods or seasons.
- d. This authority does not apply to combat firefighters.
- e. In each case where a Department Head approves an alternative work schedule, the Department Head will create a written record of the approved employee schedule.
- f. Department Heads shall assure that employees on different work schedules are treated fairly in the distribution of work and performance expectations.

SECTION X: SALARY PLANNING

1. GENERAL POLICY.

The Human Resource Department, in conjunction with the City Council, shall be responsible for the development and maintenance of a uniform and equitable pay plan for the City which shall consist of minimum and maximum rates of pay for each position and such intermediate steps as deemed necessary and equitable. Salaries shall be linked directly to the position classification plan and shall be determined with due regard to the following considerations:

- a. Ranges of pay for other positions.
- b. Prevailing rates of pay for similar employment in both public and private organizations.
- c. Cost of living factors.
- d. Other benefits received by employees.
- e. The financial policy and economic conditions of the City.

2. PAY PLAN DEVELOPMENT AND ALLOCATION.

a. The Human Resource Department shall conduct a study of salary levels of comparable positions in the public and private sector and shall make adjustment recommendations to the City Council annually. Implementation of adjustments is subject to the availability of funds.

- i. The Human Resource Department, or designee, shall assign each position level to a pay range based upon the levels' relationship to other levels as defined in the position level plan and by

market data.

- ii. The Director of Human Resources and Information Services will evaluate and review job descriptions and grade and pay steps to determine that allocations are in line with the local market and internal equity.

3. APPOINTMENT.

a. Pay for newly hired or promoted employees shall normally be set at the minimum of the pay range assigned to a job class. However, the Mayor may approve hires up to the range of midpoint, as warranted by job qualifications and experience, subject to the availability of funds.

b. The Mayor shall not authorize hiring above the midpoint of a pay range except in unusual circumstances.

4. MERIT INCREASE.

a. The Mayor, upon approval of the City Council, shall adopt merit increase guidelines effective July 1 of each calendar year subject to funding in the approved budget.

b. Regular full-time and regular benefited part-time employees are eligible to receive a merit one-step increase annually in connection with their original hire date and conditional upon an “acceptable” performance evaluation. Step increases for regular part-time employees shall be prorated based on hours scheduled.

c. Temporary/seasonal, probationary, on-call, or employees at or above the pay range maximum and employees whose performance is rated less than acceptable, shall not be eligible to receive a merit increase. (5/2011)

d. The Department Head, or designee, must complete an employee’s performance evaluation within thirty (30) calendar days preceding the effective date of a merit increase.

e. A merit increase shall not exceed the range of maximum assigned to a position level.

5. PROMOTION.

Employees promoted to another position will receive an increase of 5% (then to the next step) or the minimum of the pay range assigned to the job class, whichever is greater.

6. ORDER OF SALARY CALCULATION.

Multiple categories of pay increases awarded simultaneously shall be calculated in the following order:

a. Market.

b. Merit.

c. Promotion.

7. REASSIGNMENT.

Except when due to a demotion or a disciplinary action, employees who are reassigned shall be paid the same salary received prior to the assignment.

8. RECLASSIFICATION.

a. Upon recommendation by the Human Resource Department, the Mayor may reclassify a position to a higher level. If reclassified, the Human Resource Department shall adjust the incumbent's salary to at least the minimum of the new range or may give a 0-10% salary increase, based upon increased responsibility.

b. A reclassification increase is subject to the availability of funds.

c. If the Mayor reclassifies a position to a lower level, the incumbent's salary shall remain the same. If the incumbent's salary exceeds the maximum of the new range, the incumbent is ineligible to receive a salary increase until the salary range increases to incorporate the incumbent's pay rate.

9. DEMOTION.

If an employee is demoted, either voluntarily or involuntarily, the Human Resource Department may treat the employee's salary according to Subsection 8(c) above, or reduce the salary.

10. BENEFITS.

a. Suspended Employee.

i. Employees suspended for disciplinary reasons shall continue to be eligible to receive City retirement, health, dental, disability and life insurance programs subject to the conditions set forth in Subparagraph (ii).

ii. The employee shall pay the employee portion of insurance premium to continue coverage through the period of suspension.

SECTION XI: BENEFITS

1. WORKERS' COMPENSATION.

a. Employees covered. All employees are covered by workers' compensation, a no-fault insurance system, which provides medical reimbursement and disability benefits for job-related illness or injury. Workers' compensation benefits are employees' exclusive remedy for work-related injuries and illness. For exact compensation coverage, check the workers' compensation contract on file with the Human Resource Department, or designee.

b. Medical Attention. Like any injury, the medical response to a workplace injury varies depending upon the severity of the injury sustained. Employee health and safety is the important consideration. The following are guidelines for appropriate responses to medical complaints.

i. Treated on-site. Injuries requiring only first aid (bandaging skin surface wounds, hot or cold packs, non-prescription medications at non-prescription levels, elastic bandages, finger guards, drinking fluids to relieve heat stress, and so forth).

ii. Visit to City's Preferred Provider Organization ("PPO"). More serious injuries requiring professional attention (suspected broken bones, tetanus immunization or antibiotic treatment, short-term loss of consciousness, strains, or sprains). The City's PPO is posted in workplace locations throughout the City or may be obtained from the Human Resources Department.

iii. Transport and Treatment. Injuries involving serious trauma, non-responsiveness, or potentially life-threatening injuries or sickness.

Employees who sustain a bona fide, on-the-job injury are required to visit with the City's PPO for their first doctor's visit. They must tell the doctor, HOW, WHEN and WHERE the accident occurred. Regardless of the location of the treatment, the doctor will complete a medical report and copies of this report must be sent within seven (7) days to the City, the City's insurance carrier, and to the injured worker. (Do not submit doctor or hospital bills for on-the-job injuries or illness to the regular medical plan.)

c. Initial Reporting of Illness or Injury. All accidents – even those treated only with first aid – must be reported to a supervisor and the Human Resources Department as soon as the injury is known to the employee. Reporting the accident or illness is critical to qualification for payment under workers' compensation, to prevent aggravating the injury, and to consider changes to policies and procedures to prevent future accidents. A First Report of Injury and Accident Investigation Form must be provided by the Department Director or Chief to the Human Resources Department. In cases of a reportable injury or illness, the Human Resources Department will send a copy to the insurance carrier.

d. Reporting while on Workers' Compensation Leave off the Job. While on leave because of a bona fide, on-the-job injury or illness, employees must contact their Supervisor or the Human Resource Department at least every two weeks to report on their condition, unless the employee is not able to communicate due to the injury or illness. Failure to provide the required medical status reports may result in revocation of the leave and/or discipline up to and including immediate termination.

e. Return to Service. All employees must return to work after the approval of the attending physician. The employee shall notify the City of a return to work approval within one (1) business day of the visit on which return to work was authorized. A statement from the attending physician stating the employee is able to resume normal duties will be required before returning to work. Failure to return to work when directed may result in immediate termination.

f. Light Duty. If a light duty position is available and the employee meets the qualifications for that job, employees may be required to return to work and fill the light duty position until the employee has recovered from the on-the-job injury or illness. Light duty may require the employee to work in a different department and perform duties not contained within the employee's current job classification.

g. Final Release or Settlement. At the time of final release or settlement of a workers' compensation claims:

- i. If the employee is released without restrictions and the employee's prior position is vacant, then the employee will return to work;
- ii. If the employee is released with permanent restrictions, the City, in consultation with the employee, will make reasonable accommodation for the restrictions, if possible, or find a position which pays the same or less wages which accommodates the restrictions;
- iii. If the employee is released from workers' compensation, but has not received clearance from a physician to return to work, then the employee will remain on unpaid leave until the employee returns to work or is terminated;
- iv. If the employee's position was filled during the employee's absence, then the City shall make a reasonable effort to place the employee in another position which pays the same or less wages;
- v. If the employee's position was filled during the employee's absence and the City's reasonable efforts to find the employee another position or make accommodations has been unsuccessful, the employee may be terminated and paid any accrued benefits due to the employee.

Unpaid leave shall be granted during periods between release or settlement of workers' compensation claim and either return to work or termination. Employees may use accrued vacation or sick leave during these periods. Disability benefits may be available for employees who are released from workers' compensation, but remain sick or injured.

h. **Retaliation Prohibited.** If you believe that you are being subjected to retaliation for submitting a workers' compensation claim, you should report the retaliation immediately to the Human Resource Department, the City Attorney's Office, or the Mayor. You are not required to confront the person that is the source of the retaliation before reporting.

Any employee or official who retaliates against another employee or official for making a good faith request for workers' compensation, is subject to discipline, up to and including termination. Retaliation can include, but is not limited to, harassment, bullying, unfair treatment or abuse of power.

i. **Fraud.** Benefits fraud is prohibited. Any employee who has knowledge of fraudulent claims is required to report this information to the Human Resources Department. An employee who commits benefits fraud will be terminated. An employee who fails to report known fraud is subject to discipline, up to and including termination.

2. SOCIAL SECURITY/FICA.

All employees whether regular, part-time, or temporary/seasonal are covered by the benefits of Old Age, Survivors, and Disability Insurance as provided for by law. Contributions of the employee and the City will be made in accordance with the provision of the law.

3. INSURANCE.

a. **Medical Health Insurance.** It is the policy of the City to pay the cost of health insurance for each individual full-time employee, as well as a portion of dependent coverage.

b. **Life Insurance.** A basic life insurance policy is provided for each individual full-time employee at the City's expense.

c. **Insurance Termination and Conversion.**

i. **Termination.** When an employee is terminated from employment with the City, the City will cease making contributions to the employee's insurance plans.

ii. **Conversion.**

(1) The Consolidated Omnibus Budget Reconciliation Act (COBRA) of 1985 is available for those employees who resign or are terminated from employment or if work hours are reduced which makes the employee no longer eligible to participate in the group health insurance plans. Employees may have the right to continue to participate in a COBRA program for up to eighteen (18) months at the employee's expense, subject to current state and federal law. (10/2004)

(2) Eligible dependents may also extend coverage, at their expense, for up to thirty-six (36) months in the group health insurance plans in the event of the employee's death, divorce, legal separation, or entitlement to Medicare benefits, or when a child ceases to be eligible for coverage as a dependent under the terms of the plan, subject to current state and federal law. (10/2004)

(a) If an active, benefited employee dies while covered under a city medical plan that includes dependent coverage, the dependent coverage shall continue, after being re-enrolled on COBRA, with the City paying the full premium for the first two (2) months coverage. Eligible dependents may elect, at their own expense, to stay on the plan for up to the additional thirty-four (34) months.

4. STATE AND FEDERAL UNEMPLOYMENT.

All employees, whether regular, part-time, or temporary/seasonal, are covered by the benefits of State and Federal Unemployment. Contributions of the employee and the City will be made in accordance with the provision of the law.

5. CONTINUING EDUCATION.

Employees are encouraged to obtain continuing education through attendance at job related seminars. Requests for attendance must be approved in advance by the Department Head, or designee, and the Human Resource Department, or designee.

a. Required by the City. When the City requires an employee to attend any education or training course, conference, seminar, or certification course, the City will provide the necessary time off with pay and will reimburse the employee for all associated costs including tuition or registration fees, authorized travel, meals, and lodging.

b. Encouraged by the City. The City recognizes the importance of educational growth of employees in advancing their technical and managerial skills. Through the educational assistance program, the City may provide assistance to an employee, with at least one year of full-time employment, for specific seminars or courses, or for approved job-related courses which an employee undertakes while pursuing a graduate or undergraduate degree. All courses must be offered by institutions accredited by the Accrediting Agency Evaluation Branch of the U.S. Department of Education and/or the Council for Higher Education Accreditation. All courses must be approved by the Human Resource Department, or designee, in order to be eligible for reimbursement.

i. Reimbursement Schedule.

(1) For approved courses in an Undergraduate Degree program completed with a grade "C," the City will reimburse employees an amount equal to 50% the tuition, a grade "B" an amount equal to 80% the tuition, and a grade "A" an amount equal to 100% the tuition. Any grade less than a "C" will not be reimbursed.

(2) For approved courses, employees accepted for participation in an accredited Graduate Degree program will be reimbursed 100% for grades "A" and "B" on tuition. If a graduate student receives a "C" grade or less there is no reimbursement.

(3) Any course designated by the university or college as a "Pass/Fail" course shall be reimbursed at 100% for a "Pass" grade. If the student receives a "Fail" grade, there will be no reimbursement.

(4) The maximum amount of tuition reimbursement in any annual fiscal budget year shall be \$2,500 per employee.

(5) Employees shall notify their Department Head, or designee, in writing by March 30th of their intent to attend school during the next fiscal budget year. Employees who do not submit the required notification shall not be eligible for reimbursement.

ii. Application for educational assistance shall not normally be approved for reimbursement of courses taken in excess of twelve (12) hours per quarter or semester.

iii. All reimbursements for tuition are subject to rules and regulations set forth by the Internal Revenue Service.

iv. All approved applicants must be working a minimum of forty (40) hours per week. In some cases irregular work schedules may be considered as a means of accommodating class schedules.

- v. In the event an employee terminates employment with the City of South Salt Lake, either voluntarily or involuntarily (except in cases of reduction in force), the employee must refund to the City tuition reimbursement monies received during the two (2) years preceding the date of termination.

6. RETIREMENT SYSTEM.

Additional details are available from the Human Resource Department.

a. All full-time and benefited part-time City employees who are regularly scheduled and work more than twenty (20) hours per week (as averaged on an annual basis) are covered by the Utah State Retirement Systems, unless otherwise authorized by the City Council according to State Law. (This is in addition to their Social Security coverage).

b. The cost of this program is paid for by the City and the employee in the percentages set by State law.

SECTION XII: SERVICE AWARDS

1. GENERAL POLICY.

The City will acknowledge employees who have served the City with service awards.

2. SCHEDULE.

a. All part-time employees will receive a service award for each five years of part-time service. The award will consist of a certificate and a \$100.00 check.

b. All full-time employees will receive a service award for each five years of full-time service beginning with the full-time hire date. Those employees who begin their service with the City as a part-time employee will begin again in earning years of service as a full-time employee. The award will consist of a certificate and a check in the amount dictated by the number of years of service as follows:

5 years	\$ 150.00
10 years	200.00
15 years	250.00
20 years	350.00
25 years	500.00
30 years	1,000.00

SECTION XIII: FAMILY AND MEDICAL LEAVE ACT

1. GENERAL POLICY.

a. The Family and Medical Leave Act of 1993 requires many employers, including “public agencies” to provide up to a total of twelve (12) work weeks of unpaid leave during any twelve (12) month period for “eligible” employees at the time of the birth or adoption of a child or at the time of a serious health condition affecting the employee or a family member.

b. A single “public agency” is further defined under Section 3(x) of the Federal Labor Standards Act to include the City.

c. A “serious health condition” is an illness, injury, impairment, or physical or mental condition that involves inpatient care in a medical facility or continuing treatment by a health care provider.

d. “Intermittent leave” or a “reduced leave schedule” for medical reasons can be taken under this policy “when medically necessary.” Intermittent leave or a reduced leave schedule to care for a new child can be taken only if the employee and the City mutually agree to that arrangement.

i. Intermittent leave is leave that is not taken consecutively.

ii. A reduced leave schedule is a leave schedule that reduces the usual number of hours per work week or hours per work day.

2. ELIGIBILITY.

To be “eligible” for FMLA leave, employees must:

a. Have been employed for at least twelve (12) months by the employer.

b. Have been employed for at least one thousand two hundred fifty (1,250) hours of service with that employer during the previous twelve (12) months.

3. LEAVE OPTIONS.

When taking a bona fide Family and Medical Leave employee may elect to use their sick leave and vacation leave in addition to the twelve (12) weeks of unpaid leave.

4. NOTICE AND MEDICAL CERTIFICATION REQUIREMENTS.

The employee may be required to provide advanced leave notice and medical certification. FMLA leave may be denied if the following requirements are not met:

a. The employee ordinarily must provide thirty (30) days advance notice when the leave is “foreseeable.” When this is not possible, the employee should provide such notice as is possible.

b. The employee may be required to provide the employer with medical certification to support a request for FMLA leave because of a serious health condition. If the employer requires a second or third opinion, they will both be at the employer’s expense.

c. A fitness for duty report is required before an employee returns to work with the employer.

5. BENEFITS AND EMPLOYMENT STATUS.

a. During the FMLA leave, the employer must maintain the employee’s health benefits coverage under any “group health plan” that the employee has with the employer. However, the employee must make arrangements to reimburse the City for the premiums which are the responsibility of the employee in order to keep them in effect.

b. The use of FMLA leave cannot result in the loss of any employment benefit that accrued prior to the start of an employee’s FMLA leave. However, no seniority or other benefits will accrue during the FMLA leave.

c. Upon return from FMLA leave, most employees must be restored to their original or equivalent positions with equivalent pay, benefits, and other employment terms.

SECTION XIV: LEAVES OF ABSENCE

1. ABSENT WITHOUT LEAVE.

Any unauthorized absence from an employee's assigned duties and work schedule may be treated as misconduct and may result in loss of pay or employment.

For any non-exempt employee who arrives late for work, leaves work before the end of their scheduled work period, or who works less than the employee's scheduled time, the department director or chief shall assure that the employee's time record reflects the employee's actual work hours and shall correspondingly reduce the employee's compensation or cover the absence with accrued vacation or sick time.

Unscheduled and unauthorized absences, tardiness, and early departures may result in disciplinary action up to and including termination of employment.

Any unauthorized absence from the work place for three or more consecutive days shall be considered significant misconduct and will likely result in termination of employment.

2. VACATION LEAVE.

a. The City provides annual vacation leave for each full-time employee which may be taken as earned. Each full-time employee shall receive vacation leave at the following rate:

- i. For zero (0) to the end of five (5) consecutive years of full-time service, ninety-six (96) hours of vacation leave shall accrue at the rate of eight (8) hours per month for each month worked.
- ii. For six (6) to the end of ten (10) consecutive years of full-time service, one hundred twenty (120) hours of vacation leave shall accrue at the rate of ten (10) hours per month for each month worked.
- iii. For eleven (11) to the end of fifteen (15) consecutive years of full-time service, one hundred forty-four (144) hours of vacation leave shall accrue at the rate of twelve (12) hours per month for each month worked.
- iv. For sixteen (16) to the end of twenty (20) consecutive years of full-time service, one hundred sixty-eight (168) hours of vacation leave shall accrue at the rate of fourteen (14) hours per month for each month worked.
- v. At the beginning of the twenty-first (21) consecutive year of full-time service, one hundred ninety-two (192) hours of vacation leave shall accrue at the rate of sixteen (16) hours per month for each month worked.

b. The City provides annual vacation leave for each regularly scheduled benefited part-time employee and regular crossing guards on a pro rata basis of the schedule above.

c. Persons hired on an emergency, temporary/seasonal, on-call, or contract basis shall not accrue vacation leave.

d. Individual Department Heads will issue approval or disapproval on all vacation leave requests.

e. The accrual year for purposes of calculating vacation leave is April 1st through March 31st. The maximum vacation leave which can be accrued and carried forward from year to year is one hundred sixty-eight (168) hours. Any accrued vacation leave in excess of one hundred sixty-eight (168) hours shall be forfeited on April 1st of the year following the calendar year in which the leave was accrued and no compensation shall be paid for such leave.

f. A holiday which falls during an employee's vacation leave shall be counted as a paid holiday and not as vacation leave.

g. Employees who are separated from employment shall be compensated for all accrued vacation leave.

h. All vacation leave requests should be submitted a reasonable time in advance of the desired time off to the Department Head, or designee. If an excessive (being the number of requests if granted that would render the department or organization ineffective) number of employees request leave for the same time period, leave shall be granted in order of application (first-come-first-served) at the discretion of the Department Head, or designee.

i. Official vacation records will be maintained and kept current by the Department Head, or designee.

j. Military Leave. An employee returning from qualified military leave shall have restored to his or her vacation leave account any vacation leave they would have accrued as if they were continuously employed by the City during the period of military leave. If upon restoration of such accrued leave, the accumulated vacation leave balance exceeds the allowable carryover, the excess vacation leave will be forfeited in accordance with policy.

3. HOLIDAY LEAVE.

a. Full-time employees receive eight (8) hours holiday pay for the holidays below. Regularly scheduled benefited part-time employees paid on an hourly basis receive a pro rata holiday pay for the holidays below.

b. Holidays:

- | | |
|----------------------|---|
| i. New Year's Day | January 1st |
| ii. Human Rights Day | 3rd Monday in January |
| iii. Presidents Day | 3rd Monday in February |
| iv. Memorial Day | Last Monday in May |
| v. Independence Day | July 4th |
| vi. Pioneer Day | July 24th |
| vii. Labor Day | 1st Monday in September |
| viii. Veterans Day | November 11th |
| ix. Thanksgiving | 4th Thursday in November and the day following Thanksgiving Day |
| x. Christmas Eve Day | December 24th |
| xi. Christmas | December 25th |

c. If any of the above holidays falls on Saturday, then the preceding Friday shall be the holiday. If any of the above holidays falls on Sunday, then the following Monday is the holiday.

4. SICK LEAVE.

a. Purpose. The sick leave policy is designed to provide salary continuation in the event of illness or injury, to support medical evaluation and treatment, and to promote sick leave conservation for extended protection. Sick leave shall not be considered as a privilege which employees may use at their discretion, but shall be allowed only when the causes for absence from the workplace falls within the definition of sick leave stated here.

b. Use of sick leave. Sick leave may be used at any time with approval of the Department director or chief, or designee, for any of the following reasons:

- i. When employees are unable to perform their regular duties or other temporary work because of sickness or injury to which they may be assigned.
- ii. Visits to hospitals, clinics, doctors' and dentists' offices for diagnosis or treatment of illness or injury or examination of the employee's children or parents, or a family member residing with the employee. The minimum time that may be taken for any of these purposes is one (1) hour. Failure to schedule non-emergency sick leave in advance may result in disapproval of the leave and/or disciplinary action if the leave is required to be taken. The Department director or chief, or designee, may include special provisions or conditions upon approval of the leave. (10/2004)

Use of sick leave shall *not* be used for time spent away from work to handle the adoption of a child, fatigue recovery, personal exercise or fitness training, death of a family member or person known to the employee, or a non-medical or non-health emergency.

Use of sick leave shall be considered abused when an employee follows a pattern of using sick leave on a specific day of the week, using sick leave other than for purposes previously stated, or using sick leave beyond current accruals. (10/2004)

Employees on sick leave shall not engage in other employment or self-employment, or participate in any sport, hobby, recreation or other activity which may impede recovery from the injury or illness.

Employees who schedule time off a week in advance for qualifying sick leave events may elect to use vacation leave or compensatory time in lieu of accrued sick leave. Employees who request time off within seven calendar days of the requested time off and who must be absent from the workplace as a result of a qualifying sick leave event must use sick leave and may not substitute vacation leave or compensatory time. The following exceptions to the above sick-leave-use-and-substitution rules apply: 1) Any employee who requests and is approved for short-term disability insurance must use or exhaust sick leave for the short-term disability qualifying period prior to any short-term disability covered period; and 2) Any employee who exhausts the employee's sick leave account and must continue in a sick leave status, may use vacation leave or compensatory leave.

c. Eligibility. Sick leave shall be available to all regularly scheduled full-time and part-time benefited employees, including probationary employees, and regular crossing guards. Sick leave for part-time employees accrues on a pro rata basis. Temporary/seasonal, provisional, on-call or contract employees are not eligible for sick leave. (5/2011)

d. Accrual. The accrual year for purposes of calculating sick leave is April 1st through March 31st. Sick leave is accrued at the rate of eight (8) hours per month or ninety-six (96) hours per year for full-time employees and a pro rata basis for part-time employees. The employee will begin to accrue sick leave immediately upon being hired by the City. Sick leave shall not accrue if an employee is in a leave of absence without pay status. Records will be kept by the Department Head, or designee.

e. Use. Sick leave shall be charged against employees in not less than a one (1) hour minimum. Advancing unearned sick leave is not allowed.

- f. Termination. Upon separation from employment with the City, employees will receive compensation for sick leave balance, not to exceed ninety-six (96) hours, at 50%.
- g. Payments.
- i. In order to qualify for sick leave payments, employees must notify the Department Head, or designee, no later than one (1) hour after normal starting time on each day of absence unless the circumstances surrounding the absence make such notification impossible. The Department Head, or designee, should also be kept advised of the employee's progress and expected date of return to duty.
 - ii. Any absence for illness beyond accrued sick leave will result in the employee being carried on vacation leave status until all vacation leave has expired, then be carried in a leave-without-pay status.
- h. Certification of Illness or Injury. For sick leave in excess of five (5) consecutive working days, or if abuse of sick leave is indicated, the Department director or chief, or designee, may require a certificate from a health care provider stating that a medical or health condition prevented the employee from working. The City reserves the right to require an employee to submit to examination by a health care provider of the City's choosing and at the City's expense for continuation of sick leave payments under this policy.
- i. Reporting Absences. Employees will be paid only when the employee (or a member of his or her immediate family if the employee is incapacitated) notifies the Department Head, Supervisor, or designee, within one (1) hour after the employee's scheduled reporting time. Continued reporting for more than a one-time absence will be accomplished as directed by the Department Head, or designee.
- j. Cash-out. Any unused sick leave may be carried over to the following year up to a maximum of ninety-six (96) hours. Upon recommendation by the mayor and as approved by the city council each year, sick leave in excess of ninety-six (96) hours at the end of the last full pay period in March may be cashed out at forty (40) percent of the employee's hourly rate. If recommended and approved, employees will receive a cash out of excess sick leave on or about 15 May.
- k. Sick Leave Bank. Employees who have utilized all accumulated vacation and sick leave may be awarded additional sick leave in instances of personal catastrophic illness or non-job related injury of an acute nature. (8/2010)
- i. The Human Resource Department shall establish a Citywide Sick Leave Bank program. Donations of sick leave will not be accepted. Donations of vacation leave will be accepted as follows:
 - (1) Donations will be on a voluntary basis.
 - (2) Donations will be accepted during the months of March and April only, except as specified in Subparagraph 5.
 - (3) Employees must have a combination of at least 88 hours of vacation time and sick time left after any donations are made.
 - (4) Leave will be donated and awarded on an hourly basis.
 - (5) Donations will be accepted on an as needed basis if the reserve in the Sick Leave Bank will not cover a needed award.

- ii. The Sick Leave Bank may be used by any City employee for personal catastrophic illness or non-job related injury of an acute nature.
 - (1) The Sick Leave Bank shall not be used for dependent care.
 - (2) The Sick Leave Bank shall not award any sick leave in excess of the balance in reserve.
- iii. Employee requesting leave from the Sick Leave Bank must complete a Sick Leave Bank Request Form and submit it to the Department Head. (3/2010)
 - (1) Sick Leave Bank Request Forms shall be submitted within five (5) days, except under exigent circumstances, of the date when the employee could reasonably be presumed to have had knowledge of the need for additional sick leave.
 - (2) The Department Head shall be responsible for submitting request forms to the Sick Leave Bank Committee and Human Resources within five (5) calendar days from receipt.
 - (3) Sick Leave Bank request forms may be submitted by the petitioning employee, a member of the petitioner's immediate family, or by the employee's immediate Supervisor.
- iv. Employees shall not be eligible to use the Sick Leave Bank unless they have exhausted their own vacation and sick leave, and any accrued comp time. Employees will continue to accrue all benefits while on leave.
- v. Sick leave awards shall be approved by the Sick Leave Bank Committee.
 - (1) The Sick Leave Bank Committee shall be made up of the persons serving on the Benefits Committee. (3/2010)
 - (2) Leave awards shall be given on an individual circumstance basis, with as much leave to be awarded as deemed necessary by the Sick Leave Bank Committee.
 - (a) The Sick Leave Bank request form provided the Committee will not include the employee's name and will only include as much information regarding the medical condition creating the need for sick leave bank hours as necessary.
 - (b) If the request meets eligibility requirements, the request may be granted and reimbursement will typically not be required if the employee has no prior requests for sick leave bank hours. However, if the request is from a probationary or benefitted grant-funded employee, the Sick Leave Bank Committee will typically require the employee to reimburse the hours granted as a condition of approval.
 - (c) If the request meets eligibility requirements, the request may be granted and the Sick Leave Bank Committee will typically require the employee to reimburse the hours granted as a condition of approval if the employee has been granted sick leave bank hours once or twice prior to the request being considered.
 - (d) In the event of a fourth request for sick leave bank hours, the request will typically be denied.
 - (e) Reimbursement, if required, will be at the rate of one (1) hour of sick leave and one (1) hour of vacation leave per pay period until such time as the hours are reimbursed.
 - (f) If employment terminates with the City prior to full reimbursement, the total remaining hours owed may be withheld from the employee's termination cash-out for unused, accrued vacation leave (if applicable) and vested sick leave (if applicable).

(3) The Department Head and/or supervisor that submitted the request for leave will be consulted regarding the employee during the award determination process. Information that could be considered by the Sick Leave Bank Committee would include the employee's previous management of sick and/or vacation leave and any other relevant information

(4) A majority vote by a quorum of the Sick Leave Bank Committee will determine awards. The vote shall be by secret ballot.

vi. Donated hours are not tax deductible.

vii. Sick Leave Bank Committee decisions and awards are not appealable.

l. Income Continuation Plans. In those instances where employees are disabled due to illness, accident or job-related accident, employees will be compensated through either the City's disability plan or worker's compensation.

m. Military Leave. An employee returning from qualified military leave shall have restored to his or her sick leave account any sick leave they would have accrued as if they were continuously employed by the City during the period of military leave. If upon restoration of such accrued leave, the accumulated sick leave balance exceeds the allowable carryover, the excess sick leave will be cashed out in accordance with policy.

5. MATERNITY LEAVE.

For purposes of FMLA, pregnancy and maternity leave are treated in the same manner as a short-term disability. Unpaid leave for pregnancy is permitted for up to 12 weeks within a 12 month period, and may be used as time off to care for the infant. Intermittent or reduced schedules may also be available under FMLA, with combined unpaid hours off adding up to a 12 week absence.

If an employee requires accommodation due to conditions related to pregnancy, the employee should notify her supervisor and the Human Resources Department.

6. WORKERS COMPENSATION LEAVE.

a. An employee who is approved for workers' compensation coverage and is restricted from returning to work due to an on-the-job injury shall be placed on unpaid administrative leave. The workers' compensation carrier shall provide compensation for lost wages as provided by law. However, when payments to an employee on workers' compensation reach the statutory cap, the City will pay to that employee the difference between the statutory cap and the figure representing 66 2/3 percent of the employee's actual salary.

b. Workers' compensation leave will no longer be provided when the employee is given permission to return to work by a physician. Unused sick leave or vacation leave will continue to accrue in accordance with applicable rules and regulation.

c. Workers' compensation leave is provided in order for the employee to recover from the on-the-job illness or injury. Vacation leave must be used if the employee is not available for an in-person consultation during the employee's regular work hours (such as taking vacations, traveling, or taking extended stays away from home other than hospital visits).

d. If an injury is a serious health condition pursuant to the Family and Medical Leave Act (FMLA), then the period of leave required under FMLA shall begin at the commencement of the absence for the workplace injury.

7. **MILITARY LEAVE.**

A regular or probationary employee shall be granted leave with compensation for the difference in salary for active duty, for service in the National Guard or in the Armed Forces reserves for the purpose of fulfilling annual field training. Paid military leave shall not exceed fifteen (15) working days in any single calendar year. (Sections 39-3-1 & -2, Utah Code Annotated, as amended). Any employee requesting such leave must provide a copy of the military orders placing him or her on active duty status.

8. **JURY LEAVE.**

A regular or probationary full-time employee may be granted leave with full pay when performing jury duty or when required to serve as a witness in any municipal, county, state, or federal court, or before an administrative tribunal. In order to access this leave, the employee must produce the jury summons or subpoena to the employee's supervisor or the Human Resources Department. Any compensation, including travel and expense allowance, received by the employee for jury duty must be turned back to the City. Paid leave will not be granted when the employee is serving as party, witness, or otherwise, in any personal civil or criminal matter.

No employee, whether part-time, full-time or seasonal, may be terminated as a result of participating in jury duty. No employee may be required to use accrued vacation or compensatory time as a result of jury duty.

9. **ADMINISTRATIVE LEAVE.**

Any employee may be placed on paid administrative leave at the direction of the department director or chief where such leave is necessary for City purposes and is not otherwise covered by the City's leave policies. For example, administrative leave may be approved for employees who are under investigation for serious violations of City policy or who are being evaluated by the City for fitness for duty.

Paid administrative leave beyond ten (10) scheduled work days shall be reviewed and approved by the Mayor.

10. **BEREAVEMENT LEAVE.**

A department director or chief may grant an employee up to five (5) days of bereavement leave with pay to grieve, participate in funeral planning, and to attend a funeral for a member of the employee's immediate household, or for a child, parent, brother, or sister. A department director or chief may grant an employee up to three (3) days of bereavement leave with pay to grieve, participate in funeral planning, and to attend a funeral for a stepchild, daughter-in-law, son-in-law, stepparent, grandchild, mother-in-law, or father-in-law, grandparent, spouse's grandparent. The department director or chief may require the employee to provide documentation of the death and relationship to the deceased person. Bereavement leave shall not be charged against accrued sick or annual leave.

11. **LEAVE WITHOUT PAY.**

Leave without pay may be granted for qualifying absences under the Family Medical Leave Act, the Uniformed Services and Employment Rights Act, and for disabled veterans for necessary medical treatment. Also, employees may not receive City compensation while receiving workers' compensation benefits, short term disability benefits, and long term disability benefits.

12. **DOCUMENTATION OF LEAVE.**

Some of the above absences must be supported by a copy of the official paperwork causing the absence. Such paperwork must be submitted to the Department Head, or designee, as soon as possible. In some cases where official paperwork is not available, the Department Head, or designee, will request that the employee supply additional information in writing to support the absence.

SECTION XV: GENERAL SAFETY

1. GENERAL POLICY.

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

- a. Proper licensing and extreme caution are required by all employees operating any type of power equipment.
- b. Employees will use safety equipment appropriate to the job, such as seatbelt, safety glasses, gloves, toe guards, back supports, and hard hats, if required or appropriate to the work performed.
- c. Employees will avoid wearing loose clothing and jewelry while working on or near equipment and machines. Long hair will be properly secured.
- d. All accidents, regardless of severity, personal or vehicular, shall be reported immediately to the Supervisor/manager.
- e. Defective equipment will be reported immediately to the Supervisor or Mayor.
- f. Employees will not operate equipment or use tools for which licensing and training have not been received.
- g. In all work situations, safeguards required by State and Federal Safety Orders will be provided.

2. PROPER USE OF CITY EQUIPMENT AND TOOLS.

The use of City equipment or tools for private purposes is strictly prohibited. However, reasonable use of City tools and equipment to protect property and preserve life is authorized.

- a. Employees shall be required to attend training provided by the City, including an explanation of job hazards, safety procedures and training on all equipment, tools, etc., necessary for the accomplishment of the employee's job description. Employees may attend additional training as approved by the City.
- b. A commercial driver's license (CDL) is required for operators of commercial motor vehicles. Individuals shall not be allowed to operate such vehicles unless they have a current commercial driver's license in their possession. This license is required pursuant to the Commercial Motor Vehicle Safety Act, signed into law on October 27, 1986. Employees must renew their commercial driver's license at five-year intervals. Employees operating commercial motor vehicles must also maintain and keep in their possession the medical examination certificate and must renew the certificate at one- or two-year intervals, as determined by the Act and the medical examiner.
- c. Operators and passengers in a business-use vehicle equipped with seat belts must wear them when the vehicle is in operation, and all employees operating vehicles shall observe all local traffic laws.
- d. Employees shall keep the City vehicles which are used by them clean, presentable, and serviceable.

3. UOSHA REQUIREMENTS.

- a. General Policy. It is the policy of the City to maintain an environment which is free from any recognizable hazard which is likely to cause death or serious injury to any employee through open communication with all employees.
 - i. Management shall inspect or designate a competent person or persons to inspect frequently for unsafe conditions and practices, defective equipment and materials, and where such conditions are found, to take appropriate action to correct such conditions immediately. Supervisory personnel shall enforce safety regulations and issue such rules as may be necessary to safeguard the health and lives of employees. They shall warn all employees of any dangerous conditions and permit no one to work in an unsafe place, except for the purpose of making it safe.
 - ii. All Supervisors and workers shall be required to provide clean work areas. An excessively littered or dirty work area constitutes an unsafe, hazardous condition of employment and should be remedied within a reasonable amount of time. When no other method or combination of methods can be provided to prevent employees from becoming exposed to toxic dusts, fumes, gases, flying objects, dangerous rays, or burns from heat, acid, caustics, or any hazard of a similar nature, the City shall provide each worker with the necessary personal protection equipment, such as respirators, goggles, gas masks, certain types of protective clothing, etc. Provisions shall also be made to keep all such equipment in good, sanitary working condition at all times.
- b. Posting UOSHA Notices. The City will post all required UOSHA notices in conspicuous places (such as employee bulletin boards or where similar notices are usually posted). Employees may obtain additional information from the Human Resource Department, or designee, when they have questions about any of the standards which are provided under UOSHA.
- c. Inspection Procedures. Employees should follow the procedures listed below in the event inspectors from UOSHA present themselves on the job site.
 - i. If an inspector arrives on the job site, employees should understand that they are not authorized to offer any information requested by the inspector.
 - ii. Employees will inform the inspector that they will contact the Mayor, Supervisor, or designee, who will accompany the inspector during any inspection.
 - iii. The Mayor will make sure that all employees know whom they are required to contact, including all alternates, in the event an UOSHA inspector shows up on the job site.
 - iv. If the UOSHA inspector does not reveal the appropriate credentials at the outset of the inspection, the Mayor, or designee, should ask the inspector to reveal his or her credentials and should then examine them before allowing an inspection of the job site.
 - v. The Mayor, or designee, should not refuse an inspection of the job site where the inspector does not have a warrant to inspect. The inspector will usually have no trouble obtaining a warrant for an inspection. Refusing to allow an inspection may create a negative atmosphere which may be more harmful to the City. This may result in harsher penalties if violations are discovered by the inspector.
 - vi. If the credentials are appropriate, and before beginning the inspection, the Mayor, or designee, should ask the inspector the reason the inspection is being conducted. If it is routine, no further requests are required. If the inspection was due to an employee complaint, the Mayor, or designee, should request a copy of the complaint. This will help the City correct any safety problems. (Under no circumstances should the information received on an employee complaint be used for disciplinary action toward an employee as this type of action is prohibited by law.)

- vii. The Mayor, or designee, should accompany the inspector during the entire inspection of the job site.
 - viii. The Mayor, or designee, should take notes throughout the entire inspection. The Mayor, or designee, should note every comment and observation made by those participating in the inspection. The Mayor, or designee, accompanying the inspector should not volunteer any unsolicited information.
- d. Accident Reporting Procedures.
- i. Employees who are injured in connection with employment, regardless of the severity of the injury, must immediately notify the Department Head or their Supervisor, who will ensure prompt and qualified medical attention, is provided and all required UOSHA reports are completed. Employees who do not and/or will not accept qualified medical attention when directed by their department head or their supervisor shall be subject to disciplinary action, up to and including termination.
 - ii. The Mayor, or designee, will investigate the job related injury to determine the cause of the injury.
 - iii. The City shall contact UOSHA within twelve (12) hours of the occurrence of any job related death, disabling, serious, or significant injury, and/or any occupational disease.
 - iv. The City shall file the required report with UOSHA within seven (7) days after first knowledge or notification of an injury or occupational disease resulting in medical treatment, loss of consciousness, loss of work, restriction of work, or transfer to another job. Minor injuries such as scratches and cuts do not need to be reported to UOSHA if they require only minor first-aid treatment.
 - v. The City shall keep a copy of the UOSHA report in its UOSHA File.
 - vi. The City shall give the employee a copy of the UOSHA report and explain the employee's rights and responsibilities concerning the work related injury or occupational disease.
 - vii. If an employee later dies as a result of a work related injury, the City shall file a report with UOSHA within seven (7) days of first knowledge or notification of the death.
4. CONFINED SPACE ENTRY.
- a. General Policy. The City shall have a written confined space entry policy, if required in accordance with Volume 29 Code of Federal Regulations 1910.146
 - b. Requirements. When required, the written confined space entry policy shall include at least the following:
 - i. Annual training on confined space issues.
 - ii. A review of potential confined spaces.
 - iii. A permitting system for entering permit-required confined spaces.
 - iv. A rescue plan for managing confined space incidents.
 - v. Protocols for managing contractors doing work in City's confined spaces.
 - vi. A list of the appropriate personal protective equipment and hardware (hoists, winches, gas monitors, respirators, and ventilation gear) required for safe entry and exit.

5. MOTOR VEHICLE ACCIDENT PREVENTION PROCEDURE.

a. Employee Training. Within two months of beginning employment with the City, every new employee required to operate a motor vehicle as part of his or her job duties shall complete defensive driving course approved by the Mayor. For the purposes of this order “motor vehicle” shall mean any motorized vehicle licensed for operation on the public highways as well as motorized heavy equipment operated by the Department of Public Works. Within six months of the effective date of this policy, each Department Head shall assure that every employee required to operate a motor vehicle as part of his or her job duties completes a defensive driving course approved by the Mayor. Record of each employee’s completion of the course shall be kept in the employee’s personnel file. After completion of an initial defensive driving course, every employee of the City required to operate a motor vehicle as part of his or her job duties shall complete a defensive driving course approved by the Mayor every two years. Prior to permitting any employee to begin operating any vehicle or equipment requiring special certification, licensure or training, the Department Head shall assure the employee’s competence to operate the vehicle or equipment both by verification of proper certification or licensure and by field testing. Thereafter, the Department Head shall assure that the employee’s certification or licensure remains current and that the employee receives such ongoing training and/or testing as may be required to assure continuing competency.

b. Accident Review Board. The City of South Salt Lake Accident Review Board (“the Board”) is created. The Board shall consist of the Chief of Police or designee, the Director of the Department of Public Works or designee and the Director of Human Resources or designee. A representative of all three departments is required to form a quorum. The responsibilities of the Board shall be as follows:

- i. The Board shall meet monthly and shall review the written reports, witness statements, photographs and other available evidence regarding every motor vehicle accident involving an on-duty City employee occurring since the last Board meeting. The Office of the City Attorney shall collect and compile all relevant and available information concerning each accident to provide to the Board.
- ii. As the Board, in its discretion, deems advisable it may request the attendance at its meeting of a city employee having expertise with accident investigation and/or the operation of specialized vehicles or equipment. The employee adviser shall provide information only and shall not vote as to whether the accident was avoidable, unavoidable or constituted gross negligence. The Board may continue evaluation of an accident to its next scheduled meeting in order to obtain input from a city employee expert.
- iii. After considering all relevant and available information regarding each employee accident, the Board shall vote whether the accident was *avoidable* or *unavoidable* and shall determine whether or not the conduct of the city employee constituted *gross negligence*. When considering the “circumstances prevailing”, the Board shall take into account occurrences in which the employee, as part of his or her job assignment, is required to operate a vehicle in a situation where the risk of an accident is heightened, such as during an emergency or during extreme weather conditions, etc. For the purposes of the Accident Review Board, *gross negligence* shall be defined as *reckless indifference* to the safety of any person or property. A vote of a majority of the Board is sufficient to support its findings. The Board shall report its decision to the Department Head of the employee, the City Attorney and Mayor.

c. Employee Accountability. Each Department Head who receives a report from the Board that an employee under his or her supervision was involved in an avoidable accident while on duty shall take such action as shall be necessary to hold the employee accountable for the damage to City property or creation of risk of liability to the City. In addition to the disciplinary measures specified in this policy, Department Heads, with the approval of the Mayor, may institute other corrective measures tailored to meet the particular needs of the department. Any disciplinary action taken against an employee will comply with the City's personnel policies and procedures. The Department Head shall take the following corrective steps in response to an avoidable accident:

- i. when an employee has not been involved in another on-duty avoidable accident during the past three years from the date of the avoidable accident:
 - (1) give the employee a written reprimand;
 - (2) require the employee to complete within one (1) week a self-study defensive driving course approved by the Utah Safety Council, or other specialized equipment training or driving course approved by the Department Head and furnish proof of satisfactory completion; and
 - (3) prohibit the employee from operating any City vehicle or equipment until the defensive driving course or other approved training is completed; and
 - (4) in addition, the Department Head may impose one or more of the following:
 - (a) transfers the employee to a position that does not require him or her to operate a vehicle or equipment; and/or
 - (b) requires the employee to comply with such other or additional corrective measures as the Department Head, with the approval of the Mayor, may establish to apply to all employees of that particular department for a single avoidable accident within a three-year period.
- ii. when the employee has been involved in one prior on-duty avoidable accident within three years of a second avoidable accident:
 - (1) require the employee to complete a four (4) hour defensive driving course, approved by the Utah Safety Council, or other specialized equipment training or driving course approved by the Department Head, at his or her own cost and on his or her own time and furnish proof of satisfactory completion;
 - (2) prohibit the employee from operating any vehicle or equipment while on duty for the lesser of two weeks or until the driving course or other approved training is completed; and
 - (3) initiate disciplinary proceedings against the employee to suspend the employee from work for eight (8) hours of work without pay; and
 - (4) in addition, the Department Head may impose one or more of the following:
 - (a) transfer the employee to a position that does not require him or her to operate a vehicle or equipment; and/or
 - (b) require the employee to comply with such other or additional corrective measures as the Department Head, with the approval of the Mayor, may establish to apply to all employees of that particular department for a second avoidable accident within a three-year period.

- iii. when the employee has been involved in two or more prior on-duty avoidable accidents within three years of the date a subsequent avoidable accident:
 - (1) after taking into consideration the severity of the accidents and the employee's prior disciplinary history, initiate disciplinary proceedings to terminate employment; or
 - (2) require the employee to complete a four (4) hour defensive driving course approved by the Utah Safety Council, or other specialized training or driving course approved by the Department Head, at his or her own cost and on his or her own time and furnish proof of satisfactory completion, and to complete a practical driving test to be administered by the Police Department or Department Head;
 - (3) prohibit the employee from operating any vehicle or equipment while on duty until the driving course or other approved training and practical driving test are completed; and
 - (4) initiate disciplinary proceedings to suspend the employee for twenty-four (24) hours of work without pay; and
 - (5) in addition, the Department Head may impose one or more of the following:
 - (a) transfer the employee to a position that does not require him or her to operate a vehicle or equipment;
 - (b) suspend the employee from operation of any motor vehicle or equipment while on duty for up to one year; and/or
 - (c) require the employee to comply with such other or additional corrective measures as the Department Head, with the approval of the Mayor, may establish to apply to all employees of that particular department for a third or more avoidable accident within a three-year period.
 - iv. when an employee causes any avoidable accident in which the Board has determined that the employee acted with *gross negligence*:
 - (1) disciplinary proceedings to terminate employment shall be instituted regardless of the number of prior avoidable accidents for which the employee has been found to be responsible.
- d. Driver's license record screening. Prior to making an offer of employment, the City will screen the State Driver's License Division records of every final candidate to fill a position for which a driver's license is a requirement of the job. For any position for which a valid Utah Driver's License is a requirement, no offer of employment will be made to an individual who lacks the proper license, whose driver's license is under suspension or who has been convicted of a "major violation" within the past three years. The City shall maintain confidential all records used in making decisions under this subparagraph. They shall be made available to City employees, other than the subject of the record, only on a "needs to know" basis.
- e. Duty to report suspensions, revocations and "major violations." Within forty-eight (48) hours (excluding weekends and City holidays) of having his or her driver's license suspended or revoked, or receiving a citation or summons for a major violation, any City employee who is required to maintain a valid Driver's License as a requirement of his or her job shall report the suspension, revocation or major violation to the City's Human Resources Department. No City employee shall operate a motor vehicle while on duty for the City without a valid Driver's License issued by the state in which the employee resides.

- i. “Major violations” are those driving offenses demonstrating such a serious error in judgment that upon evidence of probable cause to believe the major violation occurred, it becomes prudent for the City to suspend an employee’s privilege of operating a motor vehicle while on duty for the City. Major violations include the following offenses as more particularly described under state law:
 - (1) reckless driving;
 - (2) leaving the scene of an accident;
 - (3) speeding 21 miles per hour or more over the posted speed limit;
 - (4) evading a police officer;
 - (5) any alcohol or drug related driving offense; and
 - (6) vehicle homicide

- f. Suspension of City driving privilege. When the City has probable cause to believe an employee has committed a “major violation”, the City may immediately suspend the employee’s driving privilege. (7/2005)

- g. Discipline for driver’s license matters. The following are grounds for discipline up to and including termination of employment:
 - i. failing to report revocation or suspension of an employee’s Driver’s License as required by this policy;
 - ii. failing to report receiving a citation or summons for a major violation as required by this policy;
 - iii. operating a vehicle while on duty for the City without a valid Driver’s License;
 - iv. inability to perform the essential functions of the employee’s job due to revocation or suspension of the employee’s Driver’s License; or
 - v. inability to perform the essential functions of the employee’s job due to suspension by the City of the employee’s City driving privilege.

- h. The decision to transfer an employee to a position that does not require operation of a motor vehicle as an essential function or to suspend an employee from operation of any motor vehicle while on duty is solely at the discretion of the Department Head. No employee is entitled to such a remedy.

6. WORKPLACE VIOLENCE.

a. General Policy. The City of South Salt Lake is committed to providing a safe environment for its employees and those who conduct business with the City. The City will not tolerate acts of violence committed by or against City employees or members of the public while on City property or while performing City business at other locations. Any unlawful violent actions committed by employees or members of the public while on City property or while using City facilities will be prosecuted as appropriate. The City will use any and all legal, managerial, administrative, and disciplinary procedures to secure the workplace from violence and to protect employees and members of the public.

b. Definition. "Workplace Violence" shall mean an act or behavior that:

- i. consists of a physical assault;
- ii. is an attempt at a physical assault;
- iii. consists of a communicated or perceived threat to harm another individual or in any way endanger the safety of an individual;
- iv. would be interpreted as carrying potential for physical harm to the individual;
- v. a reasonable person would perceive as menacing;
- vi. involves carrying or displaying weapons, destroying property or throwing objects in a manner perceived to be threatening; or
- vii. consists of a communicated or perceived threat to destroy property.

c. Examples of Prohibited Conduct. Specific examples of conduct that may be considered threats or acts of violence prohibited under this policy include, but are not limited to, the following:

- i. Hitting or shoving an individual.
- ii. Threatening to harm an individual, or his/her family, friends, associates, or property, whether with intent to harm or in jest;
- iii. The intentional destruction or threat of destruction or property owned, operated, or controlled by the City.
- iv. Making harassing or threatening telephone calls, or sending harassing or threatening letters or other forms of written or electronic communications.
- v. Intimidating or attempting to coerce an employee to do wrongful acts, as defined by applicable law, administrative rule, policy, or work rule which would affect the business interests of the City.
- vi. The willful, malicious and repeated following of another person, also known as "stalking", and making of a credible threat with intent to place the other person in reasonable fear of his or her safety.
- vii. Making a suggestion or otherwise intimating that an act to injure persons or property is "appropriate".
- viii. Unauthorized possession or inappropriate use of firearms, weapons, or any other dangerous devices on City property.

While some City employees may be required as a condition of their work assignment to possess firearms, weapons or other dangerous devices, or permitted to carry them as authorized by law, it is policy that employees are to use them only in accordance with departmental operating procedures and all applicable state and federal laws.

- d. Reporting.
 - i. If the incident involves an emergency and requires the direct intervention of public safety personnel (i.e., law enforcement or emergency medical services), immediately **CALL 9-911** or, if available, use the pre-programmed **EMERGENCY** button on your telephone.
 - ii. Any situation involving the commission or threat of workplace violence as previously defined, or any other potentially dangerous situation, must be promptly reported to a supervisor, department head, Human Resources department, or City Attorney's office.

7. PROTECTION OF CHILDREN AND VULNERABLE ADULTS.

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

- b. Definitions.
 - i. Child. A person less than eighteen (18) years of age.
 - ii. Emotional abuse. Conduct towards a child or vulnerable adult that attacks the person's emotional well-being and sense of self-worth such as shaming, humiliating, denigrating, etc.
 - iii. Physical abuse. Physical harm or the imminent threat of physical harm to a child or vulnerable adult.
 - iv. Sexual abuse. Any form of sexual contact, lewdness, exploitation, exposure to pornographic material, solicitation to engage in sexual activity, or other similar actions towards a child or vulnerable adult.
 - v. Vulnerable Adult. A person eighteen (18) years of age or over whose advanced age or physical or mental incapacity substantially limits the person's judgment or ability to resist emotional, physical or sexual abuse.
- c. Screening staff and volunteers.
 - i. Background check. Prior to working in City programs in which children or vulnerable adults participate, every City employee or volunteer shall obtain a nationwide criminal background check and provide it to the City.
 - ii. Any person who has been convicted of child abuse, abuse of a vulnerable adult, lewdness, voyeurism, a crime involving pornography, providing harmful material to a child, prostitution, patronizing a prostitute, child exploitation, endangering a child or elder adult, sexual abuse of a child, unlawful sexual activity with a minor, rape, sexual battery, or convictions for other sex related offenses, any form of assault, etc. shall be ineligible to work as a staff employee or volunteer in a City program in which vulnerable adults or children participate.

- d. Training.
 - i. Annual training. Each year the City will provide training regarding this policy to be attended by all staff and volunteers who work with children or vulnerable adults regardless of whether they have participated in the training before.
- e. Protection measures.
 - i. Two-adult supervision. At least two adult staff or volunteers shall be present during all City sponsored programs attended by children or vulnerable adults. Isolated one-on-one contact between a staff member or volunteer and a child or vulnerable adult during a City sponsored program is prohibited.
 - ii. Out-of-program contact prohibited. Volunteers and staff are prohibited from having in-person contact after program hours with a child or vulnerable adult who participates in a City program.
- f. Reporting.
 - i. Mandatory reporting. City staff shall not take it upon themselves to investigate allegations of abuse. Every allegation involving children shall be reported to the Division of Child and Family Services. Allegations regarding vulnerable adults shall be reported to Adult Protective Services.
 - ii. Investigation by Division of Child and Family Services or Adult Protective Services. The City shall cooperate as necessary with investigations conducting by the appropriate state agencies. The City shall not attempt to investigate on its own allegations of abuse involving its staff or volunteers.
- g. Violation. Violation of this policy may result in disciplinary action up to, and including termination.

SECTION XVI: DISASTER RESPONSE PLAN

1. GENERAL POLICY.

The City has developed the following Disaster Response Plan. All employees will be expected to adhere to this Disaster Response Plan to the maximum extent possible and practicable.

2. DISASTER RESPONSE PLAN.

- a. Responding to work following a disaster during non-working hours.
 - i. If you are physically able, you are expected to report to work following a major disaster. You should not leave until your critical personal and family emergency responsibilities are met.
 - iv. If the telephone system is out and radio information is not forthcoming following a major earthquake, employees should report to work as soon as possible. If in doubt, report.
 - v. If telephones are operative, the City will initiate its telephone alert list through Dispatch.
 - iv. If you have no other place to take your children, please bring them with you. Child care will be provided by parks and recreation. The location will be determined pending the damage in the area and the number of family members needing care.
 - v. Listen to your car radio for emergency updates and routing instructions.

- vi. Following an earthquake be prepared for aftershocks. If you are driving, pull over to the side of the road and stop. Avoid bridges, overpasses and power lines. Stay inside until the shaking is over.
 - vii. If you live outside the City and cannot get into the City, report as a Disaster Service Volunteer to the nearest local municipal City. When you can get to the City, report to the area to which you are assigned.
 - viii. Make notes of damaged locations you observe on the way in.
 - ix. Personnel equipped with 2-way radios should report damage and casualty information to the Emergency Operations Center (EOC) in the Police Department.
- b. Where to report.
- i. The Policy Group, outlined in the Emergency Operations Plan, should report directly to the EOC, located in the Police building 2nd Floor Training Room. In the unlikely event the Police Department is not functional; the alternate Emergency Operations Center is located at City Hall on the 2nd floor in the Council Chambers. The main Fire Station at 2600 South Main Street will be the 3rd location for the EOC if needed. All other personnel should report to predetermined work locations designed by their department. If you are unsure where that is, ask your Supervisor. Do not go inside a building until it has been determined safe to do so. In the unlikely event your work location is determined unsafe, you should stand by for reassignment to another work site.
 - ii. A head count will be taken outside if necessary. Those arriving first on the scene should set up to register arriving work forces. Log in name, department, time arrived, work assignment, and location. This responsibility will be assumed by the first Supervisor arriving on the scene. Name rosters of those reporting will be hand delivered to the Emergency Preparedness Director, or designee at the EOC.
- c. What you should expect.
- i. It will not be business as usual. You may not be doing the things you usually do at your job. Each department will be assigned specific tasks and that will mean you will be doing whatever is necessary to care for and protect our citizens. You would dress appropriately to fulfill whatever role you may be placed in.
 - ii. You may be working under a different table of organization. People whom you now report to may not be the people you are assigned to in an emergency. Likewise, if you are in charge of people, you may have different people assigned to you.
 - iii. The citizens of the City will be depending upon municipal employees to be organized and deliver support and service in a timely manner. We will do everything we can to meet those expectations.
 - iv. You should expect to remain on duty until you are released by your Department or the City's Emergency Preparedness Director. This responsibility makes it especially important for you to prepare your family. It will give both you and them peace of mind to know that they are well prepared.
 - v. The City will do everything possible to assist you in contacting your family to ensure their safety.
- d. Prepare your home and train your family.
- i. Participate in preparedness training by attending City training classes and studying Emergency Preparedness handbooks and brochures.

- ii. Develop a family/home emergency preparedness plan.
- iii. Stock emergency supplies.
- iv. Establish an out-of-state contact.
- vi. Prearrange child care with relatives or friends in the event you are called for disaster duty.
- vi. Prearrange pet care with relatives, friends, or an animal care facility in the event you are called for disaster duty.
- e. What to bring with you.
 - i. City I.D. card.
 - ii. Eyeglasses.
 - iii. Prescriptions and medications.
 - iv. Sturdy shoes.
 - v. Coat, jacket or sweatshirt.
 - vi. Personal hygiene items.
 - vii. Other appropriate items as suggested in Employee Work Station Preparedness.
- f. Employee Work Station Preparedness.
 - i. Conduct hazard check of work area to identify hazardous conditions. Report your findings to a Supervisor for correcting.
 - ii. Prepare and stock a personal survival kit in a sturdy container or bag (small items in plastic containers).
 - iii. Keep a survival kit at your work station or in your personal car. It is preferable to keep survival kits in both locations.
 - iv. If you must evacuate your work station, take survival kit with you.
 - v. Suggested articles (tailor lists to fit your individual needs, work environment and responsibilities:

(1) At-Work Kit:

- | | |
|---------------------------------------|------------------------------|
| Sweat pants, shirt, jacket | Whistle |
| Comfortable, sturdy shoes | Emergency Operations Plan |
| Medications, prescriptions | Eyeglasses |
| Change for telephone | Gum, snacks, bottled water |
| Candles and matches in watertight jar | Office supplies (pen, paper) |
| Extra batteries | Ziplock bags, toilet tissue |
| Small first-aid kit | Personal hygiene items |
| Tape recorder | Leather gloves |
| Blanket | Flashlight |
| Portable radio | Tissues |

(2) Items for Car Kit (in addition to above items):

Cash (coins, small bills)	Car fire extinguisher
Flares	Map of area, road atlas
Book, magazines, cards	Large trash bags

g. This guide was prepared as a means to help City employees define their roles in the event of a disaster. When you became a City employee, you also became an important link in the City's disaster plan. Without you, the careful preparations we have made for ensuring the safety of our residents in disaster situations may not succeed.

SECTION XVII: EMPLOYEE VEHICLE USE

1. GENERAL.

The policies contained here apply to all employees who use City vehicles and equipment or personal vehicles and equipment for official City business. Department Directors/Chiefs, in consultation with the Fleet Manager, may approve vehicle use policies for an employee in their department. Such approval must be in writing.

2. USE OF CITY VEHICLES.

City vehicles are intended for use by City employees on City business. Additional use must be approved by the Mayor. Only City employees and other persons specifically authorized by the City's Department Directors/Chiefs shall be allowed to operate City vehicles and equipment. All City vehicle and equipment operators shall: a) have a valid driver license appropriate for the class of vehicle or equipment being driven; b) undergo a screening process to determine eligibility to drive the vehicle, including a check of the individual's driving record, c) be placed on the City's driver schedule for insurance purposes before operating a city vehicle.

The unauthorized use of a City vehicle may result in the suspension or revocation of City driving privileges. The following are examples of the unauthorized use of a City vehicle:

- a. Transporting hitchhikers.
- b. Transporting acids, explosives, firearms, ammunition, hazardous materials, or flammable materials unless such transport of aforementioned materials is specifically related to employment duties.
- c. Extending the length of time that the City vehicle is in the operator's possession beyond the time needed to complete the official purposes of the trip.
- d. Operating a vehicle with alcohol or illegal substances in the employee's system.
- e. Operating a City vehicle for personal use other than reasonable incidental use during working hours and any authorized commute time.
- f. Using a City vehicle for personal convenience, such as when a personal vehicle is not operational.
- g. Using a City vehicle for fundraising or for personal gain without prior written approval by the Mayor.

3. PASSENGERS IN CITY VEHICLES.

- a. Drivers of City vehicles or equipment shall not be permitted to carry non-employee passengers in or on any such vehicle, with the following exceptions:
 - i. Persons engaged in or advising on matters relating to City services or improvements.
 - ii. Persons who are being transported as part of a regularly approved City activity.
 - iii. Volunteers or community service workers, within the scope of their service within the City;
 - iv. Immediate family members of employees if: (1) the employee has been given permission to take a work vehicle home in accordance with subsection F of this policy; (2) transportation of the family member does not substantially add to the distance traveled; and (3) the family member is no longer in the vehicle when the employee reports for duty.
 - v. Other persons when approved in writing in advance by the Department Director/Chief or Mayor.
- b. It is the responsibility of the driver of a City vehicle to require all passengers to follow City regulations while in a City vehicle.

4. CITY AUTHORIZATION OF DRIVERS.

- a. Department Directors/Chiefs shall be authorized to gather and document the following information for each individual to whom the City has granted the authority to operate a City vehicle:
 - i. Driver's name and date of birth.
 - ii. Driver's license number and state where license was issued.
 - iii. The employee's driver license record, updated on a recurring basis.
- b. Any employee whose record does not contain all the information required in paragraph 1 shall be deemed not to have the authority to drive City vehicles. In some cases, Department Directors/Chiefs may require proof of training or safety programs completed prior to authorizing vehicle use.
- c. To operate a City vehicle, employees whose names have been submitted as authorized drivers shall have a valid driver's license for the type and class of vehicle being operated.
- d. Any employee who has been found not to have a valid driver license shall have his/ her authority to operate a City vehicle immediately revoked
- e. Authorized drivers shall operate a City vehicle in accordance with the restrictions or limitations imposed upon their respective driver's license.
- f. Drivers are required to report suspensions, revocations and major violations pursuant to the City's Personnel Policies and Procedures Manual, section XVII(5)(e).

5. SAFETY CONCERNS.

- a. All traffic laws shall be obeyed when City vehicles are used. Public Safety vehicles responding to emergencies shall be governed by Department policy.
- b. Safety belts shall be used by all occupants of the vehicle.
- c. Text messaging while driving a City vehicle is prohibited. Manipulating phones or other handheld devices is prohibited under Utah law and this policy, except for on-duty law enforcement personnel. The use of a hands-free device while driving may be approved by an employee's Department Director/Chief after considering the employee's assignment.

6. IDLING OF VEHICLES AND EQUIPMENT.

Except as provided under a department policy, the following regulations related to idling shall be observed by City employees:

- a. Vehicles shall not idle for more than two minutes.
- b. Vehicles shall not be left idling while unattended
- c. Vehicles operated during cold weather should only idle 2-3 minutes for warm-up.
- d. Vehicles shall not idle for extended periods of time for use of the heater or air conditioning.

7. TAKING VEHICLES HOME.

City employees may take a City vehicle home provided:

- a. The employee has properly informed his immediate supervisor of an emergency and received permission;
- b. The employee has been assigned "on-call" status and listed on the on-call roster; or
- c. Advance approval is received from the Mayor in the following circumstances:
 - i. The employee is a Mayor-appointed Director/Chief; or
 - ii. The employee has received specific, written permission by the Mayor.

Any employee who has permission from the Mayor to take a City vehicle home after hours or over a weekend will provide off-street parking for the vehicle.

8. ASSIGNED TAKE-HOME VEHICLES.

Reimbursement for commuting privileges is required of employees living outside of South Salt Lake City boundaries. Reimbursement will be determined by the South Salt Lake boundary schedule and payable bi-weekly through payroll deduction.

9. REGULATION GOVERNING USE OF CITY VEHICLES.

- a. It is the responsibility of each employee assigned a City vehicle to assume complete responsibility for its care while the vehicle is so assigned.
- b. It is the responsibility of the Department Director/Chief or designee to make a spot inspection of vehicles assigned to their employees to ensure compliance with this policy.
- c. When in a City vehicle, off-duty employees must keep the City radio on and if necessary, be available to respond to emergency calls. An employee should respond to emergency calls that are within the scope of the employee's job description or responsibility.
- d. Unattended City vehicles assigned to employees must be locked at all times.
- e. Employees will comply with all state and local laws regarding the use of alcoholic beverages.
- f. Employees are responsible for the appearance and cleanliness of both the interior and exterior of vehicles. Employees shall wash the vehicle at the employee's own expense or at a City facility.
- g. Employees shall at all times drive City-owned vehicles with reasonable prudence.
- h. Damage to a City vehicle caused by willful misconduct or negligence of the employee will be cause for disciplinary action by the City and may include restitution for the cost of repairs.
- i. All City vehicles are designated as "nonsmoking." The cost of necessary repairs to, or refurbishment of, any vehicle in which smoking has occurred will be borne by the department to which the vehicle is assigned. This will ensure that the vehicle is suitable for reassignment, reallocation or sale when the vehicle reaches the applicable replacement criteria.

10. USE OF PERSONAL VEHICLES FOR CITY BUSINESS.

It is intended that where a vehicle is necessary for the conduct of City business, except where otherwise provided in this Policy, such vehicle will be a City-owned vehicle. With the authorization of the Department Director/Chief, employees may choose to use a personal vehicle to conduct City business. The City may determine it is more cost effective to provide a City owned vehicle for higher mileage applications.

- a. Employees receiving a vehicle allowance:
 - i. Any employee receiving a monthly vehicle allowance as part of a compensation package for the employee's position should use a private vehicle for City business.
 - ii. Those who receive car allowances should use their vehicle, without reimbursement from the City, to attend meetings, or otherwise conduct City business or other functions in their capacity as a City employee anywhere along the Wasatch Front. The term Wasatch Front shall mean from Ogden on the North to Provo on the South and from Tooele on the West to Park City on the East. Employees shall use reasonable discretion as to the exact boundary. For travel beyond the Wasatch Front, mileage or an appropriate airfare may be requested, pursuant to City policy.
- b. Mileage Reimbursement for City Use of a Personal Vehicle:
 - i. Any long-term or continuous use of a personal vehicle for City business shall be subject to prior written approval by the Department Director/Chiefs and the Mayor.
 - ii. Official City business mileage shall be compensated at the mileage rate established by the IRS for tax deduction purposes. It shall be the responsibility of the employee accruing the mileage to submit the required documentation for processing.

- c. Insurance Minimums
 - i. Each employee who receives an automobile allowance or mileage reimbursement on a long-term or continuous basis must furnish to the City Attorney a photocopy of their insurance coverage summary page as proof of insurance. Each year, the employee shall be required to provide a copy of the insurance renewal notice to the City Attorney's office at each time of renewal. As a minimum, coverage should be provided on the policy as follows: Personal Bodily Injury \$100,000 per person; Property Damage: \$50,000 per occurrence; Aggregate Liability: \$300,000 per occurrence.
- d. Private Insurance as Primary Coverage
 - i. Should an employee elect to use a personal vehicle for official City business as approved above that employee will be responsible for any property damage to the personal vehicle, whether or not the damage results from the negligence of the employee.
 - ii. Should any third party liability arise as a result of the use of the personal vehicle, whether or not through the negligence of the employee, and whether or not the liability involves personal injury or property damage, as it relates to the City, the personal insurance coverage of the employee shall be the primary insurance to which all parties shall look for compensation. The liability coverage of the City shall be considered only after the insurance coverage of the employee or any third parties has been exhausted. Car allowance and mileage reimbursements are the employee's compensation for all costs including gas, maintenance, wear and tear, insurance and capital investment.
- e. If an employee is involved in an accident while using their personal vehicle for City business, the accident must still be reported to the City Attorney.

11. ACCIDENTS INVOLVING CITY VEHICLES.

- a. An Employee involved in an accident while driving a City vehicle must complete the following:
 - i. Call police dispatch immediately at 801-840-4000 and Employee and report the accident to the South Salt Lake Police Department's "duty supervisor."
 - ii. Complete the City of South Salt Lake Accident Report form and send copies to the Attorney's Office and the Fleet Management Division.
 - iii. Notify the employee's Department Director/Chief or supervisor no later than one hour after being released from the scene of the accident.
 - iv. Submit to a drug and alcohol test immediately after the accident, as directed by the Department Director/Chief, supervisor or Human Resources. Employees are not permitted to consume alcohol or non-prescribed drugs between the time of the accident and the test.
 - v. Damaged City vehicles shall be delivered or towed to the Fleet Maintenance Facility in accordance with the City's Fleet Management Policy.

12. VEHICLE AND EQUIPMENT MAINTENANCE.

The policies set forth in the Fleet Management Policy shall be followed for all preventative, routine and non-routine maintenance.

13. FUEL.

- a. Purchase of fuel for City owned vehicles: South Salt Lake City utilizes the Utah State Fueling System (GasCard).
- b. Obtaining Fuel for Equipment.
 - i. The primary source for obtaining fuel for City vehicles and equipment are the State fueling system sites. If fuel is purchased at a facility not on the State Fueling System, employees should seek reimbursement for emergency fuel expenses through their Department Director/Chiefs and send copies of receipts to Fleet Management.
- c. Fuel Cards and PIN's
 - i. Fuel cards and PIN numbers shall be issued by the Fleet Manager as outlined in the Fleet Management Policy. Lost, stolen or damaged cards must be reported immediately to the Fleet Manager. The assigned fuel card must remain in the vehicle and not utilized on any other vehicle.
 - ii. PIN's are non-transferrable, and are for the sole use of the City vehicle to which the recipient was assigned. Department Directors/Chiefs are responsible for requesting PIN's for new employees.
 - iii. PIN's must be kept secure. In no case may a PIN be regularly kept with the fuel card or in the vehicle.

SECTION XVIII: USE OF COMPUTER, INTERNET, AND MOBILE DEVICES

In order to efficiently accomplish City business, computer and internet access is provided to employees using a variety of methods. Employees who are provided access to these technologies must utilize them in a manner which advances the City's objectives. This policy is designed to ensure that: (1) IT resources and systems owned by the City are used efficiently and appropriately; (2) users of City equipment and resources are aware of the acceptable use of IT resources; (3) all users are aware that the City will monitor the use of IT resources and enforce compliance with this policy.

Compliance with this policy will mitigate security risks or exposure, protect private and protected data, preserve management options in the event of information misuse, loss or unauthorized disclosure, and increase awareness of information security. City departments may adopt more restrictive practices than those outlined in this policy in consultation with the IT department.

This policy applies to all City employees, officials, contractors, consultants, volunteers or others with a business association with the City insofar as they use IT resources or systems owned or leased by the City. Failure to comply with this policy may result in suspension of Internet access, preventing access to City equipment or information, or disciplinary action, including termination.

1. DEFINITIONS.

- a. "City IT Department" means the individuals employed by the City to monitor the network and ensure the security of data kept by the City.
- b. "City IT resources" means any hardware or software used by the City to conduct business, and includes cloud services, cell phones, and other mobile devices.
- c. "City Network" means any network operated by the City to link computers to centralized servers for storage and access of data, including VLANs.

- d. "City cloud services" means any resource to which the city has access for off-site storage or retrieval of data, including GoogleDrive, UCJIS, ImageTrend, or similar services.
- e. "Mobile device" means any mobile hardware capable of storing data and which is purchased by the City or used to conduct City business, including smartphones, iPad and other tablet computers, flash drives, laptops, cameras, and iPods or other audio/video playback devices.

2. ACCEPTABLE USE.

City IT resources and systems are provided for City purposes only, unless otherwise stated in this policy. The City will monitor use to ensure that its employees or other users do not use IT resources or other systems for impermissible personal uses or for any other uses that violate this policy.

- a. **Use of City IT Resources Generally.** Resources are provided to advance City business. No City IT resource, system or information contained therein may become the private property of any system user. The City owns all legal rights to control, transfer, or use all or any part or product of its IT resources and systems. Employee emails, Internet messages, faxes and voice mails are subject to City monitoring, control, transfer or use despite any designation as confidential by the sender or recipient. Passwords are the property of the City and should not be shared except as appropriate. Users shall comply with public records retention laws and rules.
- b. **Access and Control.** The City IT department is responsible for granting users' access to IT resources and systems and for revoking user access in a timely manner. Department Directors/Chiefs or a designee request a new user's access, and are responsible for notifying IT when access is no longer needed or other changes are needed for users in that department. The City IT department may withdraw permission for any or all use of IT resources and systems at any time.
- c. **Lawful and Ethical Use of Resources.** Users of IT resources are expected to conform with the standards of conduct outlined in Section V of this Personnel Manual. Resources and systems may not be used to violate laws, facilitate fraud, used to view, store, transmit or retrieve any information, communication or material which is harassing, threatening, obscene, pornographic, sexually explicit, defamatory, discriminatory, is intended for personal profit, condones or fosters hate or violence, or facilitates Internet gambling. Use of IT resources shall be in compliance with copyrights, licenses, contracts and intellectual property rights. This section does not prohibit the approved use of devices to access this material for pre-approved law enforcement purposes.
- d. **Categories of Unacceptable Websites.** Unless expressly given permission for a legitimate business use by a supervisor, and with notification to the City IT department, users may not access the following categories: social media, webmail, blogging, pornography, nudism, nude art, gambling, gore, hacking, music, personals/dating, VoIP, P2P, or file sharing services. City filters block access to these sites and report attempts to access them to the City IT department.
- e. **Confidentiality and Protection of IT Resources.** Users shall not attempt to: (1) access third party systems without prior authorization by the system owners; (2) attempt to defeat or breach computer or network security measures; or (3) intercept, access, monitor or peruse electronic files, information or communications without specific City business to do so. Confidential information which is transmitted externally shall be appropriately protected.
- f. **Data Integrity.** Users shall not knowingly destroy, misrepresent or otherwise change data or records stored on City IT resources with the intent to conceal violations of laws, ordinances or policies.
- g. **Efficiency.** Users shall not unduly contribute to network or system congestion. Use which unduly impairs the availability, reliability or performance of City business is prohibited. One common culprit of network congestion is accessing streaming content. Users shall be blocked from accessing content if the use has impaired City business.

h. Accounts and Passwords. All users must be properly authorized to use City IT resources. See Section 10. Users shall generate passwords for access to such resources by using City password policies. Users should not obtain or use another user's login name or password.

i. Monitoring and Control. The City monitors its IT resources to ensure they are being used appropriately and are functioning properly. The City may monitor individual users without advance notice, for any reason. City departments are responsible to assist the IT department in monitoring usage. If a supervisor or department Directors/Chiefs suspects unacceptable activity, they shall contact human resources and IT. The IT department shall notify the Department Directors/Chiefs upon the discovery or suspicion of unacceptable use.

j. Purging Data. In accordance with state retention schedules, found online at <http://archives.utah.gov>, employees should routinely purge the system of old or irrelevant data, in order to conserve server space for current and future use.

k. Violations. Users who violate City policies shall be subject to disciplinary action. Additionally, users are subject to temporary or permanent loss of network connectivity, loss of Internet access and restriction from using City IT resources.

3. SPECIFIC LIMITATIONS.

All use of IT resources creates risk. The City can only accept this risk as it promotes the business of the City. Department Directors/Chiefs may allow employees limited, incidental personal use as long as there is no significant risk or cost to the City, and such use does not violate City policy or impede the conduct of City business. Department Directors/Chiefs, in consultation with the IT department, shall determine whether the personal use exceeds this policy.

a. Internet Services. City IT resources shall not be directly connected to the Internet unless that connection is approved or provided by the City IT department.

b. Network Services. Personal third-party or City IT resources shall not be connected to the City network unless that connection is approved and provided by City IT services.

c. Guest Internet Services. Guest networks are provided at several City locations. These connections are considered as-is with no warranty of safety. Employees may use guest internet services with their personal devices, so long as the use of these devices does not interfere with their duties.

d. Electronic Communication Services. Electronic communication services, including email, voicemail or any other electronic communications, which attempt to hide the identity of the user or represent the user to be someone else is prohibited. Users have no right to access their electronic communications after the user's access to City IT resources has ended.

e. Personal Software. Software which is personally owned and is for personal use shall not be downloaded to, transferred to or installed on any City IT resource without written permission from the department Director/Chief and IT manager.

f. Personal Hardware. Any hardware or resources which are not provided by the City shall not be connected or attached to any City IT resource without prior written authorization by the IT department. This includes thumb-drives, iPods, iPads, tablets, PalmPilots, USB drives, and notebooks.

g. Personal Media. In accordance with other policies contained in this manual, department Directors/Chiefs may allow users to play - but not download, transfer or install - personal electronic audio or video media using City resources, provided that it does not interfere with their or others' work. The media may not access the City network. All personally owned audio and video media used on City IT resources must be factory original media and not copied media.

- h. Personal Content.
 - i. Users may use City computers for manufacturing personal data, with a supervisor's prior approval and on the employee's own time. However, no such data may be stored on the network drives (such as the F: drive). All personal content stored on City computers is kept there at the user's own risk, and the user has no expectation of privacy in content stored on city equipment. At any time, the City may monitor, intercept, search or seize data transmitting through or stored on city equipment. To the extent that employees wish their private activities to remain private, they should avoid using City equipment for such activities. Use of city equipment for personal purposes constitutes consent to monitoring.
 - ii. When an employee leaves City employment, the employee is not entitled to receive a copy of any personal content contained on City-owned devices. Some equipment, such as mobile devices, are routinely re-formatted within a short time after an employee leaves employment, and the City does not retain back-ups of those devices for any personal information which is kept thereon.
- i. Copyright Law. Any action that would result in a copyright violation is prohibited. This includes copying software or applications, music, videos, documents or any other copyrighted materials.
- j. Remote Access Systems. Use of remote access systems or City cloud services that provide access to City IT resources for personal use is prohibited. The City IT department approval is required prior to using any remote access systems for City business. Unauthorized remote access may result in termination.
- k. City Data. All content created, received or kept for city business may only be kept on approved servers or storage devices. No City Data is to be transferred to personal storage devices, such as flashdrives or portable hard drives, or uploaded to unapproved servers. The City keeps sensitive data which may be subject to protection under federal or state law, and must remain secure and accessible by authorized personnel at all times.
- l. Streaming Media for Personal Use. The City's Internet connection is a valuable, limited resource which is reserved for City business. Use of streaming media for non-City business is strictly prohibited. Government or work-related streaming content may be approved by the IT Department, upon request by a department Director/Chief or designee. Some use of streaming for training purposes, such as Youtube training, is acceptable and may be used without prior IT approval.
- m. Encryption. Personal hardware or software may not be used to encrypt information on any City IT resource.
- n. Solicitation. City IT resources shall not be used for personal solicitation, including soliciting for or against commercial ventures, productions, religious or political causes, or outside organizations. Exceptions may be approved for causes or purposes officially supported by the City and which shall be determined on a case-by-case basis by the Department Director/Chief or Mayor. City e-mail may not be used for personal solicitations.
- o. Instant Messaging, Internet Relay Chat, or Similar Services. Users may not access chat services using City IT resources, except on mobile devices, and subject to supervisor approval.
- p. Proxy Avoidance and Anonymizer Services. All use of proxy avoidance or anonymizing services is prohibited.
- q. Internet Communications Services. Unauthorized use of Internet phone systems is prohibited. Any use of Internet communication services for City business, such as Vonage, must be approved and authorized by the City IT department.
- r. Peer-to-Peer File Sharing. All use of peer-to-peer file sharing networks on City IT resources is strictly prohibited. Exceptions for City business must be approved in advance by the City IT department.

s. Exceptions. In limited situations, employees may be required to access restricted or otherwise unacceptable information for legitimate City business. In such cases, the user must receive prior approval of the exception by both the Department Director/Chief and IT department. Employees responsible for monitoring IT resources are permitted to investigate and monitor usage as part of their assigned duties and responsibilities.

Department Directors/Chiefs may allow personally owned items identified in subsections (e), (f) and (g) to be downloaded, transferred, installed or connected to the City IT resources if, prior to such action, the IT department determines that such an action does not pose an undue risk to the City IT resources, and approves the exception in writing.

4. NETWORK USE.

All computing or network services, equipment and software shall be acquired and coordinated through the City IT department. Software shall be purchased and installed only by the IT department. The IT department shall provide security systems and policies as part of the computing and networking environment to protect the City IT resources against unauthorized access or attack.

5. VIRUS PREVENTION.

City IT resources shall be protected by effective and regularly updated anti-virus and anti-malware detection software, to ensure that IT resources are free from viruses and malicious code. Compliance with this code will minimize exposure of City IT resources to viruses, worms, trojan horses and other malware programs, which can damage equipment, disrupt operations and disclose confidential information.

a. Malware Prevention Software. All devices will use the City standard malware prevention software as determined by the City IT department. The software must remain configured to start automatically when the device powers up, and must be regularly updated.

b. Updates. Software on city equipment must be updated regularly. Updates to software, such as Microsoft Windows and Office, iOS, Adobe, Java and other programs often include additional protection against intrusive malware. The use of automatic updates is recommended.

c. User Interference. Users shall not do anything to disable or hinder the operation of any malware prevention software.

d. Executable Software. In order to prevent propagation of viruses and malware, no executable software, regardless of source, shall be knowingly loaded on a device connected to any City network without prior approval from the City IT department.

e. Non-City Computers. Computers which do not belong to the City shall not have access to the City network. Such devices may be used in accordance with policy by using a guest network at City facilities.

f. Files from Outside Sources. Files received from computers outside the network (whether transferred via flashdrive, email or download, are a source of potential infection. Many programs operate without the user's knowledge in the hope that it will be transferred to other users' devices. Only files from legitimate sources should be opened on computers operating on the City Network. The use of an isolated or secured network for such files can be arranged by contacting the IT Department.

g. Search Providers. Search engines must be used cautiously. Providers of search services ordinarily do not filter results or ensure that sites will not infect the system. Search engines should only be used for city business, and the user must ensure that the web address to which the provider is directed appears legitimate.

h. News Sites. Websites which provide news service are frequent targets for virus infection. Such sites should only be accessed for city business.

6. MOBILE DEVICES.

In order to facilitate City business, the City provides mobile devices to City employees and other users of City IT resources. This includes smartphones, tablet computers, flash drives, notebook computers, cameras and other devices which have the ability to store data. Users of such devices must take measures to ensure the security of both the device and any information on the device. The City may employ device controls and security to enforce City policy.

a. Security Measures. Users of mobile devices shall employ security measures which limit unauthorized users from accessing information on the mobile device, such as encryption, passwords, screen saver passwords and keypad locks. Users of mobile devices shall limit the visibility and access to mobile devices by keeping those devices in a locked compartment, office or trunk.

b. City Data. Data maintained on mobile devices shall be either a copy of data which exists on the City network, or backed up to City network on a regular basis.

c. Confidential Data. Data, images or records which are subject to protection due to their private or sensitive nature should not be kept on mobile devices. If they are initially retrieved on the device, they should be promptly removed.

d. Accounts on Mobile Devices. Only City email accounts may be used to activate City-owned mobile devices. No privately held accounts may be linked to the devices.

e. Accessing City E-mail Accounts. If an employee wishes to access a city-owned e-mail account using a mobile device, a direct connection to the e-mail servers may only be established using a City-owned mobile device. City-owned devices have remote control and wiping capabilities which the City does not have on privately-owned devices. Privately owned devices may access City email through an internet browser.

f. Applications.

i. Purchases and downloads of applications on mobile devices such as iPads and smartphones should be done with extreme caution. Unlike licenses for software on City-owned computers, licenses to use the application will be linked to the User's account, and are therefore non-transferrable. City funds should only be spent on applications which are essential to the User's job responsibilities. Any application of questionable value or source should be authorized by the IT department. Users shall not install any application which may compromise the integrity of the mobile device or any data stored on or through the device.

ii. Mobile devices are categorized as either: (1) executive devices or (2) production devices. Production devices have access to the City's network via VPN (Virtual Personal Network), and therefore constitute a more serious threat if they are compromised or have malicious applications installed on them.

iii. The IT Department may maintain a list of pre-approved applications for reference, and may employ device management technology to enforce city policy. The IT Department may also maintain a list of applications with known problems, and restrict all users from installing those applications on City devices. Users of production devices may only install applications which are maintained on the list of pre-approved applications. Users of executive devices have greater discretion on applications being installed, due to their isolation from the City's network. However, all users will be required to remove applications which compromise city resources, upon request by the IT Department.

7. CITY CLOUD SERVICES.

Multiple vendors offer off-site, third-party storage of data and electronic communications, most recently referred to as “cloud” storage and which may be accessed at multiple locations by mobile devices or computers. The City uses some of these services, such as Google Drive and iCloud. Users must comply with this policy when using Cloud storage for City data.

- a. On-site Storage Preferred. Cloud storage is useful for many purposes, such as collaborative projects or remotely accessing data. However, the City has no control over the use or archival of this data. As such, the preferred method to store City data is to use local servers (currently the F: drive).
- b. Generating Data. Users should ensure that any data which is initially created and stored on an off-site server is duplicated on local City networks. The City regularly backs up its network, ensuring that the data will be retained.
- c. Confidential Data. Data or other records of a private or protected nature shall not be stored on the cloud. Such documents must be retained in official City repositories, unless otherwise provided for in this Policy.
- d. Personal Use. Due to licensing agreements, the use of City-obtained Cloud storage for personal reasons is strictly prohibited. Cloud storage which has been acquired by the City may only be used for official City business.
- e. Approval required. No access to additional cloud services may be initiated without prior approval by the IT Department. The Department may maintain a list of approved City cloud services, with appropriate restrictions.

8. SECURITY BREACHES.

Prompt reporting of security breaches will aid the IT department in mitigating the amount of data or information compromised by the breach. Any suspicion that the security of the network or the confidentiality of sensitive data has been compromised must be immediately reported to the IT department. Users should not attempt to remedy the potential security breach, unless advised to do so by the IT department.

Examples of security breaches include the following:

- a. Theft or loss of City equipment;
- b. Theft or loss of confidential data;
- c. Unauthorized alteration of City data;
- d. Successful or unsuccessful attempts to gain unauthorized access to City IT resources or data;
- e. Violations of IT security policies;
- f. Unauthorized attempts to obtain usernames or passwords;
- g. Receipt of suspicious or malicious e-mails;
- h. Performance issues with a City IT resource that gives reason for concern;
- i. Unsolicited or suspicious pop-ups, software downloads or installations;
- j. Unauthorized disposal of City IT resources containing City data; and
- k. Any other activities which give reason to be concerned for IT security.

9. SOFTWARE LICENSING.

All software installed on City IT resources must be appropriately licensed and approved by the IT department prior to installation. Users may not install or download software where the license agreement prohibits business or government use of that software.

Users may not install any software - whether free or purchased - on City IT resources connected to the City network without written approval from the IT department. Software which has had its installation files added to the City Network by IT may be installed without prior approval. Users may not install any software on City-owned mobile devices which could compromise security or put that resource at risk. (See Section 5(d) for further discussion on purchasing applications for mobile devices). The IT department shall maintain an inventory of licenses, proof of purchase, license agreements, and installations.

10. PASSWORDS.

Passwords shall be sufficiently complex to prevent automated systems from accessing City IT resources. Passwords should not contain the user's account name, or parts of the user's full name that exceeds two consecutive characters.

a. Parameters. Passwords shall fall within the following parameters:

i. At least ten characters in length;

ii. Characters from three of the following four categories:

1. English uppercase characters (A through Z)

2. English lowercase characters (a through z)

3. Base 10 digits (0 through 9)

4. Non-alphabetic characters (such as \$%:*&!)?,[:'\~!) (recommended for use, unless program does not recognize these characters)

b. Sharing Passwords. Passwords should not be shared with any other person, with the exception of IT staff as they assist in troubleshooting. If a password is given to any other person for any reason (such as an emergency), then the User should change the password as soon as practical.

c. Copies of Passwords. If passwords must be written down on a piece of paper, store the paper in a secure place and destroy it when it is no longer needed. Users should not allow password saving on internet browsers, as this is a potential security threat.

d. Changing Passwords. Passwords should be changed at any time that a user suspects a security breach. Different passwords should be used for each user account established on the Internet.

e. Secure Websites. Prior to entering a password, users should ensure that the website is secure. Secure websites will display "https://" prior to the domain name, while unsecured sites will display only "http://", with the "s" signifying that the site is secure.

11. COMPUTER LABS FOR USE BY VOLUNTEERS OR YOUTH PROGRAM PARTICIPANTS.

Various city programs permit the use of City-provided equipment or network access for the use of program participants and volunteers. Such equipment or access may only be provided if the following requirements are met:

- a. The network to which the program has access shall be maintained on a separate network from the City's Business Network;
- b. The equipment used for the program shall be restricted from being used on the City's internal, secured network, unless it is first given to the IT Department to ensure it is safe to be connected to the City network;
- c. The equipment must have an internet filter and anti-malware capabilities installed and regularly updated;
- d. The program participants must be appropriately monitored and supervised by responsible adults to prevent access to harmful materials, contact with harmful people, and the exposure of the equipment to other risks on the Internet.
- e. Minors must present a signed consent and waiver form which permits the minor to use the City network and equipment, waiving any claims against the City for the minor's use of those resources and acknowledging the dangers of using online resources.
- f. Volunteers are expected to comply with this computer use policy and the City's social media policy. *See* section V.9 of this Manual.