

RIVERDALE CITY CORPORATION

PERSONNEL POLICIES HANDBOOK

Adopted December 16, 2003

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No verbal or written agreements, understandings, representations or statements made by a supervisor, official or anyone, can change the policies outlined in this Handbook, or bind the City to any course of action.

Understand that the policies and statements contained in this Handbook and in other statements that may be issued from time to time do not create a binding contract or agreement between the City and its employees.

**RIVERDALE CITY CORPORATION
PERSONNEL POLICIES HANDBOOK
(AS REVISED December 17, 2013)**

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Chapter 1 ADMINISTRATION

1-1 Implementation of Personnel Policies

Each employee shall be given a copy of this Manual and will be required to be familiar with and follow the policies set forth herein.

This Manual supersedes any and all prior written personnel policies or manuals issued by the City. This Manual is subject to change at any time, solely at the discretion of the City, with or without notice to the employee.

No verbal or written agreements, understandings, representations or statements made by a supervisor, or anyone, can change the policies outlined in this Manual, or bind the City to any course of action.

The policies and statements contained in this Manual and in other statements that may be issued from time to time do not create a contract or agreement of any kind between the City and its employees.

1-2 Management/Employee Cooperation

Our goal is to bring effective and efficient municipal services to the citizens of the City. This can only be achieved by management and employee cooperation. A productive and successful employee works with management and other employees to accomplish the City's goals.

Chapter 2 EMPLOYEE CLASSIFICATIONS

2-1 Full-time Employees

Full-time employees are those who are regularly scheduled to work 40 hours or more per week for the City on a continuing basis, and who have successfully completed their probationary period as of 3-20-07.

2-2 Part-time Employees

Part-time employees are those who were hired to work less than 40 hours per week on a continuing basis, and who have successfully completed their probationary period.

2-3 Temporary or Seasonal Employees

Temporary or seasonal employees are hired to work for a limited and specifically defined period of time for the City, not to exceed nine (9) months in a budget year. Temporary or seasonal employees are always in a probationary status and may be terminated at will, with or without cause or prior notice, for any reason or no reason at all.

2-4 Exempt Employees

The following employees are specifically designated as Exempt:

- a. City Administrator
- b. Department Heads
- c. Judge
- d. Fire Chief
- e. Police Lieutenant/Assistant Police Chief
- f. Community Development Director/RDA Deputy Executive Director

Exempt employees are classified as such if their job duties are exempt from the overtime provisions of the Federal and State Wage and Hour Laws. Exempt employees, by definition are not eligible for overtime pay or compensatory time off work unless specifically approved by the City Administrator.

*(For purpose of the PPACA (Patient Protection Affordable Care Act) any employee who averages 30 hours per week over a one year measurement period may be considered full-time for Health Insurance purpose.)

Chapter 3 HIRING PRACTICES

3-1 Position Authorizations and Job Descriptions

Because of the significant financial sustainability impact of being a service delivery organization and the costs associated with hiring, training, and using employees to perform municipal services, every employment position in the City of Riverdale is authorized and approved by the City Council as they adopt a job description and as they appropriate budget funding for such positions.

Administration shall report upon actual vs. authorized positions monthly to the City Council as measured in Full Time Equivalent (FTE) staffing. Administration shall also report the budget vs. actual results for the costs associated with these positions to the City Council monthly.

Each position has a job description which sets forth the essential job functions, the knowledge, skills, and abilities (minimum bona fide occupational qualifications) necessary to perform the job, any supervisory responsibilities, the reporting relationship of the position to management, along with any other pertinent job information. Administration shall maintain and amend these job descriptions as appropriate to reflect changing circumstances in work assignments, duties, and position performance expectations. Any such amendment that is expected to result in an increase to the compensation pay range must be referred to the City Council for approval.

3-2 General Practice

The City is an equal opportunity employer. It is the policy of the City from recruitment through employment and promotion, to provide equal opportunity at all times without regard to race, color, religion, sex, national origin, age, disability, or pregnancy, in compliance with the requirements of state and federal law.

It is the policy of the City to fill all job openings with the most qualified individual available. Where possible, it shall be the policy of the City to promote from within provided that all promotions shall be made based upon the candidates' qualifications.

3-3 Anti-Nepotism

A. DEFINITIONS, for purposes of this Section:

1. Nepotism - Undue attachment to relations; favoritism shown to members of one's family; bestowal of patronage in consideration of relationship, rather than of merit or of legal claim. [1913 Webster]
2. Relative - Father, mother, grandfather, grandmother, husband, wife, son, daughter, grandson, granddaughter, sister, brother, uncle, aunt, nephew, niece, or first cousin, whether by blood or by marriage. "Relative" includes husband or wife by common-law marriage, as defined by Utah law or cohabitating partner.
3. Supervision and supervise - Means and implies an employment relationship in which:
 - a. An employee's relative is in the employee's supervisory "chain of command" or in the direct line of supervision; or,
 - b. The elected Mayor or member of the City Council is a relative of an employee or applicant for employment.
4. Cohabitating Partner – Means living together as a couple without being married.

B. NEPOTISM IN HIRING, SUPERVISION, AND ORGANIZATIONAL MANAGEMENT:

1. The City, prohibits any person holding any position, to appoint, vote for the appointment of, to hire, directly supervise, be in the line of supervision of, or be directly supervised by their relative.
2. No relative of a Riverdale City elected official shall be hired , either full-time or part-time, by Riverdale City during the elected official's term of office.
3. Relatives shall not be hired into nor employed by the same Department.
4. Elected officials, Appointed officials, Department Heads, and Supervisors are expressly forbidden to request, suggest, or discuss the hiring of a relative with anyone holding hiring authority. Anyone making such attempts will be subject to prosecution under (Riverdale City Code 1-7-0).

C. EXCEPTIONS TO THIS POLICY:

1. The relative will serve as an uncompensated volunteer;
2. The person is employed by Riverdale City before the relative is elected as Mayor or a member of the City Council.
3. The City Administrator may approve the hiring of relatives of elected or other employees of the city for temporary or seasonal positions (not to exceed 6 months).
4. This policy shall not affect the employment status of relatives employed by the city prior to the effective date of its adoption.

3-4 Veterans Preference

In accordance with Title 71, Chapter 10, Utah Code Annotated and its successor statutes, eligible veterans and their spouses shall be given preference in interviewing and hiring for a position.

3-5 Background Checks

Riverdale City believes that hiring qualified individuals to fill positions contributes to the overall strategic success of the City. Background checks serve as an important part of the selection process. This type of information is collected as a means of promoting a safe work environment for current and future employees.

Background checks will be made in compliance with federal and state laws, and the information thereby obtained will be used and maintained in compliance with federal and state laws.

3-6 Motor Vehicle Driving Records

As a means of promoting a safe work environment for current and future employees and citizens, driver's license checks will be performed on all applicants after a conditional offer of employment has been made and annually thereafter for all employees where driving a motor vehicle may be necessary to conduct City business. Employees whose driving records are found to be less than acceptable will be referred to the Risk Management Committee for review.

Any employee without a valid driver's license will not be allowed to operate a City vehicle or drive on Riverdale City business.

If driving is a necessary job function, and the employee cannot be reasonably accommodated, the employee may be terminated. Employees are expected to drive in a safe and responsible manner both on and off the job to maintain a good driving record.

Criteria that may indicate an unacceptable record includes, but is not limited to:

- Three or more moving violations in past 24 months.
- Two or more at fault accidents in past 36 months. Contributing factors, such as weather or mechanical problems, may be taken into consideration.
- One or more DUIs/DWIs in past 36 months.
- Leaving the scene of an accident in past 36 months.
- Reckless driving in past 24 months.
- Any combination of accidents and/or moving violations.

3-7 Applicant Privacy Policy

Riverdale City respects the privacy of candidates, applicants, and employees, and is committed to complying with applicable privacy laws. This Applicant Privacy Policy is intended to inform applicants for employment about how the personal information they submit as a job applicant throughout the City's hiring process will be handled and protected by the City.

Why We Collect and Use Your Personal Information

The City's hiring process consists of multiple steps designed to evaluate your skills and qualifications for a particular position. When you choose to participate in the City's hiring process you will be asked to provide the City with personally identifiable information about yourself. The personally identifiable information that you provide will be used to match your skills and interest to the City's job requirements. Your personally identifiable information will also be used to contact and identify you throughout the hiring process and relevant portions of your personal information, if you are hired, will be used to establish a basic employment record.

Disclosures of Your Personal Information

Access to your information will be restricted to City staff and designated agents who have a need to know the specific information in question in order to carry out their responsibilities with regard to recruitment or employment. Your information may also be disclosed to governmental entities in compliance with applicable law, such as to those agencies authorized to review and enforce equal opportunity laws. We do not disclose applicant information to external parties.

How We Collect Personal Information about You

Most of the personal information the City collects about you is collected directly from your application for employment or resume. We may also collect information about you from other third parties, in order to: (a) verify information about your credentials, such as education and prior employment; (b) follow-up on references that you may provide; and (c) conduct background investigations. It is the City's policy to collect such information from third parties only with your knowledge and agreement. Should the City wish to obtain such third party information about you, and you have not completed a Background Investigation Consent Form authorizing us to do so, we will contact you and request your authorization to proceed.

Retention and Deletion of Your Personal Information

The City retains your personal information in compliance with the Utah State Archives' Municipal Retention Schedule, as well as to comply with applicable laws relating to the evaluation of those seeking employment.

Safeguards

The City uses reasonable administrative, technical, personnel, and physical measures to safeguard your personal information against loss, theft, and unauthorized use or modification.

Chapter 4 EMPLOYMENT STATUS

4-1 Appointed Positions

Appointed employees are part of the pay and benefit system applicable to all employees and shall be subject to policies contained in this manual, with the following exceptions:

Appointed employees are at-will employees, and are appointed and may be suspended or terminated by the appointing authority with or without cause or prior notice. As at-will employees, appointed employees shall have no right to appeal the suspension or termination of their employment, but may, upon their own request, have a name clearing hearing before the governing body.

4-2 Probationary Employees

All new full-time employees who are hired with intention of becoming regular full-time employees, are required to serve at least six (6) months in probationary status.

During this probationary period, except probation due to promotion, the employee may be terminated at will, with or without cause or prior notice, for any reason or no reason at all.

An unpaid leave of absence shall not be considered part of any probationary period.

Promotion Any promotion to a position with significant differences in job responsibility shall be subject to a probationary period of three (3) months. During the probationary period the employee's abilities and performance will be evaluated by the supervisor. If, in the sole discretion of the City, the City determines that the employee's performance is unsatisfactory, the City shall notify the employee in writing of his/her failure to complete the probationary period and the employee will be reinstated, if available, to their previous position, or if available to another position for which they are qualified. However, if the cause for rejection during the promotional probationary period was sufficient grounds for dismissal from both positions, the employee may be dismissed in accordance with the City's formal disciplinary procedures.

Reinstatement The probationary period for a former employee being reinstated shall be for a period of:

three (3) months if being reinstated in the same department and to the same position previously held; or
six (6) months if the reinstatement is to a different department or to a different position within the same department to which the employee was previously assigned.

Chapter 5 SEPARATIONS

5-1 Resigned Employee

Full-time employees who resign and desire to leave the City in good standing should give a minimum of two (2) weeks notice, otherwise they may not be considered for re-employment at a future date.

The City reserves the right to place a resigning full-time employee on a paid leave of absence for any portion or all of the notice period.

5-2 Abandonment of Position

One unauthorized absence may constitute cause for separation. An employee who fails to call their supervisor to report their absence for one (1) working day, and to request that the absence be recorded as authorized, may be deemed to have voluntarily abandoned his/her position and may have his/her employment with the City terminated.

5-3 Reduction in Force

When it becomes necessary to reduce the work force, regular full-time employee(s) with the positions to be eliminated shall, when possible, be notified in writing of the reduction in force at least two (2) weeks before the planned reduction in force.

5-4 Termination

Termination of employment may occur as a result of the employee's failure in some instances, to satisfactorily complete a probationary period, as a result of disciplinary action, or at will. Terminated employees shall be notified in writing by the Department Director. At-will employees and those in a probationary status (except promotional probation) have no appeal rights.

5-5 Exit Interviews

The supervisor of a departing employee shall contact the Human Resources Manager to schedule an exit interview and completion of an exit interview questionnaire with the employee. An exit interview helps the City to obtain information that may be useful in improving employee relations as well as to provide additional information to the terminating employee regarding 401(k), COBRA, etc.

5-6 Employment References

This policy establishes the procedures to be followed by Riverdale City in giving employment references in order to protect the City from potential liability arising from providing information about present or former City employees.

- a) Employment references, including reference letters, will only be given by the Human Resources department. No other City employee should give any employment

references or provide information regarding current or former City employees unless they are requested to do so by the Human Resources department.

- b) The only information that will be provided regarding present or former City employees is the following:

- Dates of employment
- Positions held
- Job duties as set forth in the job description
- The employee's salary range

- c) If an employee wishes to have further information regarding their employment provided by the City, they must present a written request for release of further information to the Human Resources department, and sign a release of all claims against the City and indemnify the City from all claims arising from the disclosure of such information. The City reserves the right to refuse release of any information including, but not limited to, work product, personal information, etc.

Chapter 6 EMPLOYEE CONDUCT

6-1 Ethics

City employees shall comply with the Utah Public Employees Ethics Act, Title 67, Chapter 16, Utah Code Annotated, and its successor statutes, to avoid actual or potential conflicts of interest between their public duties and their private interests.

6-2 Use of City Electronic Mail, Voicemail and Computer Systems

Employees shall not use e-mail, voice mail or computer systems for any inappropriate use, including but not limited to the following:

To further personal business interests;

Offensive, harassing, vulgar, obscene, or threatening communications, including disparagement of others;

Verbal abuse, slander or defamation;

Creating, distributing, viewing or soliciting sexually oriented messages, materials or images;

Electronic dissemination or printing of copyrighted materials, including articles and software in violation of copyright laws.

Knowingly or recklessly spreading computer viruses, including acting in a way that effectively opens file types known to spread computer viruses particularly from unknown sources or from sources from which the file would not be reasonably expected to be connected with.

An employee may engage in incidental and occasional personal use of information technology resources provided that such use does not:

Disrupt or distract the conduct of City business due to volume, timing, or frequency (ie streaming video and audio that is not business related).

Involve solicitation

Involve actions, which are intended to harm or otherwise disadvantage the City

Involve illegal and or activities prohibited by this policy.

E-mail and voice mail communication and the contents of City owned computers are the sole property of the City and may be subject to monitoring at any time without notice. When using the e-mail or voice mail systems, and other equipment including City computers, **the employee knowingly and voluntarily consents to being monitored and acknowledges the employer's right to conduct such monitoring.** The security of e-mail and voice mail communications is not

guaranteed. Abuse of e-mail, voice mail and computer systems could subject the employee to disciplinary action, up to and including termination.

6 – 3 Use of City Vehicles

The use and care of City vehicles is especially important. These vehicles represent a tremendous investment of the taxpayers' dollars and they shall be respected as such. The eyes of the public are constantly on the employees of the City. Operation of City vehicles shall be in accordance with applicable laws and regulations.

Only authorized City employees are permitted to drive City vehicles. All employees must exhibit good driving habits at all times. Be especially careful, and help give the City a reputation of having safe and courteous drivers. This is especially important to those employees who take vehicles home while off duty.

All persons riding in a City vehicle are required to use provided seat belts and must not be of an age or size to require child safety seating. Carrying of passengers should be limited to those with some direct relationship to the conduct of City business.

Certain discretionary personal uses shall be permitted with public vehicles during regular work hours such as break stops or short personal errands that fall within the immediate geographic area of specific business already being conducted for and in behalf of Riverdale City.

When parking, all employees are encouraged to park City vehicles such that the vehicle will be driven forward from the parking space whenever possible. Employees are encouraged to back vehicles into the parking space or pull forward into a double space so that when leaving the parking space, the vehicle is driven forward.

When backing a parked City vehicle is necessary, if the view over the shoulder is not possible, the driver whenever possible should locate and utilize a "spotter". When a spotter is not available, drivers shall carefully watch the area into which they are backing.

Smoking or use of tobacco products in vehicles owned, leased or rented by the city is prohibited.

Any operational problems or mechanical concerns should be reported immediately to the Fleet Mechanic in the Public Works Department. Any accidents while using City vehicles shall be reported in a timely manner as required to the operators supervisor for appropriate follow-up action.

6-4 Public Relations

The measure of City government is, to some extent, based on the effectiveness and personal contact of its employees with the general public. It is expected that all employees will avoid conduct at work or elsewhere that might cause embarrassment to, or criticism of the City. Often times, the City employee is the only contact a private citizen has with our municipal government and, although the citizen may not always be right, he/she does have an active interest in the City and its government. Therefore, it is essential that the attitudes and actions of the employees of the City, both on and off duty, bring credit to the City. Good public relations can best be created by

the simple process of being helpful, courteous and treating people in the same manner you would like to be treated. It is also important to the public relations of the City that each municipal employee be neat, clean, impressive in appearance and respectable in his/her use of language.

6-5 Dress and Hygiene Standard

Riverdale City considers it very important that you are well groomed, neat, and dress appropriately for your job function and, while we trust each employee's common sense and good judgment, a dress code must be followed that is appropriate to the work environment. The City has adopted a business casual dress code but emphasizes some positions occasionally may call for dressier attire. Appropriate dress and hygiene are important in promoting a positive image to our customers, both internally and externally. We want to stress a Business Casual Dress Code Policy is a benefit and must be adhered to in order to be retained.

General Guidelines for Everyone

The City wishes to provide a work environment that is free of safety hazards, offensive behavior and harassment of any kind. Therefore, the following clothing is NOT ACCEPTABLE: spandex; bare feet; pants, shorts, or skirts worn below the waistline; sexually provocative clothing; clothing with profanity, nude or semi-nude pictures; sexually suggestive slogans, cartoons, or drawings; the observable lack of undergarments and exposed undergarments and/or any item of clothing or hair that would be a distraction or reflect poorly on the City.

For all employees, professional appearance also means that the organization expects you to maintain good hygiene and grooming while working. Facial hair is permitted as long as it is neat and well trimmed. Earrings worn in the ears are acceptable and should be an appropriate size as to not cause a safety hazard. Rings and piercings through the nose, eyebrow, tongue, or body parts other than the ear lobe that are visible to the public may not be worn while working. All tattoos must be small in size or covered at all times and may not be offensive in nature. Employees are expected to be conservative in the wearing of makeup, scented products, hair styles and hair colors.

If employees require a reasonable accommodation regarding their dress for bona fide health and/or religious reasons, they should contact their supervisor or Human Resources to discuss an exception to the personal appearance guidelines. Unless it would constitute an undue hardship or safety hazard, Riverdale City will consider such requests.

All employees should practice commonsense rules of neatness, good taste, and comfort. Riverdale City reserves the right to determine appropriate dress at all times and in all circumstances and may send employees home to change clothes should it be determined their dress is not appropriate. Non exempt employees will not be compensated for this time away from work.

6-6 Outside Employment

No City employee may engage in any outside employment which will impair the performance of his/her duties or be detrimental to the City. Employees are required to notify the City of any outside employment so that the City may determine whether the outside employment creates a conflict of interest.

6-7 Fraternalization

It is not the City's desire to discourage friendship among employees, however, it is recognized that consensual "romantic" or sexual relationships between supervisors/managers and their subordinates could lead to actual or perceived conflict of interest, favoritism or sexual harassment. The purpose of this policy is to protect employees from coercive or hostile relationships that may damage morale and reduce productivity because of bias, favoritism, or harassment.

1. Relationships between a supervisor/manager and a subordinate:

Consensual "romantic" or sexual relationships between a supervisor/manager and a subordinate are prohibited, as well as any conduct, such as but not limited to dating, contacting, communicating with, courting, etc. that is designed or may reasonably be expected to lead to the formation of a "romantic" or sexual relationship. Persons should not be hired, promoted, transferred or otherwise changed into a position where such a relationship exists.

If such a relationship should develop, the supervisor/manager is obligated to promptly disclose the existence of the relationship to the Department Head. The employee shall make the disclosure as well, but the primary burden of doing so is upon the supervisor/manager.

The Department Head shall inform the City Administrator and Human Resources Manager of the existence of the relationship, including the person responsible for the employee's work assignments. Upon being informed or learning of the existence of such a relationship, the City Administrator, in consultation with the Department Head, Human Resources Manager and City Attorney may take steps that are deemed appropriate.

At a minimum, the subordinate and supervisor/manager will not thereafter be permitted to work together on the same matters (including matters pending at the time disclosure of the relationship is made), and the supervisor/manager must withdraw from participation in activities or decisions (including, but not limited to, hiring, evaluations, promotions, compensation, work assignments and discipline) that may reward or disadvantage any employee with whom the supervisor / manager is having or has had such a relationship.

Any person who believes that he or she has been adversely affected by such a relationship, notwithstanding its disclosure, is encouraged to make his or her views about the matter known to the City Administrator, Human Resources Manager, Department Head, or City Attorney.

2. Dating relationships between other employees:

Dating relationships between other employees are discouraged but permitted, however both employees have a responsibility to notify their Supervisor who will in turn notify the Department Head when dating begins to document that the dating relationship is consensual and welcome. Employees will be instructed to inform the Supervisor/Department Head when/if the relationship ends.

This policy shall apply without regard to gender and without regard to sexual orientation of the participants in a relationship. The City's implementation of this policy is not intended to inhibit the social interaction (such as lunches or dinners or attendance at entertainment events) that are or should be an important part or extension of the working environment, and this policy is not to be relied upon as justification or excuse for refusal to engage in such social interaction with employees.

Chapter 7 DISCIPLINE AND GRIEVANCE PROCEDURE

7-1 Disciplinary Action

An employee whose conduct constitutes grounds for disciplinary action shall be subject to the following discipline: reprimand, probation, suspension, demotion (herein defined as involuntary transfer from one position to another with less remuneration for any reason), or termination. The listing of the afore discipline does not constitute a progressive system for disciplinary action. The City may impose the discipline deemed necessary based on the employee's conduct.

Basic responsibility for discipline is vested in the Department Head under the direction of the City Administrator. In cases where the Department Head does not exercise responsibility or is the subject of the potential discipline, the City Administrator may investigate and take appropriate action.

7-2 Pre Determination Hearing

Unless the City Administrator or Department Head has good cause to believe that a predetermination hearing would present a personal danger to any involved party, whenever a full time regular employee, who is not an appointed or probationary employee, is subject to possible suspension without pay for more than two days, demotion, or termination, a pre determination hearing shall be held prior to imposing such disciplinary action. The employee shall be given written notice of the hearing which includes an explanation of the charges against the employee and notice that discipline up to and including termination is being considered. The pre determination hearing shall be conducted by the employee's Department Head, or his/her designee, for the purpose of allowing the employee to respond to the charges and present information the employee believes is relevant to the decision. The employee has the right to have another individual present during any portion of the disciplinary process. The city may also request the presence of a police officer(s) for security purposes during any portion of the disciplinary process. A decision as to the disciplinary action to be taken, if any, shall be made by the Department Head and the employee shall be notified in writing within a reasonable time after the hearing. If disciplinary action of suspension without pay for more than two days, demotion, or termination is imposed, the Department Head shall provide the employee written notice of the such disciplinary action along with a written explanation of employee rights for appeal or grievance, if any.

The City will maintain a written record of the hearing but not the Appeal Board's deliberations.

Evidence presented at the hearing shall comply with the generally accepted Rules of Civil Procedure, including but not limited to, pre-disclosure, relevance, foundation, admission, hearsay, etc., then in effect for the State of Utah, in order to be submitted or considered. In situations of disputes on the admission of evidence, only the Appeals Board can decide the admission or weight, if any, to place on the evidence.

7-3 Appeals of Demotion or Termination

In the case of suspension without pay for more than two days, demotion or termination, a full time regular employee, who is not an appointed or probationary employee, has the right to appeal the decision to the City Employee Appeals Board (Riverdale City code 1-7-3). The appeal must be in writing and filed with the City Recorder within ten days of the suspension, demotion or

termination. The City Recorder will then refer the matter to the Employee Appeal Board which will take and receive evidence and fully hear and determine the matter. The employee shall be entitled to appear in person and to be represented by counsel (at the employee's expense), to have a hearing, to confront the witnesses whose testimony is to be considered, and to examine the evidence.

In the event the Employee Appeals Board upholds the suspension without pay for more than two days, demotion or termination, the employee may file an appeal within fourteen (14) days to the City Council, whose decision will be final. The City Council shall not hold new or additional evidentiary hearings but shall rely upon the minutes and relevant evidence presented at the Appeal Board hearing.

In the event the Appeals Board does not uphold the suspension without pay for more than two days, demotion or termination, the City Recorder shall certify the decision to the employee affected, and also to the Department Director from whose order the appeal was taken.

Employees whose suspension without pay for more than two days, demotion or termination has not been upheld by the Appeals Board shall be compensated for any time without pay experienced pending the Appeals Board decision. Said pay shall commence with the next working day following the certification by the City Recorder of the Appeals Board's decision, provided the employee reports for his/her assigned duties that next working day.

7- 4 Appeals of Discipline/Grievance/Open Communication

At Riverdale City, we believe that communication is at the heart of good employee relations. Employees should share their concerns in writing, seek information, provide input, and resolve work-related issues by discussing them with their supervisors until they are fully resolved. It may not be possible to achieve the results an employee wants, but the supervisor needs to attempt to explain in each case why a certain course of action is preferred. If an issue cannot be resolved at this level, the employee is welcome to discuss the issue with the department head. The supervisor should set up a time as soon as possible for both of them to meet with the department head. If the employee's concern cannot be resolved with the department head, the employee may discuss it with the City Administrator, the Human Resource Manager or the City Attorney individually or collectively. The department head should schedule that meeting for the employee as soon as possible.

Regardless of the situation, employees should be able to openly discuss any work-related problems and concerns without fear of retaliation. Department heads and supervisors are expected to listen to employee concerns, encourage their input, and seek resolution to the issues and concerns. Often this will require setting a meeting in the near future. Department heads and or supervisors are to set these meetings as quickly as possible, and employees are expected to understand that issues and concerns may not always be addressed at the moment they arise. Discussing these issues and concerns with management will help to find a mutually acceptable solution for nearly every situation.

If an employee has a concern about discrimination and or harassment, Riverdale City has set up special procedures to report and address those issues. The proper reporting procedures are set forth in the Sexual Harassment/Discrimination Policy 13-3.

7- 5 Suspension Pending Investigation and Decision

At the City's sole discretion, an employee may be suspended (with or without pay) pending an investigation. If after an investigation, the charge is found to be without merit, the employee shall be restored to his or her position and/or compensated for any lost pay.

7- 6 Cause for Discipline

Each of the following shall constitute cause for discipline, up to and including termination. The offenses listed are not intended to be comprehensive, and the enumeration of these commonly accepted violations shall not be deemed to prevent the discipline of an employee for other violations not enumerated.

Personal or gross negligence on or off duty which prevents or substantially hampers job performance.

Negligent or unauthorized use, abuse, or damaging of City property.

Any violation of City or departmental policies or procedures.

Violations of commonly accepted employment standards.

Sexual harassment.

Illegal discrimination.

Disregard for safety rules.

Insubordination by refusing superior's order, verbal abuse of a superior, or unwillingness to submit to proper authority.

Failure to follow specified job instructions.

Unwillingness to work harmoniously with other employees.

Unauthorized solicitation on City property.

Distributing unauthorized printed matter on City premises.

Tardiness.

Creating or contributing to unsanitary conditions.

Unauthorized or unsafe operation of tools, machinery, equipment.

Gambling on City property.

Failure to timely report an injury or accident.

Unauthorized sleeping on the job during work hours or leaving the site early without permission.

Abuse of sick leave.

Fighting or attempting to provoke a fight on City premises.

Deliberately restricting output.

Failure to maintain production and performance standards.

Theft.

Possession and/or use of alcoholic beverages or controlled substances while on duty or intemperately so as to be unable to perform duties.

Possession and/or use of alcoholic beverages or controlled substances while operating City equipment.

Reporting for work under the influence of alcoholic beverages or controlled substances.

Assault on supervisor, other employee or citizen.

Threatening or intimidating other employees, supervisor or citizen.

Falsifying City records.

Intentionally misusing, abusing, or damaging City property or property of another employee.

Unauthorized removal, falsification, or alteration of City records or intentional release of confidential information.

Failure to report for work without notice.

Failure to obtain pre approval for overtime.

Repeated violation of rules and procedures.

Use of profanity or offensive language directed at an individual.

Dishonesty, deceit or fraud.

Excessive complaining or poor attitude.

Spreading of rumors and/or gossip.

Inappropriate use of City electronic mail, voice mail, computer systems, and phones.

Failure to inform the City of a suspended or revoked driver license

Poor driving record, where driving is necessary in the discharge of job duties.

Commission of criminal conduct.

Conduct off the job, which discredits the City or affects the employee's ability to perform his/her duties effectively.

Any conduct which reflects negatively on the character of the employee or the City.

Chapter 8 EMPLOYEE DEVELOPMENT

8-1 Performance Evaluation

Annual performance evaluations shall be conducted of all employees by the employee's immediate supervisor. Said performance evaluation shall be reviewed by the employee's department head. (For additional information refer to Chapter 11.)

8-2 Travel and Training Expenses

I. Training, with its accompanying travel, is advantageous to the City's operation particularly in developing professionalism and in providing for employee licensing, required certifications, etc.

II. Subject to budgeted appropriations, available funds, and the required approval, the following expenses may qualify for payment or reimbursement for travel or training of employees, appointed, or elected officials. :

(a) Travel expenses to and from the training destination in the most economical and timely manner.

(1) City owned vehicle; or

(2) Privately owned vehicle:

i. Reimbursed for gas receipted expenses, if for personal reasons the use of a City owned vehicle is declined; or,

ii. Reimbursed at the standard allowable IRS mileage rate if the use of a personal vehicle is necessary. This reimbursement shall not exceed the cost of (3) below.

(3) Airfare, with a rental car if necessary.

(b) The actual cost of lodging, for a double-queen or a king bedroom, during the conference at the lower of the actual conference hotel room rate or the actual rate paid at another hotel.

(c) Travel shall be compensated by the following specific per diem allowances—when the training or conference does not provide the meal.

(1) Breakfast: Eight dollars (\$8.00), overnight stay the preceding night is required. The city will not reimburse breakfast relating to non-overnight travel.

(2) Lunch: Twelve dollars (\$12.00).

(3) Dinner: Twenty dollars (\$20.00), when returning after 7:00 p.m.

(d) Employees shall be reimbursed for incidental travel, bus fare, parking fees, toll, rental car gas, phone calls or other expenses. In order to be reimbursable a valid receipt must be turned in upon your return to work.

(e) Tuition and/or registration fees for courses, conferences, or conventions attended.

(f) \$12.00 will be provided for a lunch-time meal at a one day training session, conference, or meeting, when the training, conference, or meeting does not provide the meal.

(g) If a cash advance is necessary, the request should be filed with the Business Administration Department at least one week prior to departure. The appropriate forms can be found in the shared folder on the server, or in Human Resources, and each employee or official will be responsible for keeping and submitting the proper receipts.

III. The following expenses normally would not qualify for payment or reimbursement by the City.

(a) Unrelated side trips, even if taken in conjunction with a professional conference or convention.

(b) Travel related expenses for a spouse or others accompanying the employee unless specifically approved in advance because of a beneficial purpose and value to the City.

IV. The approval authority is:

(a) For employees, their department head;

(b) For department heads, the City Administrator;

(c) For appointed or elected officials, the Mayor, City Administrator, or the Business Administrator.

8-3 Education Assistance

Riverdale City may provide financial assistance to standard full-time employees enrolled as a matriculated student in an accredited traditional, not for profit institution of higher learning upon the following terms and conditions:

1. The course work must be related to the employee's current job description duties or reasonably expected career path duties of employment and shall be approved and documented in the employee's personnel file by the employee's department head and the City Administrator, or designee, prior to the beginning of classes.
2. 50% of tuition and fees, on a pro-rata basis if necessary for job related course credit hours and 50% book fees will be reimbursed to the employee upon presentation to the department head a grade report showing a minimum grade equivalent to a "C" or "pass" on a pass fail basis.
3. The education assistance reimbursement may be used only for job related course work leading to one associate's degree, and/or one bachelor's degree. The assistance reimbursement is not allowed for master's or doctorate programs unless approved prior to July 1, 2007.
4. All education assistance reimbursements are repayable to the City in the event the employee separates (voluntary or involuntary) from the City's employ prior to 3 years following the date of each reimbursement. For each year of the 3 years following each reimbursement, an amount equal to 1/3 of each reimbursement shall be waived and shall not be repayable to the City.

8-4 Professional Development

Riverdale City wishes to provide employees with professional development opportunities that increase their skills and enhance their contributions to the City.

The work performance of an employee is a vital key to the success of our City. Providing professional development to our employees is an investment in their careers and the City's future.

Professional development can be obtained through attendance at seminars, educational courses and web presentations that once acquired will assist the employee in performing his or her essential job functions and increase the employee's contribution to the City.

Employees must request permission from their immediate supervisor for review and approval to attend desired training and/or resource. The request must include applicable course of study, purpose, job relevance, cost, dates, times of coursework and name of the institution or source of training.

All fees for Professional Certifications and Licenses received by employees as a result of professional development paid for by the City are repayable to the City in the event the employee separates (voluntary or involuntary) from the City's employ prior to one year following the date of certification or license. If the employee terminates within that year, he or she will be required to pay a prorated amount to the City.

Example: Using \$750.00 for the cost of the certification, if the employee receives certification in June, then decides to terminate in November, he or she will owe the City seven months of the \$750.00. The employee will have worked five months since June by the time he or she terminates in November, leaving seven months to complete one year.

Twelve months divided by \$750.00 = \$62.50 times seven months = \$437.50 owed to the City.

Chapter 9 EMPLOYEE BENEFITS: Only full-time regular employees receive the benefits described in this chapter. Part-time and seasonal employees, elected and appointed officials do not receive any of the benefits set forth in this chapter nor anywhere else in this Policy Handbook, unless specifically designated otherwise.

9-1 Medical Insurance

The City will make health insurance available to all full-time regular employees.

Medical insurance coverage begins on the first day of the month following the date of employment and ends with the monthly insurance premium period following the date of separation.

Employees who are separated, laid off, retire, or resign may qualify for a continuation of medical benefits in compliance with COBRA if the employee pays the premium. This benefit continuation may also extend to surviving spouses and their dependents; divorced or separated spouses and their dependents; spouses, employees or dependents when the spouse or employee qualifies for Medicare; or when the dependents no longer qualifies for coverage. Details are found in the Employee Medical Program handbook prepared by the Plan Administrator.

9-2 Annual Leave

Annual Leave will be accrued by employees according to the following schedule:

Years of Service*	Annual Leave Accrued per Month		
	Full-Time Employee	Part-Time** Employee	Full-Time*** Firefighters
1 – 5	8 hrs	4 hrs	11 hrs
6 – 10	10 hrs	5 hrs	14 hrs
11 – 15	12 hrs	6 hrs	16 hrs
Over 15	14 hrs	7 hrs	19 hrs

* Length of service determined from date of benefit classification
 ** Regularly scheduled to work more than 20 but less than 30 hours per week.
 *** Regularly scheduled to work 24 hour shifts

As used in this section "length of service" shall mean the length of the employee's present employment with the City and does not include periods of previous employment with the City that were terminated voluntarily or involuntarily, except in cases of reduction in force.

An employee may use any or all accrued annual leave subject to their supervisor's approval. Annual leave should be scheduled well in advance so as to meet the operating requirements of the City, and in so far as possible, the preference of the employees.

No more than 240 hours accrued annual leave shall be carried forward to a new calendar year without the written authorization of City Administrator.

Unused annual leave of non-exempt employees in excess of this amount will be forfeited each December 31. Unused annual leave of exempt employees in excess of this amount (up to 40 hours) will be paid to the employee on their January 15th pay check or credited to their 457/401K at the employee's option, unused hours above 280 will be forfeited. Employees are encouraged to take

their annual leave annually. However, an extension of the December 31 forfeiture date may be approved by the City Administrator in unusual situations or circumstances.

Paid holidays occurring during annual leave will not be charged as annual leave. Terminating employees who retire in compliance with City retirement policy, or resign in good standing with a minimum of two weeks notice, or are released as a result of a reduction in force are entitled to payment at their current rate of compensation for all unused annual leave which has been accrued. In the event of the employee's death, the full entitled payment shall be made to the employees named beneficiaries.

9-3 Bereavement Leave.

Up to three (3) days of paid bereavement leave may be approved by the department head upon the loss *of an immediate family member* to enable the employee to attend the funeral as well as necessary family duties and responsibilities. Up to one (1) day of paid funeral leave may be granted by the department head to attend the funeral *of a relative* who is not a member of your immediate family. Immediate family is defined as:

- (1) Husband
- (2) Wife
- (3) Mother (blood, in-law, adoptive, or step)
- (4) Father (blood, in-law, adoptive, or step)
- (5) Sister (blood, in-law, adoptive, or step)
- (6) Brother (blood, in-law, adoptive, or step)
- (7) Children (blood, in-law, adoptive, or step)
- (8) Grandparents (blood or step)
- (9) Grandchildren (blood step)
- (10) Any relative (blood, in-law, adoptive, or step) who was living in your home at the time of death.

The granting of paid bereavement leave is not automatic, but will depend upon the circumstances of each situation as determined by the department head. The maximum amount of time will be granted only for attendance at the funeral or handling other necessary personal affairs.

Bereavement leave will be paid for all employees, whether full-time or part-time, at the employee's base hourly rate of pay for scheduled work which will be missed and will not include differentials, premiums, or other forms of additional compensation.

9-4 Jury and Witness Duty

Employees will be granted leave for jury or witness duty. If the jury or witness service is completed during regular work hours, an employee is expected to return to work upon completion of the service. The employee shall receive their regular pay when performing jury and witness duty if money received for jury or witness service is turned in to the City. Verification of jury and witness duty will be required.

9-5 Time Off To Vote

Any employee entitled to vote in a general election in Utah ("general election" includes; special, general, municipal and school elections, and primary elections) will be granted up to two (2) hours off with pay between the time the polls open and when they close, unless the employee has at least three (3) nonworking hours during the time the polls are open.

9-6 Military Leave

Employees who are drafted or called into active military duty will be granted leaves of absence without pay for their duration of military service.

Full-time permanent employees who serve as reserve members of the armed forces shall be granted military leave for attendance at annual training programs up to fifteen (15) working days per year. The City shall pay any deficiency difference between the employee's regular salary and the compensation received for military training during such periods of time.

The City does not discriminate against any person who is a member of, applies to be a member of, performs, has performed, applies to perform or has an obligation to perform service in a uniformed service, as defined by federal statute. The City will not deny initial employment, reemployment, retention in employment, promotion, or any benefit of employment by the City on the basis of that membership, performance of service, application for service, or obligation. It is the City's policy to comply with all applicable statutes, including Uniformed Services Employment and Re-employment Act of 1994 (USERRA), 38 U.S.C. § 4301-4333 *et seq.*, and Utah Code Ann. §§ 71-10-1 *et seq.*

9-7 Family Medical Leave Act (FMLA)

General Provisions

Under this policy Riverdale City will grant up to 12 weeks (or up to 26 weeks of military caregiver leave to care for a covered service member with a serious injury or illness) during a 12 month period to eligible employees. The leave may be paid, unpaid or a combination of paid and unpaid leave, depending on the circumstances of the leave and as specified in this policy.

Eligibility

To qualify to take family or medical leave under this policy, the employee must meet all of the following conditions:

1) The employee must have worked for the employer for 12 months or 52 weeks. The 12 months or 52 weeks need not have been consecutive. Separate periods of employment will be counted, provided that the break in service does not exceed seven years. Separate periods of employment will be counted if the break in service exceeds seven years due to National Guard or Reserve military service obligations or when there is a written agreement, stating the city's intention to rehire the employee after the service break. For eligibility purposes, an employee will be considered to have been employed for an entire week even if the employee was on the payroll for only part of the week or if the employee is on leave during the week.

2) The employee must have worked at least 1,250 hours during the 12-month period immediately before the date when the leave is requested to commence. The principles established under the Fair Labor Standards Act (FLSA) determine the number of hours worked by an employee. The FLSA does not include time spent on paid or unpaid leave as hours worked. Consequently, these

hours of leave should not be counted in determining the 1,250 hours eligibility test for an employee under FMLA.

3) The employee must work in an office or work site where 50 or more employees are employed by the entity within 75 miles of that office or work site. The distance is to be calculated by using available transportation by the most direct route.

Type of Leave Covered

To qualify as FMLA leave under this policy, the employee must be taking leave for one of the reasons listed below:

- 1) The birth of a child and in order to care for that child.*
- 2) The placement of a child for adoption or foster care and to care for the newly placed child.*
- 3) To care for a spouse, child or parent with a serious health condition (described below).*
- 4) The serious health condition of the employee (described below).*

An employee may take leave because of a serious health condition that makes the employee unable to perform the functions of the employee's position.

A serious health condition is defined as a condition that requires inpatient care at a hospital, hospice or residential medical care facility, including any period of incapacity or any subsequent treatment in connection with such inpatient care or a condition that requires continuing care by a licensed health care provider

This policy covers illnesses of a serious and long-term nature, resulting in recurring or lengthy absences. Generally, a chronic or long-term health condition that would result in a period of incapacity of more than three consecutive days with the first visit to the health care provider within seven days of the onset of the incapacity and a second visit within 30 days of the incapacity would be considered a serious health condition. For chronic conditions requiring periodic health care visits for treatment, such visits must take place at least twice a year.

- 5) A covered family member's active duty or call to active duty in the Armed Forces.*

An employee whose spouse, son, daughter or parent either has been notified of an impending call or order to active military duty or who is already on active duty may take up to 12 weeks of leave for reasons related to or affected by the family member's call-up or service. The qualifying exigency must be one of the following: 1) short notice deployment, 2) military events and activities, 3) child care and school activities, 4) financial and legal arrangements, 5) counseling, 6) rest and recuperation, 7) post deployment activities and 8) additional activities that arise out of active duty, provided that the city and employee agree, including agreement on timing and duration of the leave.

The leave may commence as soon as the individual receives the call up notice. Son or Daughter for this type of leave does not have to be a minor.) This type of leave would be counted toward the employee's 12 week maximum of FMLA leave in a 12 month period.

6) Military caregiver leave (also known as covered service member leave) to care for an injured or ill service member.

This leave may extend to up to 26 weeks in a single 12-month period for an employee whose spouse, son, daughter, parent or next-of-kin is injured or recovering from an injury suffered while in the line of duty on active military duty and who is unable to perform the duties of the service member's office, grade, rank or rating. Next-of-kin is defined as the closest blood relative of the injured or recovering service member. An employee is also eligible for this type of leave when the family service member is receiving medical treatment, recuperation or therapy, even if the service member is on temporary disability retired list.

Amount of Leave

An eligible employee can take up to 12 weeks for the FMLA circumstances 1) through 5) above under this policy during any 12-month period. The city will measure the 12-month period as a rolling 12-month period measured backward from the date an employee uses any leave under this policy. Each time an employee takes leave, the city will compute the amount of leave the employee has taken under this policy in the last 12 months and subtract it from the 12 weeks of available leave, with the balance remaining being the amount the employee is entitled to take at that time.

An eligible employee can take up to 26 weeks for the FMLA circumstance 6) above (military caregiver leave) during a single 12 month period. For this military caregiver leave, the city will measure the 12 month period as a rolling 12 month period measured forward. FMLA leave already taken for other FMLA circumstances will be deducted from the total of 26 weeks available.

If a husband and wife both work for the city and each wishes to take leave for the birth of a child, adoption or placement of a child in foster care, or to care for a parent (but not a parent in-law) with a serious health condition, the husband and wife may only take a combined total of 12 weeks of leave. If a husband and wife both work for the city and each wishes to take leave to care for a covered injured or ill service member, the husband and wife may only take a combined total of 26 weeks of leave.

Employee Status and Benefits During Leave

While an employee is on leave, the City will continue the employee's health benefits during the leave period at the same level and under the same conditions as if the employee had continued to work.

If the employee chooses not to return to work for reasons other than a continued serious health condition of the employee or the employee's family member or a circumstance beyond the employee's control, the city will require the employee to reimburse the city the amount it paid for the employee's health insurance premium during the leave period.

Under current city policy, the employee may pay a portion of the health care premium. While on paid leave, the city will continue to make payroll deductions to collect the employee's share of the premium. While on unpaid leave, the employee must continue to make this payment, either in person or by mail. The payment must be received by the 1st work day of each month. If the payment is more than 30 days late, the employee's health care coverage may be dropped for the duration of the leave. The city will provide 15 days' notification prior to the employee's loss of coverage.

If the employee contributes to a life insurance or disability plan, the city will continue making payroll deductions while the employee is on paid leave. While the employee is on unpaid leave, the employee may request continuation of such benefits and pay their portion of the premiums. If the employee does not continue these payments, the city may discontinue coverage during the leave. If the city maintains coverage, the city may recover the costs incurred for paying the employee's share of any premiums, whether or not the employee returns to work.

Employee Status after Leave

An employee who takes leave under this policy may be asked to provide a fitness for duty clearance from the health care provider. Generally, an employee who takes FMLA leave will be able to return to the same position or a position with equivalent status, pay, benefits and other employment terms. The position will be the same or virtually identical in terms of pay, benefits and working conditions. The city may choose to exempt certain key employees from this requirement and not return them to the same or similar position.

Use of Paid and Unpaid Leave

An employee who is taking FMLA leave because of the employee's own serious health condition or the serious health condition of a family member must use all paid vacation and sick leave prior to being eligible for unpaid leave.

Leave for the birth of a child and for an employee's serious health condition, including workers' compensation leave (to the extent that it qualifies), will be designated as FMLA leave and will run concurrently with FMLA. For example, if an employee requires four weeks of workers' compensation leave to recover from knee surgery, the four weeks will be designated as FMLA leave and counted toward the employee's 12 week entitlement. An employee who is taking leave for the adoption or foster care of a child must use all paid vacation and sick leave prior to being eligible for unpaid leave.

An employee who is using military FMLA leave for a qualifying exigency must use all paid vacation leave prior to being eligible for unpaid leave. An employee using FMLA military caregiver leave must also use all paid vacation and sick leave (as long as the reason for the absence is covered by the city's sick leave policy) prior to being eligible for unpaid leave.

Intermittent Leave or a Reduced Work Schedule

The employee may take FMLA leave in 12 consecutive weeks, may use the leave intermittently (take a day periodically when needed over the year) or, under certain circumstances, may use the leave to reduce the work week or work day, resulting in a reduced hour schedule. In all cases, the leave may not exceed a total of 12 work weeks (or 26 work weeks to care for an injured or ill service member over a 12 month period).

The city may temporarily transfer an employee to an available alternative position with equivalent pay and benefits if the alternative position would better accommodate the intermittent or reduced schedule, in instances of when leave for the employee or employee's family member is foreseeable and for planned medical treatment, including recovery from a serious health condition or to care for a child after birth, or placement for adoption or foster care.

For the birth, adoption or foster care of a child, the city and the employee must mutually agree to the schedule before the employee may take the leave intermittently or work a reduced hour

schedule. Leave for birth, adoption or foster care of a child must be taken within one year of the birth or placement of the child.

If the employee is taking leave for a serious health condition or because of the serious health condition of a family member, the employee should try to reach agreement with the city before taking intermittent leave or working a reduced hour schedule. If this is not possible, then the employee must prove that the use of the leave is medically necessary.

Certification for the Employee's Serious Health Condition

The city will require certification for the employee's serious health condition. The employee must respond to such a request within 15 days of the request or provide a reasonable explanation for the delay. Failure to provide certification may result in a denial of continuation of leave. Medical certification will be provided by using the Certification of Health Care Provider for Employee's Serious Health Condition Form.

The city may directly contact the employee's health care provider for verification or clarification purposes using an HR professional or management official. The city will not use the employee's direct supervisor for this contact. Before the city makes this contact with the health care provider, the employee will be given an opportunity to resolve any deficiencies in the medical certification. In compliance with HIPAA Privacy rules, the city will obtain the employee's permission for clarification of individually identifiable health information.

The city has the right to ask for a second opinion if it has reason to doubt the certification. The city will pay for the employee to get a certification from a second doctor, which the city will select. The city may deny FMLA leave to an employee who refuses to release relevant medical records to the health care provider designated to provide a second or third opinion. If necessary to resolve a conflict between the original certification and the second opinion, the city will require the opinion of a third doctor. The city and the employee will mutually select the third doctor, and the city will pay for the opinion. This third opinion will be considered final. The employee will be provisionally entitled to leave and benefits under the FMLA pending the second and/or third opinion.

Certification for the Family Member's Serious Health Condition

The city will require certification for the family member's serious health condition. The employee must respond to such a request within 15 days of the request or provide a reasonable explanation for the delay. Failure to provide certification may result in a denial of continuation of leave. Medical certification will be provided using the Certification of Health Care Provider for Family Member's Serious Health Condition Form.

The city may directly contact the employee's family member's health care provider for verification or clarification purposes using an HR professional or management official. The city will not use the employee's direct supervisor for this contact. Before the city makes this contact with the health care provider, the employee will be given an opportunity to resolve any deficiencies in the medical certification. In compliance with HIPAA Privacy rules, the city will obtain the employee's permission for clarification of individually identifiable health information.

The city has the right to ask for a second opinion if it has reason to doubt the certification. The city will pay for the employee to get a certification from a second doctor, which the city will select. The city may deny FMLA leave to an employee who refuses to release relevant medical records to the health care provider designated to provide a second or third opinion. If necessary

to resolve a conflict between the original certification and the second opinion, the city will require the opinion of a third doctor. The city and the employee will mutually select the third doctor, and the city will pay for the opinion. This third opinion will be considered final. The employee will be provisionally entitled to leave and benefits under the FMLA pending the second and/or third opinion.

Certification of Qualifying Exigency for Military Family Leave

The city will require certification of the qualifying exigency for military family leave. The employee must respond to such a request within 15 days of the request or provide a reasonable explanation for the delay. Failure to provide certification may result in a denial of continuation of leave. This certification will be provided using the Certification of Qualifying Exigency for Military Family Leave Form.

Certification for Serious Injury or Illness of Covered Service member for Military Family Leave

The city will require certification of the qualifying exigency for military family leave. The employee must respond to such a request within 15 days of the request or provide a reasonable explanation for the delay. Failure to provide certification may result in a denial of continuation of leave. This certification will be provided using the Certification for Serious Injury or Illness of Covered Service member Form.

Recertification

The city may request recertification for the serious health condition of the employee or the employee's family member no more frequently than every 30 days and only when circumstances have changed significantly, or if the city receives information casting doubt on the reason given for the absence, or if the employee seeks an extension of his or her leave. Otherwise, the city may request recertification for the serious health condition of the employee or the employee's family member every six months in connection with an FMLA absence. The city may provide the employee's health care provider with the employee's attendance records and ask whether need for leave is consistent with the employee's serious health condition.

Procedure for Requesting FMLA Leave

All employees requesting these types of FMLA leave must provide verbal or written notice of the need for the leave to the HR department. Within 5 business days after the employee has provided this notice, the HR department will complete and provide the employee with the Notice of Eligibility and Rights.

When the need for the leave is foreseeable, the employee must provide the city with at least 30 days' notice. When an employee becomes aware of a need for FMLA leave less than 30 days in advance, the employee must provide notice of the need for the leave either the same day or the next business day. When the need for FMLA leave is not foreseeable, the employee must comply with the usual and customary notice and procedural requirements for requesting leave, absent unusual circumstances.

Designation of FMLA Leave

Within five business days after the employee has submitted the appropriate certification form, the HR department will complete and provide the employee with a written response to the employee's request for FMLA leave using the Designation Notice Form.

Intent to Return to Work From FMLA Leave

The city may require an employee on FMLA leave to report periodically on their status and intent to return to work.

9-8 Sick Leave

1. **Purpose.** As insurance against loss of income when employees are unable to perform their work due to their own personal illness or incapacitation, or that of a family member (as defined in 3. below) for whom their attentive presence is required.
2. **Accrual.** All full-time regular employees shall receive sick leave at the rate of 8 hours for each full calendar month of service. Part-time employees who are regularly scheduled to work more than 20 hours per week but less than 40 hours per week shall receive 4 hours per calendar month of service. Firefighters who are regularly scheduled to work 24 hour shifts shall receive 11 hours for each full calendar month of service. Any time less than a full month shall be pro-rated accordingly. Sick leave may be accrued to an unlimited amount.
3. **Use of Sick Leave.** Eligible employees may begin to utilize their accrued sick leave any time after having completed one month of satisfactory employment. Absent employees must arrange for a telephone report to their supervisor by the beginning of the work day of the first day of absence. When an injury occurs causing an absence the employee should notify the supervisor as soon as possible thereafter.

Accrued sick leave may be used, with the approval of the Department Head, for any of the following purposes:

- a) Illness or injury to the employee.
- b) Serious illness of immediate family members requiring the presence of the employee. Immediate family members are defined as follows: the employee's spouse, children (including step and foster), parents (including mother-in-law and father-in-law), grandparents and/or other dependents of the employee.
- c) For personal or immediate family member visits to hospitals, clinics, dentists, etc., for diagnosis or treatment of illness or injuries, examination, and related purposes.

The Department Head, or in the absence of the Department Head, the City Administrator (or his/her designee), at his/her discretion, may require that an injured or sick employee take sick leave and absent themselves from their place of employment.

4. **Sick Leave Records.** Use of sick leave, for all employees, must be promptly and accurately reported on the time card and approved by the Department Head on the Department time sheet.

5. Annual Unused Sick Leave Incentive. Full-time City employees have the potential to earn and accrue up to twelve (12) days of sick leave annually. Part-time employees have the potential to earn and accrue up to six (6) days of sick leave annually. Employees who have accumulated and maintained a total of a minimum of one-thousand (1,000) hours of sick leave may, at the employee's option, at the close of the calendar year request and be paid for five (5) of the days of sick leave they have accrued for that calendar year. The five (5) days sick leave that may be converted to a cash pay out will be reduced by any sick leave used by the employee during the calendar year. For example if an employee uses one (1) day of sick leave during the calendar year, the maximum number of days that may be converted to a cash pay out is four (4) days. In the event an employee uses five (5) or more sick leave days in a calendar year, the aforementioned annual cash pay out option is forfeited by said employee for that calendar year.

6. Sick Leave Pay Out at Retirement, Resignation, Termination, or Death, Employees who resign their employment, are terminated, or retire from employment with the City shall be paid for any unused sick leave, at their current wage rate, for up to a maximum of one thousand (1,000) hours, as follows:

- a) Employees who have completed five years or less of service shall be paid twenty percent (20%) of their accumulated balance of sick leave.
- b) Employees who have completed five years but less than ten years of service shall be paid thirty-three percent (33%) of their accumulated balance of sick leave.
- c) Employees who have completed ten years but less than fifteen years of service shall be paid sixty-six percent (66%) of their accumulated balance of sick leave.
- d) Employees who have completed fifteen or more years of service shall be paid one hundred percent (100%) of their accumulated balance of sick leave.

In the event of the employee's death, the employee's named beneficiary shall be paid for 100 % of the unused sick leave, at the employees current wage rate, for up to a maximum of one thousand (1000) hours.

7. Abuse of Sick Leave. Whenever there are reasonable grounds to believe the employee is abusing sick leave privileges, the City may require evidence of bona fide illness or other reason for taking sick leave by proof acceptable to the employee's Department Head. Abuse of sick leave privileges may be considered as grounds for disciplinary action.

9-9 Maternity Leave

Covered under FMLA – see section 9-7

9-10 Leave Donation

Riverdale City employees may donate earned compensation time hours, annual leave hours or sick leave hours for use by another employee upon the request of the donating and receiving individuals, and the approval of the donating and receiving Department Heads, and the approval of the City Administrator.

Such donation of comp-time, annual leave, or sick leave is intended only for infrequent situations where an employee desires to donate comp-time, annual leave, or sick leave to another employee

who has exhausted all of his or her comp-time, annual leave, and sick leave due to an extended illness or injury. There must be a demonstrated need for the donation due to extended illness or injury as explained herein.

All comp-time, annual leave, and/or sick leave donations shall be requested in writing and follow the approval process as stated above. In the event one of the required Department Head approval signatures is not given, denial can be appealed to the City Administrator.

9-11 Leave Without Pay

This policy applies to any employee who is eligible to accrue leave (annual, comp, sick).

A leave of absence without pay is an approved temporary absence from work in which the employee does not lose status as a regular employee. An employee must first use all accrued annual leave and compensatory time leave (comp time) before leave without pay will be granted. If the leave is for qualifying health-related reasons, all accrued sick leave must also be used before leave without pay will be granted.

In order to be considered for leave without pay, an employee must present a written request to his or her Department Head. Leave without pay may be considered for reasons of disability, personal reasons or military service. To be eligible for consideration, employees must state in writing the reason for the requested leave, the date the leave is to commence and the date on which the employee expects to return to work. Department Heads should consider individual requests in view of urgency, the individuals' length of service, and the over-all effect the absence will have on the operation of the department. With the Department Heads recommendation, leave without pay may then be granted upon approval by the City Administrator. Such leave, beyond that provided by the FMLA, shall not be regarded as an acquired right by employees and may be granted only when it is determined that City services will not be adversely affected.

Leave without pay shall not be granted unless there is a positive expectancy that the employee will return to work at the expiration of such leave. Failure of an employee to report to work at the expiration of the approved leave period shall be considered a resignation, unless there are extenuating circumstances and upon recommendation by the Department Head and approval of the City Administrator.

Except as provided under the FMLA, all employee benefits shall cease to accrue or be in effect immediately upon commencement of any leave period extending beyond one full work period. Health/Dental insurance benefits may be continued during the leave period if the employee pays one hundred percent (100%) of the full premium under the plan. Funds covering the monthly amount of the insurance premium are due by the first of each month for the time the employee is on leave. If an employee does not elect to continue health insurance coverage during leave of absence without pay, it will be necessary to reapply for health insurance upon return from leave.

If a part-time employee requests leave, it is up to the Department Head to determine if the employee's position will remain unfilled until the employee returns or if the position should be filled by someone else. Part-time employees have no guarantee that their position will be kept available for them when they return from leave. However, part-time employees will be allowed jury duty leave, military leave and FMLA leave (if qualified) without losing their employment status as required by law.

Any exceptions outside of the above provisions must be approved by the City Administrator.

9-12 Paid Holidays

The following days have been designated by the City as paid holidays:

- New Year's Day
- Martin Luther King Day
- President's Day
- Memorial Day
- Independence Day
- Pioneer Day
- Labor Day
- Veteran's Day*
- Thanksgiving Day
- Day after Thanksgiving (In lieu of Columbus Day)
- Christmas Day

* Veteran's Day may be taken on a Monday or Friday in conjunction with Christmas if Christmas falls on a Tuesday or Thursday.

Actual Holidays will be listed on a published calendar annually.

Holidays falling on Sunday will be observed on the following Monday. Holidays falling on Saturday will be observed on the preceding Friday. Department heads will schedule work assignments so that whenever possible employees may observe the holiday schedule. Full-time regular employees are eligible for 8 hours of holiday pay beginning with their first day of employment. Part-time employees who are regularly scheduled to work more than 20 hours per week but less than 30 hours per week shall receive 4 hours of holiday pay beginning with their first day of employment. Employees who may be scheduled to work on a designated holiday will be paid holiday pay plus the regular rate of pay for each hour worked. Holiday pay will be based on an eight hour work day.

9-13 Birthday Day

Riverdale City provides one paid holiday day [Cross Reference Policy 9-11 Holiday Pay] each year commemorating the Employee's birthday to be taken within 30 days as prearranged with the supervisor. However, an extension of the 30 day forfeiture date may be approved by the City Administrator in unusual situations or circumstances.

9-14 Life and Disability Insurance

The City is involved in group medical, dental and life and disability insurance programs for its full-time regular employees, which has specified benefits for certain illnesses and injuries. Enrollment cards and a detailed schedule of benefits will be provided to the employee upon employment.

The City reserves the right to require any City employee to undergo a complete medical examination, at City expense, where there is a question concerning the employee's ability to physically perform the tasks for which he/she was hired.

9-15 Unemployment Compensation Benefits

Employees whose employment is terminated may be eligible to receive unemployment compensation benefits, contingent upon the reason for the termination of the employment, the

existence of a continued attachment to the labor market by the employee, and other factors. The determination of eligibility for unemployment compensation benefits, the amount of the benefits, and the duration of payments, if any, is made by the State of Utah Department of Employment Security, according to statutes, regulations and case law decision. Questions regarding unemployment compensation benefits should be directed to the State of Utah Department of Employment Security.

9-16 Workers' Compensation

Any injury occurring on the job must be immediately reported to the employee's supervisor. The job related injury shall be detailed on forms prescribed by the Utah Industrial Commission and the City. These forms must be completed and turned in to Human Resources within 24 hours following the incident producing the injury. These forms must be completed even if the employee is not treated by a physician. Post Accident Drug Testing is required of all safety sensitive positions* involved in the accident when:

- Medical treatment is provided to a citizen or employee. Drug testing should be completed when the employee is treated if possible or within 32 hours of treatment by a physician. Breath alcohol testing must be completed as soon as practical but not more than 2 hours after the time of the accident. If an employee reports an accident on the day it occurs, but does not seek treatment by a physician for this injury until days or weeks later, the employee should be drug tested when the employee is treated or within 32 hours of receiving treatment. Involved in the accident is defined as the employee(s) caused, failed to avoid, employee negligence or impairment, or other contributory factors determined by the department head.;or
- Property damage exceeds \$500.00.;or
- A work related fatality occurs.;or
- If a DOT recordable accident occurs – the driver must be drug tested within 32 hours and alcohol tested within 2 hours. An accident is considered to be a DOT recordable accident if any of the following conditions exist:
 - Fatality, or bodily injury requiring medical treatment away from the scene.
 - One or more vehicles is towed from the scene of the accident.

All employees for absences due to on the job injuries/illnesses:

- Will be paid regular pay through the end of their shift, if unavailable to return to work the day of the injury. Proper documentation from the physician is required.
- Follow up appointments should be scheduled outside of normal scheduled shift. If unable to schedule outside of shift, employee will obtain department head approval and receive regular pay for all time spent waiting for or receiving treatment.

All employees will receive workers compensation benefits for lost time accidents:

- After the employee completes the state waiting period (24 working hours/ 3 days), with retroactive benefits if disability lasts 14 days or longer.
- Employees may use available sick, vacation or comp time pay for waiting period.
- Employees may not use sick, vacation or comp time while receiving workers compensation pay.
- On the job injuries/illnesses do qualify for Long Term Disability, although LTD benefits will be reduced by workers comp benefits received. If an eligible employee is expected to be out over 90 days, contact Human Resources for information.

Return to work:

- Employees may be placed on transitional duty if a suitable position exists within the limitations specified in writing by the physician.
- Employees returning to work on transitional duty will be advised by the department head that the accommodations are temporary and the exact job duties are subject to change.

- Any employee refusing transitional duty will not receive workers compensation benefits.
- No employee will be allowed to return to regular duty until a release to return to regular duty is provided from an approved and informed physician.

*(Safety sensitive positions are defined as any employee working for the Police Department, Fire Department, or the Public Works Department.)

9-17 Employee Recognition

This Employee Recognition section applies to all employees (full-time, part-time & seasonal)

1. Service awards and recognition (for on-going service)
 - On the Spot Awards for up to \$25 value
 - Annual Department level recognition, awards, luncheons or dinners will be funded by the City at \$15 per employee.
 - Performance evaluation and December 15th incentive pay [Cross Reference Chapter 11 Section H Incentive Pay Program]
 - Year's of service recognition at five year intervals
 - Special Recognition Certificate
 - Gift Certificate of \$10 per year at each five year interval
2. Employment separation awards and recognition (open houses, dinners, luncheons, etc. for retirements and voluntary resignations.)
 - < 5 years service
 - No funding.
 - Informal by and through co-workers
 - ≥ 5 years service < 10 years
 - City funding of \$10 per year of service for a thank-you gift
 - No city funding for Dinners, Luncheons
 - ≥ 10 years service < 20 years
 - City funding of \$10 per year of service for a thank-you gift
 - A Department level Dinner or Luncheon.
 - ≥ 20 years service
 - City funding of \$10 per year of service for a thank-you gift
 - A Department level Dinner or Luncheon.
 - An Open House with city funded refreshments.
 - Police Officers will receive their service revolver.
 - Firefighters will receive their service helmet.

Chapter 10 RETIREMENT BENEFITS AND PENSIONS

10-1 Retirement Plan

Riverdale City participates in several different retirement plans for full time and eligible part time City employees. Each eligible employee should contact the City Payroll Department for details on applicable retirement plans.

Upon qualification, full time and eligible part time City employees may retire pursuant to the provisions set forth in the applicable retirement plan. Employees shall notify their department supervisor at least ninety (90) days prior to their anticipated retirement date to make arrangements for commencement of applicable retirement plan benefits and to allow for replacement of the retiring employee.

Employee participation in a retirement plan does not in any way constitute a contract of employment nor a guarantee of employment with the City until retirement.

10-2 Retiree Health Insurance Program

It is Riverdale City's desire to offer a Retiree Health Insurance Program that will provide needed coverage to retirees that would bridge the gap from retirement to becoming eligible for Medicare, or to obtain other insurance coverage. The Retiree Health Insurance Program is the same plan that active employees have. Employees choosing to participate in the Retiree Health Insurance Program are treated as all active employees, as far as open enrollment, rate changes, etc are concerned. The Retiree Health Insurance Program plan covers Medical and Dental if you are currently covered on these plans when you retire; however, you are not required to take both.

Eligibility Requirements

To participate in the Retiree Health Insurance Program, the employee must meet the following eligibility criteria:

1. The employee must have at least ten (10) years of continuous credited service as a benefit eligible employee.
2. The employee must be age fifty five (55) or older.
3. The employee must retire from the city in good standing.
4. The employee must be a qualified beneficiary under COBRA, thus eligible for COBRA coverage under the city's medical and dental insurance plan. This means the employee, as well as the spouse, and any dependent children to be covered, must have been covered under the city's insurance on the day before a qualifying event.
5. Automatic payment of premiums from the retirees checking/savings account is required to participate in the program.

Retiree Insurance Coverage

1. Retiree coverage provided includes only the medical and dental coverage offered to employees and their families through the city's plan.
2. Retirees who maintain continuous coverage may do so until age 65 or until they become eligible for Medicare coverage.
3. In the event the eligible retiree turns 65 years old or dies, their spouse who was enrolled in the plan at the time of the event, may continue coverage until they reach age 65 or until they become eligible for Medicare coverage.

4. Retired employees and/or dependants who decline or drop coverage participation may not have it later reinstated.

Payment of Premium

The retiree is responsible to pay the full premiums on a monthly basis through automatic payment as follows:

1. From the date of retirement to the end of the 18th month after retirement, the retiree pays 102% of the current premiums.
2. From the 19th month until the retiree reaches Medicare age (currently 65), the retiree pays 130% of the current premiums.

Premiums shall be paid in advance, due on the first day of each month. Failure to pay the premium within 30 days at any time during coverage will result in cancellation of coverage. Once coverage is cancelled for non-payment, the retiree cannot be reinstated in the program.

Enrollment

Employees planning to enroll in the Retiree Health Insurance Program should contact the Human Resources Office at least 30 days prior to their scheduled retirement date to arrange for enrollment. Retirees who do not choose to participate in the program within the COBRA election period are not eligible to participate at a future date.

Chapter 11 COMPENSATION AND WORK HOURS

11-1 Employee Compensation

A. Overview

Riverdale City's compensation policies and programs are designed to assist in creating an environment which will:

- attract, develop, retain, and reward high quality staff at all levels of responsibility;
- provide the foundation for internal equity through consistent application of job evaluation, position evaluation, and pay programs;
- pay wages and salaries which are competitive with the prevailing rates for similar employment in the labor markets;
- foster staff understanding of, and reward staff on the basis of performance and contribution to the city's missions through an incentive pay program;
- maintain a compensation program that promotes ease of administration;
- comply with all state and federal laws and regulations.

B. Compensation Model

a. Modified Grade and Step

The city will utilize a matrix of grades and steps to compensate all employees.

b. Grade

Each grade on the Grade and Step Model will represent a clearly defined job description, which should closely match each city approved job description. All employees whose jobs fit within a particular job description will be compensated within the steps of that grade.

c. Step

All employees will fall within one of 18 steps on the Grade and Step Model.

C. Technology Net[®]

a. Technology Net[®]

Technology Net[®] is a national company who provides salary information which has been accumulated from various governmental entities. Riverdale City utilizes the information available from Technology Net[®] to establish the wage ranges for each full-time position within the city. Part-time, temporary and seasonal positions may utilize the survey to help determine wage ranges, but will ultimately be determined by the Department Head with approval from the City Administrator and Human Resources.

b. Technology Net[®] Job Descriptions

In order to utilize the Technology Net[®] information, it is necessary that each city approved job description be as closely matched as possible to the job description on the Technology Net[®] Survey.

c. Technology Net Survey Information

Although Technology Net[®] provides survey information for many counties and service districts, Riverdale City has chosen to compare the salary information of all participating Utah cities, Wasatch Front counties and applicable service districts. Those entities whose information is more than two years old will not be used until their information is again current. In January of each year, the city will use the information from the survey to determine the minimum and maximum of each grade in preparation for the budgeting process.

D. Grade and Step Matrix

a. Using Survey Averages

All participating cities and counties report a pay range for each job description. The Technology Net[®] survey information will be used to determine the average minimum and maximum paid by all Utah cities, select counties and special service districts who participate in the survey. Utilization of the average is based on the city's desire to compensate employees better than most cities. It is acknowledged that not all cities and counties in Utah participate in the survey and that generally larger, higher paying cities are participating. Using an average of these cities and counties should provide the city with a more competitive wage scale.

b. Minimum Average

The lowest step in the city's Modified Grade and Step will be the average minimum wage range reported on the survey for each job.

c. Maximum Average

The highest step in the city's Modified Grade and Step will be the lesser of 110% of the average maximum wage range reported on the survey for each job or the highest maximum reported on the survey for that specific job. The 110% factor is used to assure that Riverdale City pays better than other cities and counties.

d. Step Calculations

Steps will be established by taking the minimum and maximum and evenly distributing the dollar amount of the pay range between all 18 steps.

E. Annual Adjustments

a. Date of Adjustment

Each year on July 1st, all employees whose work is at least satisfactory will be eligible for a step increase if:

1. They have been employed with the city for at least one year, or,
2. If hired within the last twelve months, the employee has successfully completed their 6-month probationary period.

b. Amount of Adjustment

Employees whose work is at least satisfactory will be eligible to advance to the next step in their grade. In the event that new survey data would create a reduction in employee pay, the employee will still move to the new step, but will not receive a reduction in pay.

c. Budget Shortfalls

In the event that the annual cost of the matrix adjustments and step increases exceed the amount approved by the City Council for the payroll budget, all grades will be adjusted by the same percentage reduction to conform to the budget.

F. Exceptions

a. Job Descriptions

Technology Net[®] job descriptions are intended to closely match the city's job descriptions. It is expected that employees are compensated at their highest skill level as long as that skill is a substantial part of their job and required by the city to perform their specific job. In the event job descriptions from Technology Net[®] are not available or do not match closely, the Department Head, with approval from the City Administrator and Human Resource Manager, shall determine the minimum and maximum steps for this job.

b. Unsatisfactory Job Performance

In the event that an employee's work is unsatisfactory, the employee will not be eligible for a step increase nor for any increase due to adjustments in the survey wage data. This exception may result in an employee's wages not matching a specific step in his/her grade. Once performance has improved to a satisfactory level, the Department Head may, with approval from the City Administrator, award the lost step increase to the employee.

G. New Employees/Promotions/Demotions/Merit Increases

a. New Employees

New employees will generally be replacing former employees and will normally be placed on the same grade as their predecessor. The Department Head, with approval from the City Administrator, will have the latitude to place new employees on the step that is most appropriate for the education, experience or other factors that the new employee brings to the job.

b. Promotions

The Department Head, with approval from the City Administrator, will have the latitude to place promoted employees on the step that is most appropriate for the education, experience or other factors that contributed to their promotion or selection for the job.

c. Demotions

When employees are voluntarily or involuntarily demoted, the employee will be moved to their new grade and step by the Department Head with the approval of the City Administrator.

d. Department Restructuring

When employees are moved from one grade to another due to restructuring of their department, the employee will be moved to the step that matches the current pay or if the pay does not match, the next higher step.

e. Other Merit Increases

Staying within appropriated department budget constraints, other increases may be awarded to employees for special circumstances, these increases will allow the Department Head, with the approval of the City Administrator, to move an employee from their current step to a higher step.

H. Incentive Pay Program

a. Overview

Each year, the city council will appropriate a set amount that will be used to fund the Incentive Pay Program. These incentives are intended to reward employees based on their performance evaluation in relative comparison with the performance evaluations of other employees within their department.

b. Calculation of Incentive

Incentives will be calculated using the following formula:

1. Total year-to-date regular wages will be determined through the end of November for each employee who is eligible..

2. Total wages will be multiplied by the average Job Performance Evaluation score (as determined in I. below).
3. Incentives will be calculated by taking the product of #2 above, divided by the total product of all employees within their department, multiplied by the amount of the budgeted Total Incentive allocated to their department..
4. Employees who have an average Job Performance Evaluation score of less than 2.5, or who are on probationary status on the date of payment for disciplinary reasons, will not be eligible for incentive pay.
5. Employees hired within the last twelve months will not be eligible for incentive pay unless they have successfully completed their 6-month probationary period by October 31.

c. Date of Pay

Department Heads will award incentive pay on the mid-December payroll.

d. Immediate Rewards

Immediate rewards, not to exceed \$25 in value, are available to Department Heads for distribution to employees for special recognition of accomplishment. These rewards are intended as a nominal, but immediate and timely, recognition of performance as contrasted with the annual incentive pay awarded for the full impact of the employee's overall performance.

I. Job Performance Evaluations

Job Performance Evaluations will be completed in October of each year and reviewed with the employee and used for purposes of communication, instruction, guidance, and in conjunction with the incentive pay in H. above.

Each section of the Job Performance Evaluation will be scored as follows:

- a. Unsatisfactory = 1
- b. Needs Improvement = 2
- c. Satisfactory = 3
- d. Above Average = 4
- e. Excellent = 5

Unless an employee is placed on probationary status for disciplinary reasons in the interim, the yearly evaluation will be used for purposes of the incentive pay calculations in H. above.

J. Performance Pay Program

In an effort to promote efficiency, productivity, innovation, and mutually beneficial business practices, the City Administrator, coordinating with Department Heads where necessary, is authorized to award up to 33% of the budgeted monthly base pay of any vacant, authorized position on an interim basis to any employee(s) who take upon

themselves additional responsibilities as an attempt to assist the city in accomplishing its service objectives, while at the same time forgoing or postponing the hiring or replacing of an authorized position. These payments may be made on a monthly basis, or at the discretion of Administration as a lump sum at the conclusion of successful efforts.

K. Communication

With all steps of the compensation and evaluation process, it is intended that communication between all parties be open and frank. There are no portions of the process that should not be discussed with each individual employee. Highlighting the communications between Department Head and employees should be the discussions regarding job performance, job descriptions, and how they relate to the Technology Net[®] survey, Grade and Step compensation, and calculations involving incentive pay and the performance evaluation.

11-2 Work Hours

Regular and prompt attendance at work is required of all employees.

When an employee has not scheduled time-off with his/her supervisor and does not report at the regularly scheduled time, the employee shall be considered absent.

An employee is entitled to two (2) compensated 15 minute work break periods in an 8 hour work day. Employees may take a 15 minute break period for every four (4) hours worked. If an employee chooses to not take a break, no additional compensation will be given.

An unpaid meal period is provided to any employee who works a minimum of six (6) hours per day. The normal meal period should occur approximately halfway through the workday. However, certain departments may require alternate meal periods. The length of the meal period may vary from thirty (30) minutes to one (1) hour according to the needs of the department. Non-exempt employees must excuse themselves from all duties during the meal period.

11-3 Fair Labor Standards Act

All employees shall comply with the provisions of the Fair Labor Standards Act (FLSA) as amended and the Department of Labor regulations issued there under pertaining to compensation for overtime work.

Exemptions: In accordance with the provisions of the Fair Labor Standards Act, certain positions are "exempt" from the payment of additional money for overtime worked.

Work periods: For the purpose of complying with the requirements of the FLSA, the work week shall consist of seven days beginning 12:00 a.m. Saturday and ending at 11:59 p.m. Friday.

Full time Firefighter work periods shall consist of 12 days of 91 hour increments beginning 12:00a.m.on the first day and ending at 11:59p.m. on the twelfth day.

Part time Firefighter work periods shall consist of 15 days of 114 hour increments beginning 12:00a.m.on the first day and ending at 11:59p.m.on the fifteenth day.

Sworn Police Officers work periods shall consist of 7 days of 43 hour increments beginning 12:00 a.m. Thursday and ending at 11:59 p.m. Wednesday.

All overtime hours shall be accounted for by the employee on the time sheet during which the hours were worked.

Joint employment: A City employee shall not serve as a volunteer for the same job in which he/she is employed by the City.

11-4 Compensatory Time (Comp Time)

All non-exempt employees (as determined by the Fair Labor Standards Act [FLSA]) must be paid time and one half or given compensatory time (comp time) at the rate of time and one half for all hours worked:

- Over 40 hours per work period (7 days) for general employees;
- Over 43 hours per work period (7 days) for sworn police officers; or
- Over 91 hours per work period (12 days) for firefighters;
- Over 114 hours per work period (15 days) for part time firefighters;

For pay purposes, the use of annual leave, sick leave, holiday leave and comp time shall be paid at straight time and shall not be included as time worked for overtime calculation. However, in the event a non-exempt employee is called in, or remains on the job, and actually works during an exigent circumstance, then at the discretion of the department head, said employee may be granted overtime for said exigent circumstance work time, the aforesaid policy notwithstanding.

At the discretion of the Department Head, an employee may accrue holiday comp-time when a holiday is worked, instead of receiving holiday pay. When holiday comp-time is used, such time shall not be included as time worked for the calculation of overtime. On-call or standby time shall be excluded from time worked as permitted under the FLSA.

a. All present employees as of the effective date of this policy, and all new employees at the time they accept employment with the city and as a condition of employment shall indicate their agreement and understanding of Riverdale city's comp time policy by signing the Employee Acknowledgement Form at the time they receive this Personnel Policy Manual. Additionally, all employees desiring to accrue comp time in lieu of being paid overtime shall designate such desire in writing by signing the Compensatory Time Off Agreement form.

b. Employees shall not maintain a comp time balance greater than 80 hours beyond the end of each calendar year without the written permission of the City Administrator. If more than 80 hours are accrued as of December 31 of each year, the excess comp time shall be paid to the employee at the employee's current wage rate on the December 31 pay check absent a letter from the City Administrator.

c. When a non-exempt employee terminates employment with the city, the employee must be fully compensated for all unused comp time.

11-5 On-Call Compensation for Public Works Employees

During non-scheduled hours, on-call employees shall carry a pager and be able to respond to the City Shops within 30 minutes of the page. On-call employees are prohibited from using alcohol while on-call. These employees shall be considered on standby and shall receive on-call compensation of one (1) hour for each day of on-call duty. This assignment shall rotate among those employees qualified to respond. Employees paged to work while on-call shall be eligible for emergency call-back pay as described in 11-4 Compensatory Time above and said time shall

be counted in the determination of overtime for FLSA purposes. Time worked shall begin when the employee arrives at work and shall end when the employee leaves work.

11-6 Pay Day

The City operates on a semi-monthly pay period. The first pay period is the first through the fifteenth of the month, and the second pay period is the sixteenth through the last working day of the month. Paydays shall be on the fifteenth of the month and the last working day of the month, or the last working day before those days. The payday shall be for the pay period ending on the payday.

11-7 Time Reporting

All employees must fill out a timesheet (or clock in and out). These timesheets are used to compute leave and earnings and are kept as a permanent record. Because timesheets represent a legally protected financial claim on city resources, any misrepresentations or falsification on an employee's personal or another employee's timesheet could be grounds for immediate disciplinary action including termination.

To comply with FLSA, and especially overtime requirements, non-exempt employees must record hours worked and/or vacation or sick leave hours used on a day to day basis. Exempt employees are not required to record hours worked on a day to day basis; however, exempt employees are required to have scheduled and approved any time off of 4 hours or more. To comply with FLSA, exempt employees must also record on their timesheet the date of any vacation or sick leave used of 4 hours or more.

It is every employee's responsibility to sign his or her timesheet to certify the accuracy of all time recorded. The immediate supervisor will review and initial the timesheet before submitting it to the Department Head for final approval.

11-8 Travel Time Compensation

Employees in positions classified as non-exempt under the Fair Labor Standards Act may be eligible for compensation for the time they spend traveling.

Travel between home and work or between the hotel and worksite is considered normal commuting time and is not eligible for compensation.

If an employee requests a specific travel itinerary or mode of transportation that is different from the one authorized by the city, only the estimated travel time associated with the itinerary and mode of transportation that has been authorized will be eligible for compensation.

Any portion of authorized travel time on any day of the week, including Saturday and Sunday, is treated as work hours. Travel time will be paid at the employee's regular hourly rate and will be factored into overtime calculations.

Employees are responsible for accurately tracking, calculating and reporting travel time on their time sheets in accordance with this policy.

Meal periods should be deducted from all travel time.

Department Heads shall use discretion in determining compensatory time off in lieu of compensation for hours worked in excess of:

- Over 40 hours per work period (7 days) for general employees;
- Over 43 hours per work period (7 days) for sworn police officers; or
- Over 91 hours per work period (12 days) for firefighters;
- Over 114 hours per work period (15 days) for part time firefighters;

11-9 Shift Trading

Shift trading is not a substitute for annual leave. Personnel are encouraged to use annual leave to pursue other interests outside of work. Personnel filling in on a shift trade must be qualified to perform all duties of the person they are replacing. In order to minimize overtime liability to the departments shift trading is limited to one trade per work period (see policy 11-3 for work periods). Additional shift trades may be authorized by the Department Head or his/her designee. All shift trades must be approved in advance by the Department Head or his/her designee. Shift trading is totally voluntary and done solely at the employee's request. Once the shift trade has been approved, the employee who will be filling the shift is responsible for that shift. For the purpose of complying with the requirements of the FLSA, all hours shall be accounted for by the employee on the time sheet during which the hours were worked.

Chapter 12 SUBSTANCE ABUSE AND DRUG FREE WORKPLACE

12-1 Policy Statement

The City believes that a healthy and productive work force, safe working conditions free from the effects of drugs and alcohol, and maintenance of the quality of services rendered by the City are important. The abuse of drugs and alcohol creates a variety of work place problems, including increased injuries on the job, increased absenteeism, increased financial burden on health and benefit programs, increased work place theft, decreased employee morale, decreased productivity, and a decline in the quality of products and services.

Therefore, the City hereby adopts this Policy for testing employees and prospective employees as related to drugs and alcohol in the work place.

- A. In order to achieve a drug-free work place, employees in, and applicants for, safety sensitive positions shall be required to participate in alcohol and drug testing:
 1. When an applicant has been extended a conditional offer of employment but before beginning work;
 2. When there is a reasonable suspicion to believe that the employee is in an impaired state;
 3. When the employee has been involved in an "on duty accident" or unsafe work practice;
 4. On a random basis;
 5. As a condition for return to duty after testing positive for controlled substances or alcohol; and,
 6. As part of follow-up procedures to employment related drug or alcohol violations.

- B. Applicants for all other positions shall, as a condition of employment, be required to participate in alcohol and drug testing after the applicant has been extended a conditional offer of employment but before beginning work.

12-2 Drug & Alcohol Testing Policy Definitions

For the purposes of this policy:

- * "Alcohol" Alcohol is defined as the intoxicating agent in beverage alcohol, ethyl alcohol, or other low molecular weight alcohols in methyl and isopropyl alcohol no matter how packaged or in what form the alcohol is stored, utilized or found.

- * "Drugs" used in this policy refer to and include all drugs, paraphernalia, controlled substances, or mood or mind altering inhalants, any of which were not prescribed by a licensed physician/dentist in the United States for the person taking or in possession of the drug or substance, or which have not been used as prescribed or directed.

- * "Drug Paraphernalia" means objects used to manufacture, compound, covert, produce, process, prepare, test, analyze, pack, store, contain, conceal, and/or to inject, ingest, inhale, or otherwise introduce a drug into the human body.

- * "Employee" means any person in the service of the City whether for compensation or as a volunteer.

- * "Prospective employee" means any person who has made application for employment with the City and to whom the City has offered employment, conditioned upon the results of a drug and alcohol test.
- * "Conviction" means a finding of guilt (including a plea of no contest) or imposition of sentence, or both, by any judicial body charged with the responsibility to determine violations of the Federal or State criminal statutes.
- * "Criminal Drug Statute" means a Federal or State criminal statute involving the manufacture, distribution, dispensing, possession, or use of any controlled substance.
- * "MRO" means Medical Review Officer, charged with reviewing and interpreting test results and determining any alternate medical explanations.
- * "Drug Policy Coordinator" is the City employee specifically designated to administer the Drug and Alcohol Testing Policy and through whom any procedures, or disciplinary or rehabilitative action regarding this policy, must be reviewed and approved. The Drug Policy Coordinator is the City Administrator or other person designated by the City Administrator.
- * "CDL-Commercial Driver's License" is the license required to operate a commercial vehicle.
- * "Positive Test" any test result showing a blood alcohol content of 0.02 or greater or the presence of any controlled substance in the test subject.
- * "Refusal to Submit to Testing" failure to provide a testing sample without a valid and verified medical explanation, after the employee has received notice that he/she is being tested and a sample is required, or engages in conduct that clearly obstructs the testing process.
- * "Reasonable Suspicion" knowledge sufficient to induce an ordinarily prudent and cautious person under the circumstances to believe that a prohibited activity is occurring.
- * "Safety Sensitive Duties" any duties requiring a Commercial Drivers License, Firefighting Duties, Police Duties, any other duties or positions deemed safety sensitive.
- * "Sample" means urine, blood, breath, saliva or hair.

12-3 Testing Policy

It is the policy of the City to test employees and prospective employees for the presence of drugs or alcohol, according to the provisions set forth below, as a condition of hire or continued employment. Any employee or prospective employee failing or refusing to take the test will not be eligible for employment, or if employed, may be subject to termination. If an employee's breath alcohol concentration is .001 or more, a second breath specimen shall be tested approximately 10 minutes later. The results of the second test shall be determinative, however the employee may ask for a blood test after the second positive breath specimen. The City shall consider as negative all confirmed positive drug and alcohol test results with a medically sufficient explanation.

*Safety sensitive positions are defined as any employee working for the Police Department, Fire Department, or the Public Works Department.

A. The City shall require the testing of employees and prospective employees, including management, on a periodic basis, under the following circumstances and purposes:

1. **Pre-Employment Testing.** All prospective employees shall be tested for drug and alcohol usage prior to being placed for employment. All job applicants shall be informed of the policy at the pre-employment interviews. A copy of this policy shall be available for review by all job applicants. All prospective employees shall be required, prior to being hired by the City, to sign the acknowledgment form, agreeing to abide by the terms of this policy. The City will exclude from employment any job applicant or prospective employee who refuses to abide by the terms of this policy. Any prospective employee whose pre-employment drug and alcohol test results in a confirmed positive and who does not have a medically sufficient explanation (as determined in the sole, but reasonable, discretion of the MRO), may reapply for employment with the City after six months from the date of such test. If the City hires a prospective employee, he or she must have first successfully passed the above-referenced pre-employment drug and alcohol test, and thereafter he or she will be subject to all the procedures and requirements for drug and alcohol testing as set forth in this policy.

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

2. **Reasonable Suspicion (For Cause) Testing.**

A. When a designated supervisor makes a determination that there is a reasonable suspicion to believe that an employee performing or assigned to safety sensitive positions is using, is under the influence of, or is in possession of alcohol or controlled substances, the employee shall be subject to drug/alcohol testing.

1. The Supervisor making the determination that reasonable suspicion exists shall submit written documentation setting forth the specific, contemporaneous articulable observations concerning the appearance, behavior, speech or body odors of the employee which resulted in the reasonable suspicion determination. Reasonable suspicion of use of a controlled substance may also be based on observation of indications of the chronic and withdrawal effects of controlled substances.
 - a. The required observations underlying reasonable suspicion testing must be made by a supervisor or city official who has received at least two (2) hours of training on the physical, behavioral, speech and performance indicators of alcohol and drug use.
 - b. Observations underlying the reasonable suspicion testing must be documented in writing and signed by the supervisor or city official within twenty four (24) hours or before the results of the test are announced, whichever is later.
2. Reasonable suspicion testing may not be conducted by the same supervisor who makes the reasonable suspicion determination.

- B. Special requirements associated with reasonable suspicion alcohol testing.
 - 1. Alcohol testing is authorized only if the observations set forth above are made during, just preceding or just after the performance of safety sensitive functions.
 - 2. If an alcohol test is not administered within two (2) hours following the identification of reasonable suspicion, the supervisor prepare and maintain documentation stating why the test was not administered within two (2) hours.
 - 3. If an alcohol test is not administered within eight (8) hours following the identification of reasonable suspicion, the supervisor shall cease attempts to administer an alcohol test and shall prepare and maintain documentation stating why the test was not administered within eight (8) hours.
 - C. Special requirements associated with reasonable suspicion drug testing.
 - 1. If a drug test is not administered within thirty two (32) hours following the identification of reasonable suspicion, the supervisor shall cease attempts to administer a drug test, and shall prepare and maintain documentation stating why the test was not administered within thirty two (32) hours.
 - D. Upon required testing due to reasonable suspicion, the employee tested shall not engage in the operation of any City equipment or engage in any employment related duties, which his/her supervisor deems dangerous to himself/herself or others until the results of the tests are received and the employee is released back to work by the Drug Policy Coordinator.
3. **Return to Duty Testing.** If the City returns to duty an employee who is assigned to a safety sensitive position after he or she has voluntarily sought rehabilitation for drug or alcohol abuse and has successfully completed rehabilitation, such employee shall be entered into a program of unannounced drug and alcohol testing for a predetermined period of time at the sole discretion of the City.
4. **Post-Accident Testing.** Post-accident testing on employees assigned to safety sensitive positions* will be conducted on employees involved in an accident when:
- a. Medical treatment is provided to a citizen or employee. Drug testing should be completed when the employee is treated if possible or within 32 hours of treatment by a physician. Breath alcohol testing must be completed as soon as practical but not more than 2 hours after the time of the accident. If an employee reports an accident on the day it occurs, but does not seek treatment by a physician for this injury until days or weeks later, the employee should be drug tested when the employee is treated or within 32 hours of receiving treatment. Involved in the accident is defined as the employee(s) caused, failed to avoid, employee negligence or impairment, or other contributory factors determined by the department head.; or
 - b. Property damage exceeds \$500.00.;or
 - c. A work related fatality occurs.; or

- d. If a DOT recordable accident occurs – the driver must be drug tested within 32 hours and alcohol tested within 2 hours. An accident is considered to be a DOT recordable accident if any of the following conditions exist:
 1. Fatality, or bodily injury requiring medical treatment away from the scene.
 2. One or more vehicles is towed from the scene of the accident.
5. **Random Testing.** Employees assigned to, or performing, safety sensitive duties are subject to random drug/alcohol tests.
 - A. Random tests shall be:
 1. unannounced; and
 2. reasonably spread throughout the year.
 - B. Each employee within a testing pool must have an equal chance of being tested each time a random test is conducted.
- B. Employee's required to hold a Commercial Driver's License (CDL) and drive commercial vehicles as a condition of employment may be tested as required by federal and/or state law.
- C. Any drug or alcohol testing shall occur during or immediately after the regular work period of current employees, and shall be deemed work time for purposes of compensation and benefits for current employees.
- D. Individuals will be tested on City premises or sent to an outside clinic or testing facility licensed to perform such tests. If an employee is sent to an outside clinic for a "Reasonable Suspicion" test, the employee must be driven to the facility by the supervisor or his/her designee. The employee must then be put on administrative leave until the results of the test are available. The supervisor must make arrangements or help the employee make arrangements to get home without driving him/herself.
- E. The City shall pay all costs of testing and transportation associated with a test required by the City.
- F. All sample collection and testing shall be performed under the following conditions:
 1. The collection of samples shall be performed under reasonable and sanitary conditions.
 2. Samples shall be collected and tested with due regard to the privacy of the individual being tested, and in a manner reasonably calculated to prevent substitutions or interference with the collection or testing of reliable samples.
 3. The collection of samples shall be documented, and the documentation procedures shall include labeling of samples, to reasonably preclude the probability of erroneous identification of test results. An opportunity shall be provided for the employee or prospective employee to provide notification of any information that he or she considers to be relevant to the test, including identification of currently or recently used prescriptions or non-prescription drugs, or other relevant medical information.

4. Sample collection, storage, and transportation to the place of testing shall be performed in a manner that reasonably precludes the probability of sample misidentification, contamination or adulteration.
 5. Sample testing shall conform to scientifically accepted analytical methods and procedures.
 6. Testing shall include verification or confirmation of any positive initial screening test by gas chromatography, gas chromatography-mass spectroscopy, or other comparably reliable method.
- G. In the case of urine testing, an employee or prospective employee will submit a split urine sample. A split urine sample shall consist of at least 45 ml of urine. The urine shall be divided into two specimen bottles, with at least 30 ml of urine in one bottle and at least 15 ml of urine in the other. If the test results of the 30 ml urine sample indicate the presence of drugs, the donor of the test shall have 72 hours from the time he is so notified to request, at his option that the 15 ml urine sample be tested for the indicated drugs, the expense of which shall be divided equally between the donor and the City. The test results of both samples may be considered at any subsequent disciplinary hearing.
- H. Drug and alcohol testing will be conducted in compliance with federal, state and local laws, including but not limited to Utah Code Ann. s 34-41-101 *et seq.*

12-4 City Action

Upon receipt of a verified or confirmed positive drug or alcohol test result, which indicates a violation of this policy (and in the case of urine testing after providing the employee or prospective employee notice of the result of the initial test and the option to have the 15ml urine sample tested), or upon the refusal of any employee or prospective employee to provide a sample, the City may use that test result or refusal as the basis for disciplinary or rehabilitative actions, which may include, but not be limited to, the following:

- A. Termination of employment.
- B. Refusal to hire a prospective employee.
- C. Any other disciplinary measures in conformance with the City's practices, policies, or procedures.

12-5 Confidentiality

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

12-6 Work Place Rules

Employees who possess, dispense, manufacture, or distribute alcohol, drugs or drug paraphernalia on City premises, or on City time may be subject to disciplinary action, including termination.

Employees undergoing prescribed medical treatment with a drug that may alter physical or mental abilities must report that to their supervisor.

Any employee convicted of violating a criminal drug statute must notify the City Administrator within five (5) days of conviction. The City may take appropriate disciplinary or rehabilitative actions as a consequence.

No employee may use or be under the influence of drugs or alcohol on the City's premises, in the City's vehicles, or any time the employee is representing the City on City business, except in cases involving a current, prescription prescribed in the United States, or over-the-counter drug, taken as prescribed or directed.

12-7 Miscellaneous

A copy of the City's Drug and Alcohol Testing Policy shall be distributed to and posted for all employees, and all employees shall be required to acknowledge receiving, reading, and acknowledging the policy. Copies shall be made available to prospective employees.

This policy applies to management as well as other employees.

Employees wishing assistance with overcoming drug or alcohol abuse may contact their supervisor or the Drug Policy Coordinator for information about counseling and rehabilitation programs.

12-8 Acknowledgment of Policy

The City shall require each employee to read this policy and sign a form, acknowledging that they have received and read a copy of this policy and agree to abide by its terms as a condition of continued employment. The signed acknowledgment shall be kept in each employee's personnel file.

12-9 Drug and Alcohol Policy Not a Contract

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

Chapter 13 SEXUAL HARASSEM/DISCRIMINATION POLICY AND PROCEDURE

13-1 Prohibition Against Sexual Harassment/Discrimination

All employees of the City have the legal right (Title VII of the Civil Rights Act of 1964 which makes it unlawful to fail or refuse to hire or to discharge any individual, or otherwise to discriminate against any individual with respect to his/her compensation, terms, conditions, or privileges of employment, because of such individual's race, color, religion, sex, or national origin.) to work in an environment free from sexual harassment and discrimination. In addition, all individuals making application for employment with the City have the right to expect an environment free from sexual harassment and discrimination.

Sexual harassment and discrimination are unlawful activities which violate City policy and are prohibited. It is unacceptable behavior that will not be tolerated at any level. Any employee who engages in any form of sexual harassment or discrimination shall be subject to disciplinary action.

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

Submission to such conduct is made either explicitly or implicitly a term or condition of an individual's employment.

An employment decision is based on an individual's acceptance or rejection of such conduct.

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

It is also unlawful to retaliate or take reprisal in any way against anyone who has filed a complaint about sexual harassment or sexual discrimination or any other type of discrimination.

The City and its supervisors, employees and agents are under a duty to investigate or eradicate any form of sexual harassment, sex discrimination or any other type of discrimination or complaints about such conduct.

In addition to prohibiting sexual harassment or discrimination by its employees, the City will not tolerate sexual harassment or discrimination towards its employees by its citizens, contractors and/or vendors.

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

13-2 Statement of Penalties for Misconduct

An employee's commission of acts of sexual harassment, discrimination and/or retaliation will result in disciplinary action up to and including termination.

13-3 Reporting Violations of Sexual Harassment/Discrimination

Employees are required to report violations of the City's Sexual Harassment/Discrimination Policy when they first feel they have been sexually harassed or discriminated against. The following procedure will guide the investigation of sexual harassment or discrimination claims:

Employees must file a sexual harassment or discrimination complaint in writing with any one of the following individuals:

- a. Immediate Supervisor
- b. Department Head
- c. Human Resources Manager
- d. City Attorney or Assistant Attorney
- e. City Administrator

The City Administration will promptly conduct a thorough investigation of the alleged sexual harassment or discrimination complaint. Confidentiality will, to the extent practical, be protected.

Any employee of the City who is accused of sexual harassment or discrimination shall not question, coerce, intimidate, or retaliate in any way during the investigation against the employee who has filed a complaint of sexual harassment or discrimination or against employees that have provided information concerning the complaint.

All employees shall fully cooperate in any investigation of sexual harassment, discrimination or retaliation. Disciplinary action will be taken against any employee failing to report, obstructing or not fully cooperating with any investigation of sexual harassment, discrimination or retaliation.

Chapter 14 WORKPLACE VIOLENCE

14-1 Workplace Violence and Policy Statement

The City is committed to providing, in so far as it reasonably can do so within available resources, a safe environment for working and conducting business. The City will not tolerate acts of violence committed by City employees, or against City employees by members of the public while on City property or while the City employee is performing City business at other locations. The objective of this policy is to reduce the potential for violence in and around the workplace, to encourage and foster a work environment that is characterized by respect and healthy conflict resolution, and to mitigate the negative consequences for employees who experience or encounter violence in their work lives.

14-2 Workplace Violence Definitions

The work violence in this policy shall mean an act or behavior that:

is physically assaultive;

consists of a communicated or reasonably perceived threat to harm another individual or in any way endanger the safety of an individual;

would be interpreted by a reasonable person as having potential for physical harm to the individual;

a reasonable person would perceive as menacing;

involves carrying or displaying non-permitted weapons, destroying property or throwing objects in a manner reasonably perceived to be threatening; or

consists of a communicated or reasonably perceived threat to destroy property.

Violent actions on City property, in City facilities or while on City business will not be tolerated or ignored. 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 and may result in disciplinary action, up to and including termination. Employees must immediately report to their supervisor all incidents of workplace violence.

Chapter 15 RISK MANAGEMENT AND SAFETY

15-1 Employee Liability

An employee who becomes aware of any occurrence which may give rise to a lawsuit, who receives a notice of claim, or is sued because of an incident related to his employment, shall give immediate notice to his supervisor and the City Administrator.

15-2 Communicable Diseases

Riverdale City's decisions involving persons who have communicable diseases shall be based on current and well-informed medical judgments concerning the disease, the risks of transmitting the illness to others, the symptoms and special circumstances of each individual who has a communicable disease, and a careful weighing of the identified risks and the available alternative for responding to an employee with a communicable disease.

Communicable diseases include, but are not limited to, measles, influenza, viral hepatitis-A (infectious hepatitis), viral hepatitis-B (serum hepatitis), human immunodeficiency virus (HIV infection), AIDS, AIDS-Related Complex (ARC), leprosy, Severe Acute Respiratory Syndrome (SARS) and tuberculosis. Riverdale City may choose to broaden this definition within its best interest and in accordance with information received through the Centers for Disease Control and Prevention (CDC).

Riverdale City will not discriminate against any job applicant or employee based on the individual having a communicable disease. Applicants and employees shall not be denied access to the workplace solely on the grounds that they have a communicable disease. Riverdale City reserves the right to exclude a person with a communicable disease from the workplace facilities, programs and functions if the organization finds that, based on a medical determination, such restriction is necessary for the welfare of the person who has the communicable disease and/or the welfare of others within the workplace.

Riverdale City will comply with all applicable statutes and regulations that protect the privacy of persons who have a communicable disease. Every effort will be made to ensure procedurally sufficient safeguards to maintain the personal confidence about persons who have communicable diseases.

Supervisors who have been informed by an employee or who suspect an employee of having a communicable disease must immediately contact and coordinate employer actions with the HR Manager.

15-3 Incident Reporting

Definitions

For the purposes of this policy:

“Incident” Any event that causes damage to City property where the employee(s) caused, failed to avoid, employee negligence or impairment, or any other contributory factors determined by the Supervisor.

“Reportable Incident” Any event that causes damage to City property that is estimated to exceed \$500.00 or more.

Reporting Method

Incidents are to be reported by the employee(s) involved in the incident and by the immediate supervisor, or by the person in charge of the area where the incident occurred on the Employee and Supervisor Incident forms located in the Shared network file.

Report Timing

All incident reports must be submitted to Human Resources within 48 hours of the incident. If the City offices are closed during the 48 hour time period for submitting reports the incident report shall be submitted on the morning of the next business day. If full details of the incident are not available within this timeframe, the essential details of the incident as they are known should be submitted initially. Additional information should be submitted as soon as possible (within one week). If property damage is estimated to exceed \$500.00 or more see policy 12-3 for the appropriate drug testing procedures to be followed.

Incident Investigation

Reported incidents should be promptly investigated by the immediate supervisor, or by the person in charge of the area where the incident occurred. The investigation should identify the causes of the incident and assess any hazards that need to be controlled. The incident will be discussed by the Risk Management committee to decide on suitable risk controls to be implemented and appropriate action to be taken.

EMPLOYEE ACKNOWLEDGMENT

I certify that on this date, I received a copy of RIVERDALE CITY Policies Handbook. I understand that this Handbook supercedes any and all prior written personnel policies or manuals issued by the City.

I understand that receipt of this manual constitutes a legal notification of the contents and that it is my responsibility to become familiar with and adhere to the policies and procedures that are stated herein.

I understand that the information in this Handbook is subject to change at any time, solely at the discretion of the City, with or without notice to the employee. It is my responsibility to keep informed of these changes and file updated material as I receive it.

I understand that no verbal or written agreements, understandings, representations or statements made by my supervisor, or anyone, can change the policies outlined in this Handbook, or bind the City to any course of action.

I understand that the policies and statements contained in this Handbook and in other statements that may be issued from time to time do not create a contract or agreement of any kind between the City and its employees.

I understand that when my employment with the City ends, I have an obligation to satisfy all financial obligations related to my employment by the City. In the event I do not satisfy those financial obligations, I expressly authorize a deduction from my final paycheck to satisfy any remaining financial obligations.

Employee's Signature

Employee's Name (please print)

Date

Witness