

Santaquin City Resolution 04-01-2011

A RESOLUTION ADOPTING THE 2011 VERSION OF THE SANTAQUIN CITY EMPLOYEE POLICY AND PROCEDURE HANDBOOK

WHEREAS, the City of Santaquin has an employee policies and procedures handbook to address employment and personnel matters to apply to city employees; and

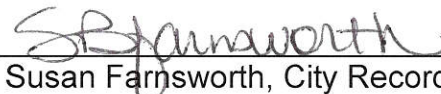
WHEREAS, the City of Santaquin has determined that it desirable to updated these policies and procedures from time to time to comply with Federal, State and local laws and ordinances as well as ; and

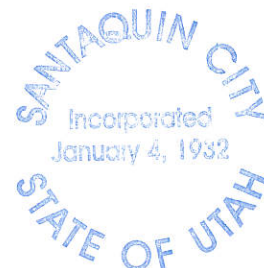
WHEREAS, recommended changes have been prepared by the Director of Administrative Services, and reviewed by the City Manager, Director of Public Works, Director of Public Safety, Director of Community Development, and Director of Leisure Services as well as reviewed by our City Attorney, Mayor, and City Council;

NOW, THEREFORE, BE IT RESOLVED, that Santaquin City shall adopt the 2011 version of the Santaquin City Employee Policies and Procedures Handbook shown on Attachment (A) which shall be effective at 12:01am on July 1, 2011.

Approved and adopted by the Santaquin City Council this 6th day of April, 2011.


James E. DeGraffenried, Mayor, Santaquin City

Attest: 
Susan Farnsworth, City Recorder





Employee Policy & Procedure Handbook

Effective July 1, 2011



Dear Santaquin City Employee,

It is a pleasure and a privilege for me to welcome you as an employee of Santaquin City. We are happy and excited to have you as part of our team.

Please understand that it is not easy to be a Santaquin City employee. We expect a lot out of ourselves and out of each other. This Employee Policy and Procedure Handbook has been prepared to help you live up to those expectations.

The following pages give you basic guidelines for being a member of the Santaquin City team. It is important for you to review the contents of this documents carefully, as it is the foundation of our success, as a team and individually.

If you have any questions regarding this handbook, please ask your Functional Area Director, the City Manager or the Personnel Officer of clarification.

Thanks for all you do.

James E. DeGraffenried
Mayor

TABLE OF CONTENTS

DISCLAIMER

SECTION 1: INTRODUCTION

Page

1.1	Santaquin City Mission Statement	1
1.2	Service Values	1
1.3	Santaquin City Government	1
1.4	Policy Implementation	2

SECTION 2: EMPLOYMENT PRACTICES

2.1	Recruitment & Hiring	3
2.2	Employment Status, Classification & Probation	5
2.3	Performance Evaluations	6
2.4	Employee Reduction in Force Policy (RIF)	7
2.5	Records	7

SECTION 3: COMPENSATION, LEAVES & BENEFITS

3.1	Compensation	9
3.2	Leaves	13
3.3	Employee Benefits	23

SECTION 4: EMPLOYEE CONDUCT

4.1	Code of Conduct	26
4.2	Harassment, Discrimination, & Retaliation	31
4.3	Alcohol/Drugs & Tobacco Free Workplace	34
4.4	Violence-Free Workplace	35
4.5	Employee Discipline	35
4.6	Employee Grievance Procedures	39

SECTION 5: FINANCIAL POLICIES & PROCEDURES

5.1	Purchasing	41
5.2	Travel Policy	43

SECTION 6: RISK MANAGEMENT

6.1	Risk Management Philosophy	45
6.2	Processing Risk-related Incidents	46
6.3	Workers Compensation	49

SECTION 7: VEHICLE USE

7.1	Vehicle Use	53
7.2	Driver/Operator Duties and Responsibilities	53
7.3	Use of Personal Vehicles for City Business	54
7.4	General Liability Provisions	55

SECTION 8: SAFETY

8.1	Safety Policy	56
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ADDENDA:

A.	Ordinance No. 07-01-2010 (Drug Free Workplace)
B.	Ordinance No. 08-01-2009 (Appeals Board)

DISCLAIMER

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

SECTION 1: INTRODUCTION

1.1 SANTAQUIN CITY MISSION STATEMENT

Provide for a strong positive civic image and quality of life for people who live and work in Santaquin City by providing guideline and standards that ensure the orderly and balanced distribution of growth, sound fiscal and economic investment and preservation of the open and rural environment in a clean, and attractive physical setting.

1.2 SERVICE VALUES:

Santaquin City Service Values:

- To astonish the customer, not just to satisfy the customer:
"We don't care if they don't notice everything we do. Just as long as they notice something that's different about us."
- Only the non-complacent thrive:
"We will always be on the lookout for complacency."
- Actions speak louder than words:
"Walk the walk." "No one carries more importance to the core mission of the City than another. Only job descriptions differ."
- The best team polices itself:
"If you treat any person badly, there are enough people around who care enough that you're going to hear about it."
- Change is the status quo:
"Be a champion of positive change. Be sure the end result of change is positive. Be cognizant of the efforts of change."
- Stay small as you grow:
"Practice lean management principles that focus on the most cost effective strategies to provide value to our citizens"
- Propagate the culture:
"Treat all people right," "Communicate with your team," "Inspire greatness in others," "Encourage initiative and innovation," and, "Do the right thing."

1.3 SANTAQUIN CITY GOVERNMENT

The Santaquin City operates under a Six Member Council form of government and is a City of the fifth class as determined by Utah law. Hence, it is governed by a six member Council comprised of five elected Council Members, and an elected Mayor. The Mayor is the Chief Executive Officer of the City and is responsible for keeping the peace, enforcing the laws of the Municipality, and ensuring that all applicable and municipal ordinances and resolutions are faithfully executed and observed. The City Manager is hired by the Mayor and

Council to manage the day-to-day operations of the City, as directed by the Mayor, City Council and by Ordinance.

1.4 *POLICY IMPLEMENTATION*

- A. The information contained in this handbook is intended to give employees a better understanding of the responsibilities and obligations of employment with the City. Employees are required to read, understand, and comply with all provisions of the Employee Handbook.
- B. The Santaquin City reserves the right to revise, supplement, or rescind any policy or portion of a policy from time to time as deemed necessary by the Mayor, or designee. Every employee is responsible for becoming informed of changes as they occur.
- C. Employees will receive a copy of the adopted Employee Handbook and any revisions that may occur periodically. Additionally, a complete copy of the adopted Employee Handbook may be obtained via the city website or at the City Offices.
- D. In addition to the policies and procedures contained in this manual, employees are responsible for understanding and abiding by policies and procedures of their respective Department, and/or Division.
- E. The Mayor, or designee, shall be the final interpreter of the provisions of the Employee Handbook.

SECTION 2: EMPLOYMENT PRACTICES

2.1 RECRUITMENT & HIRING

- A. General Policy - It is the intent of the Santaquin City to fill all positions with the most suitable applicant.
1. Anti-Nepotism. Santaquin City complies with Title 52, Chapter 3, Utah Code Annotated. The City prohibits any person holding any position to appoint, vote for the appointment of, directly supervise, or be directly supervised by their father, mother, husband, wife, son, daughter, brother, sister, uncle, aunt, nephew, niece, first cousin, father-in-law, mother-in-law, brother-in-law, sister-in-law, son-in-law, or daughter-in-law. Volunteers providing services to the City are excluded from this provision.
 2. Employment of Minors. It is the policy of the Santaquin City that no one under the age of 14 shall be hired for any position. Santaquin City will comply with federal and state laws governing employment of minors.
- B. Equal Employment Opportunity - Santaquin City is an "Equal Opportunity Employer" and selects, hires, promotes, and compensates employees without regard to race, religion, pregnancy, age, disability, gender, color, national origin, or any other protected status. The City evaluates applicants for employment or candidates for promotion based upon their knowledge, skills, experience, education, and potential for job performance consistent with the needs of the position. Santaquin City also adheres to the provisions of the Americans with Disabilities Act.
- C. Job Openings - In general, notices of all job openings are posted, although Santaquin City reserves its discretionary right to not post a particular opening. Job openings may be advertised in the appropriate media including, but not limited to, employment agencies, professional staffing services, trade journals, newspapers, internet, and bulletin boards. Other recruiting sources may be used to fill open positions in the best interest of the organization. Job openings will be advertised for a minimum of 5 working days.
1. Job Description. A definition of the essential duties of the new or vacant position shall be drafted and approved by the Mayor, or designee, before the position is posted or advertised
 2. Internal Promotions. Santaquin City shall give first consideration to current employees desiring to fill an open position if the Mayor, or designee, determines that an internal promotion fulfills the needs of the new or vacant position.
- D. Application Requirements - In general, the following application process is followed for all job postings.

1. Applicants for employment with Santaquin City shall complete a City application and are required to comply with the specific application process for each position. Applications must be signed and submitted to the Mayor, or designee, by the closing date and time of the posted position.
2. The City accepts applications from all interested parties, except when the position is being filled by internal promotion. Applications submitted by former employees who have been terminated for cause will not be considered.
3. Falsification of any information required in the application process shall disqualify a person for employment with Santaquin City.

E. Selection Procedures - In general, the following process is followed when selecting an applicant for a job.

1. **Interviewing.** Job related duties and qualifications, as outlined in the job description, will provide a basis for initial screening of job applicants. The Mayor, or designee, will select applicants to interview from those whose job applications show that the applicant is qualified for the position.
2. **Skill Based Testing.** Job applicants may be required to take tests which the City deems necessary for a specific position as part of the selection process.
3. **Reference Checks.** Santaquin City may contact references and former employers of applicants when selecting an applicant for an open position.
4. **Job Offer.** Once an applicant is selected and approved by the Mayor, or designee, the successful applicant shall be notified and extended a conditional job offer contingent upon results of reference checks, drug and alcohol testing, background investigation, and check of driving record (if required) results. The Mayor, or designee, should notify the other job applicants that they were not selected for the position.
5. **Drug & Alcohol Testing.** Santaquin City requires all applicants who have been extended a conditional job offer for full-time and part-time positions to undergo and alcohol and drug testing. Temporary, seasonal, volunteer and contract employees may be required to undergo alcohol and drug testing. Refusal to take such test shall disqualify a person for City employment.
6. **Criminal Background Investigation.** Santaquin City requires all applicants who have been extended a conditional job offer to undergo a criminal background investigation. Refusal to authorize such investigation shall disqualify a person for employment. An

applicant who has been convicted of a crime may be denied employment with Santaquin City.

2.2 EMPLOYMENT STATUS, CLASSIFICATION & PROBATION

A. Employment Status -

1. Full-time. An employee hired to work a minimum of 40 hours per week or applicable full-time work schedule, and eligible for City benefits.
2. Part-time/Benefited. An employee hired to work a minimum of 20 hours per week on a regular, year-round basis, and eligible for reduced City benefits.

Part-time employees, who work 20 hours per week, or more, are not considered Part-time/Benefited until designated by the Mayor, or designee, as such for reasons including, but not limited to, years of service, job performance, criticality of the position, initial recruitment of the position, availability of funding within the department, etc.

3. Part-time/Non-benefited. An employee hired to work up to 29 hours per week, is at-will, may be terminated at any time, with or without cause or prior notice, for any reason or no reason at all, has no appeal rights and is not eligible for City benefits.
4. Seasonal. An employee hired to work up to 40 hours per week to a maximum of 1560 hours during a rolling year, is at-will, may be terminated at any time, with or without cause or prior notice, for any reason or no reason at all, has no appeal rights and are not eligible for City benefits.
5. Volunteer. Any person who donates service without pay or other compensation. Volunteer employees are at-will, may be terminated at any time, with or without cause or prior notice, for any reason or no reason at all, have no appeal rights and are not eligible for City benefits.

Prior to rendering of any volunteer service the volunteer should be pre-approved by the Mayor, or designee. Functional Area Directors, Department Heads, Supervisors or those in charge of volunteer services shall provide volunteer information to the Administration Services Department, prior to the rendering of any volunteer services, to insure worker's compensation and liability coverage.

B. Employment Classifications - In accordance with the Fair Labor Standards Act (FLSA), employees shall be classified as either exempt or non-exempt with respect to eligibility for payment of overtime.

1. Exempt. Employees are those in managerial, administrative, or professional positions as prescribed by the Fair Labor Standards Act and therefore do not receive overtime for hours worked in excess of a 40 hour work week or other applicable work period.
2. Non-exempt. All other Fair Labor Standards Act covered employees are paid overtime for hours worked in excess of a 40 hour work week (80 hours in a 14 day work period for certified police employees) or other applicable work period.

C. Probation -

1. Probationary Period. Except for employees specifically designated as "At-will", all newly hired employees shall fulfill a probationary period. During probation, such employees may be terminated at any time, with or without cause or prior notice, for any reason or no reason at all. Probationary employees have no appeal rights.
 - a. Full-time and Part-time/Benefited employees are subject to a 6 month probationary period.
 - b. Employees promoted or transferred to a new position are subject to a new 6 month probationary period.
2. Performance Reviews. All Full-time and Part-time employees shall have at least one performance review prior to the conclusion of the probation period. Additional reviews may take place if necessary. Results of the performance review will determine whether the employee is eligible for full employment status, probation is extended, or employment is terminated.
3. Extensions. If results of a performance review are unsatisfactory in any area, the Mayor, or designee, may extend probation beyond the initial probationary period. Probation extensions shall be documented and notice given to the employee prior to the conclusion of the original probationary period.
4. Corrective Action Plan. As part of a disciplinary action or as part of a performance review, an employee may also be placed on a corrective action plan, the length of which shall be determined by the Mayor, or designee.

2.3 PERFORMANCE EVALUATIONS

- A. Designated supervisors shall conduct performance evaluations of all Full-time and Part-time/Benefited employees as designated by the Mayor, or designee, to assist employees in performing their job duties. Designated supervisors may also conduct performance evaluations of Part-time/Non-Benefited employees.
- B. Employees may receive merit increases based on performance evaluations and according to availability of funds as allocated by the City Council through the budget process.
- C. Signed copies of annual performance evaluations are placed in the employee's personnel file. Each employee will receive a copy of their annual performance evaluation.

2.4 *EMPLOYEE REDUCTION IN FORCE POLICY (RIF)*

- A. Due to budgetary restrictions, reduction in workload, or reorganization, the Mayor, or designee, may determine that an employee reduction in force (RIF) is necessary. When it becomes necessary to reduce the work force, full-time and part-time/benefited employee(s) with the positions to be eliminated shall, when possible, be notified in writing of the reduction in force at least two weeks before the planned reduction in force.
- B. In the selection of employees for Santaquin City's RIF, the following guidelines should be considered:
 - 1. Selection should consider the roles and responsibilities of the position being eliminated, the individual currently in the affected position, and the employee's ability to perform other work assignments within the affected department.
 - 2. Seniority will be considered.
 - 3. Seasonal, Probationary and Part-time/Non-benefited employees should be laid off first. Full-time and Part-time/Benefited employees should be the last to be laid off, when possible.
 - 4. If advanced notice of the RIF cannot be given to the employee, two weeks severance pay may be given. This provision is subject to the availability of funds.

2.5 *EMPLOYEE RECORDS*

- A. General Policy - Federal Law requires employers to retain detailed information about their employees. Personnel files are maintained on each employee and kept by the Mayor, or designee. The record copy (original) of all appropriate personnel information shall be filed in the

personnel file. Supplemental files may be kept by Functional Area Director's, Department Managers, and/or Supervisors.

- B. Personnel File Contents - Contents of a personnel file may include the following:
1. An employment hiring record including the employees job application, resume, interview forms, test scores, etc., employment eligibility verification (I-9), withholding allowance certificate (W-4), benefit election forms.
 2. A job description of the position the employee currently occupies. A signed acknowledgement that the employee has received a copy of the Employee Handbook.
 3. Employee status records including, but not limited to, performance evaluation, promotions, transfers, demotion, termination of employment, salary rate changes, disciplinary action and responses, re-hire, reduction in force, payroll deductions, certificates of recognition, training records, etc.
- C. Other files - The city may maintain other supplemental files with employee information such as, drug and alcohol testing, employee investigations, workers compensation information, FMLA documentation, physicians verification and return to work authorizations, benefit enrollments, etc. Payroll information, including hours worked, overtime, deductions, payment dates, time and day of the week worked, etc., shall be maintained as outline by the Fair Labor Standards Act.
- D. Employee Information - Employees are responsible to ensure that personal information, including, current address, phone number, emergency contact, etc. is current.
- D. Confidentiality - Santaquin City's policy is that only relevant, job related information is maintained on its employees, that such information is held in strict confidence, and that access is limited only to those who require it for legitimate business reasons.
- E. Access - Employees have the opportunity to review their own files in the presence of the Mayor, or designee, on Santaquin City premises at reasonable times during regular business hours.
1. Verification of Employment. Without written authorization from the employee, Santaquin City limits information given in a verification of employment to include, status and classification of the employee, position held, verification of salary.

SECTION 3: COMPENSATION, LEAVES, & BENEFITS

3.1 COMPENSATION

- A. Work Hours - Work hours for employees are determined by the Mayor, or designee. The Mayor, or designee, may change employee work hours as determined to be in the best interest of the City.
- B. Payroll - All employees are paid bi-weekly. Each paycheck will include earnings for all work performed through the end of the previous payroll period or applicable work period.
1. The work week begins at 12:00 a.m. on Sunday and ends on Saturday at 12:00 midnight for all employees.
 2. Employees and Supervisors are responsible for accurately recording and reporting time worked and leave used on their timecards. Supervisors must review and sign timesheets.
 3. Employees should take every reasonable measure not to exceed 40 hour in a one work week for a non-exempt employees and 80 hours in a 14 day work period for certified officers. For example: an employee takes a vacation day (8 hours) on Monday and works a regular 8 hours plus an extra unscheduled 4 hours on Friday, for a total of 44 straight time hours in the work week. The employee would then only use 4 hours of vacation leave for Monday to keep time paid at 40 hours for the week. These adjustments can usually only be made when there is vacation or sick leave used in the same work week or work period as the extra time is worked and the extra time is paid at straight time because of the use of leave. If the extra time qualifies for overtime or compensatory time it will be compensated as such.
 4. Employees may voluntarily authorize deductions from their paychecks to cover the costs of participation in City approved programs. Employees should review any discrepancies in payroll deductions with the Mayor, or designee.
 5. Upon receipt of a valid garnishment, the City shall withhold wages from an employee's paycheck. The City shall continue to withhold the garnishment wages until a court order is received indicating satisfaction of the indebtedness or until the City is ordered to surrender the monies to the court or its agent.
 6. An employee may not receive any unearned pay advances.
- C. Pay Plan - Each position will be assigned a pay grade and salary range, as established by the City's pay plans. The pay plans reflects internal and external equities, based upon assigned duties and responsibilities, and market comparisons. The Mayor, or designee, shall conduct a study of

salary levels at least every 3 years and shall recommend adjustments. Implementation of adjustments is subject to the availability of funds.

1. Merit Increases. Employees may receive merit increases based on performance evaluations and according to availability of funds as allocated by the City Council through the budget process.
2. Cost of Living Adjustments (COLA). Employees may receive a COLA as determined appropriate and according to availability of funds as allocated by the City Council through the budget process.
3. Selective Salary Adjustments. The Mayor, or designee, may recommend a selective salary adjustment in order to mitigate an inequity, as part of a promotion, reassignment or reclassification etc. The Mayor, or designee, shall submit written documentation supporting the recommendation to the City Council. A selective salary adjustment is subject to the availability of funds.

D. Compensation - Santaquin City will comply with provision of the Fair Labor Standards Act of 1938 and the Equal Pay Act of 1963.

1. Compensatory Time Provisions. Non-exempt employees shall receive compensatory time off prior to payment of any overtime unless, the employee has accrued the maximum number of compensatory hours allowed, or the payment of over-time is pre-approved by the Mayor, or designee. Exception is give to over-time paid by funding received or reimbursed by other agencies, such as alcohol enforcement or seatbelt shifts.
 - (a) Compensatory time is calculated based on actual time worked. Time worked does not include holiday, compensatory, or any type of leave.
 - (b) Compensatory time is accrued for actual time worked in excess of:
 - (1) 40 hours per work week for non-exempt employees.
 - (2) 80 hours per 14 day work period for certified officers in the Police Department.
 - (c) Compensatory time is accrued at a rate of one and one-half hours for each hour actually worked over 40 hours for non-exempt employees and 80 hours for certified officers in the Police Department.
 - (d) The maximum amount of compensatory time which may be accrued is 40 hours for non-exempt employees and 80 hours for certified officers in the Police Department. If these limits are met, overtime will be paid.

- (e) The Mayor, or designee, reserves the right to schedule use of compensatory time and should limit accumulated hours to 50% of the maximum accrual allowed.
 - (f) An employee with accrued compensatory time leave that requests use of the time will be permitted to use it within a reasonable period after making the request if it does not unduly disrupt the operations of the department.
 - (g) Compensatory time will only be paid out if an employee is moved to a position that is considered FLSA exempt, at retirement, or termination of employment.
 - (h) Exempt employees are not entitled to accrual of compensatory time, however in situations where the Mayor and City Council have declared a "Disaster Emergency" and with written pre-approval, where feasible, exempt employees may be allowed to accrue compensatory time.
2. Overtime Provisions. It is the general policy of the Santaquin City to not have employees work overtime. However, employees may be required to work overtime as deemed necessary and pre-authorized by the Mayor, or designee. When compensatory time accrual limits have met or payment of overtime is pre-approved, overtime will be paid as follows:
- (a) Overtime is paid at the rate of one and one-half times the regular rate of pay.
 - (b) Overtime is calculated based on actual time worked. Time worked does not include holiday, compensatory, or any type of leave.
 - (c) Overtime is payment received for actual time worked in excess of:
 - (1) 40 hours per work week for non-exempt employees.
 - (2) 80 hours per 14 day work period for certified officers in the Police Department.
 - (d) Funding received from Federal and State grants, external donations or sponsorships, or third party fee schedule payments paid through City payroll stipulated at time and a half compensation will be paid as such.
 - (e) Overtime will be paid when an employee's scheduled shift falls on a holiday.

3. On-Call. The Mayor, or designee, shall designate those departments that will have on-call status. Rules, regulations and procedures that shall be followed by all on-call personnel to ensure the delivery of essential City services after regular work hours include the following:
 - (a) A schedule of on-call FLSA non-exempt employees should be prepared in advance and maintained by the Functional Area Director or their designee.
 - (b) Any position requiring an on-call status shall be on a one week rotation basis.
 - (c) Employees must not travel out of the area or to a location or event what would prevent him/her from responding to a call within a 20 minute maximum time frame.
 - (d) Employees must have a communication device with him/her at all times during their assigned on-call period, so that they can be reached in case of a call. Employees must remain in areas where cell phone service is provided.
 - (e) Employees must remain drug and alcohol free during the entire on-call period.
 - (f) Employees must not make arrangements for others to assume their on-call duties except in the case of an emergency, and only with a supervisor's approval.
 - (g) Time sheets shall reflect the days the employee was on-call. On-call pay shall be credited for the work week in which the last day of the on-call week occurs.
 - (h) Employees assigned on-call duty shall receive \$150.00 for each one week on-call period. Actual time spent on a call-back is calculated separately from on-call time.
4. Call Back. Any FLSA non-exempt employee called back to work shall be entitled to call back compensation.
 - (a) Call-out time begins when the employee leaves the location where they were when they received the call-out. Employees shall take measures to get to the call-out in a reasonable amount of time. The call ends when the task, in which the employee was called out for, is complete.
 - (b) The minimum call back compensation shall be one hour. Time worked on a call back shall be paid at the employee's regular rate of pay, unless it is excess of an employee's specified work week then time will be accrued as

compensatory time or paid in overtime as described in this section.

3.2 LEAVES

- A. Vacation Leave - Vacation time off with pay is available to eligible employees to provide opportunities for rest, relaxation, and personal pursuits. Vacation accrual is based on two-week pay periods. Vacation leave may not be used until the pay period following its accrual.
1. Eligibility. Vacation leave shall be accrued from the date of hire by all Full-time and Part-time/Benefited employees. Part-time/Non-benefited, Seasonal, and Volunteer employees are not eligible for vacation leave.
 2. Vacation Accrual Rates.
 - (a) Full-time employees shall accrue vacation leave at the following rates:
 - (1) From date of hire to 5 years of service, 10 days of annual vacation leave shall accrue at the rate of 3.08 hours per pay period.
 - (2) From six years of service to 15 years of service, 15 days of annual vacation leave shall be accrued at the rate of 4.62 hours per pay period.
 - (3) From sixteen years of service and up, 15 days of annual vacation, plus 1 additional day for each year of service. Vacation leave shall be calculated and accrued per pay period as follows: Number of years of service x 8 hours / 26 pay periods.
 - (b) Part-time/Benefited employee shall accrue vacation leave at one half (1/2) that of a Full-time employee.
 - (c) Part-time/Non-benefited, Seasonal, and Volunteer employees are not eligible for vacation leave.
 - (d) Employees do not accrue vacation leave while on a leave without pay status, including any pay period in which accrued leave is the only available paid leave.
 3. Use of Annual Vacation Leave.
 - (a) In no instance will annual vacation leave be granted unless it has been previously earned.

- (b) A holiday which falls during an employee's scheduled vacation leave shall be counted as a paid holiday and not as vacation leave.
4. Requests. Vacation leave shall be requested from and pre-approved by the employee's supervisor.
 5. Carry over. The maximum vacation leave which can be carried forward from calendar year to calendar year is 60 hours.
 6. Pay-out. Unused vacation leave hours may be paid out, upon request, to employees at their regular rate of pay, up to a maximum of 40 hours in a given calendar year. Payments will be made one time during the year on a date designated by the Mayor, or designee.
 7. Forfeiture. Any accrued vacation leave not used in excess of the 60 hours carried over and 40 hours paid out, shall be forfeited on January 1st of the year following the calendar year in which the leave was accrued.
 8. Exempt Employees. Carry over and forfeiture provisions shall not apply to employees who are classified as exempt.
 9. Termination of Employment. An employee who is terminated from employment, voluntarily or involuntarily, shall be compensated for all accrued vacation leave.
 10. Records. Accumulation and use of vacation leave will be maintained and kept current on city records and shall be posted on payroll check stubs.
- B. Personal Leave - In addition to accrued vacation leave, each Full-time employee shall receive 16 additional hours of leave which shall be known as "personal preference time". 8 hours will be added to the employee's vacation accrual on January 1 and July 1 of each year. Use of personal leave shall fall under the same provision as vacation leave. Part-time/Benefited, Part-time/Non-benefited, Seasonal and Volunteer employees are not eligible for personal leave.
- C. Holiday Leave - Santaquin City recognizes the following holidays for purposes of paid holiday leave:

New Year's Day	January 1 st
Human Rights Day	3 rd Monday in January
President's Day	3 rd Monday in February
Memorial Day	Last Monday in May
Independence Day	July 4 th
Pioneer Day	July 24 th
Labor Day	1 st Monday in September

Thanksgiving Day	4 th Thursday in November
Thanksgiving Holiday	4 th Friday in November
Christmas Day	December 25 th
Christmas Holiday	December 24 th or 26 th

1. If a holiday falls on a Saturday, the holiday shall be observed on the preceding Friday. If a holiday falls on a Sunday, the holiday shall be observed on the following Monday or as designated by the Mayor, or designee.
2. Full-time employees are eligible for 8 hours of holiday pay per holiday listed above. Holidays do not count as time worked for the purposed of calculating compensatory time or overtime.
3. Part-time/Benefited employees are eligible for 4 hours of holiday pay per holiday listed above.
4. Part-time/Non-benefited, Seasonal, and Volunteer employees are not eligible for holiday pay.
5. Employees whose scheduled shift falls or are called-out on a holiday shall receive holiday pay plus their overtime rate for each hour worked on a holiday (double time and one half).
6. Employees do not receive holiday pay when on unpaid leave status or during a pay period in which no actual time worked occurs.

D. Sick Leave - Sick leave time off with pay is available to eligible employees for periods of temporary absence due to illness, injury, or to obtain necessary medical care for themselves, a spouse, or a dependent living in the employee's home, except as otherwise authorized by a Department Director. Sick leave may also be used for any City approved FMLA leave use. Sick leave hours are intended to provide income protection in the event of illness, injury, or approved FMLA use, and shall not be used for any other absence. An employee is prohibited from working secondary employment during the actual hours of sick leave. Sick leave may not be used until the pay period following its accrual.

1. Eligibility. Sick leave shall be accrued from the date of hire by all Full-time and Part-time/Benefited employees. Part-time/Non-benefited, Seasonal, and Volunteer employees are not eligible for sick leave.
2. Accrual. Employees shall accrue sick leave at the following rates:
 - a. Full-time employees shall accrue 3.08 hours of sick leave per pay period (80 hours annually).

- b. Part-time/benefited employees shall accrue 1.54 hours of sick leave per pay period (40 hours annually).
 - c. Sick leave shall accrue to a maximum of 90 days or 720 hours for all employees.
 - e. Employees do not accrue sick leave while on a leave without pay status, including any pay period in which accrued leave is the only available paid leave.
3. Reporting Absences. Employees who are unable to report to work due to illness or injury shall notify their supervisor before the scheduled start of their workday, if possible. The supervisor must also be contacted on each additional day of absence.
- a. For sick leave in excess of 3 consecutive working days, or if abuse of sick leave is indicated, the Mayor, or designee, may require a certificate from the attending physician stating that such illness prevented the employee from working. Employees may also be required to demonstrate the ability to perform essential job duties and/or provide a medical release before returning to work.
4. Cash-out or transfer of Sick Leave.
- (a) Cash-out. At no time shall an employee be allowed to cash out sick time.
 - (b) Transfer. At the end of each calendar year, Santaquin City shall contribute sick leave accrued in excess of 720 hours to a 401K saving plan set up in the employee's name and administered by the Utah State Retirement System (URS). Contributions shall be made at a rate of 25% of the excess hours or 1 hour contributed for every 4 hours in excess of 720 hours, up to \$500.00 per year. Remaining hours in excess of 720 hours at the end of the calendar year shall be forfeited. Sick leave transfers shall be made at the employee's current rate of pay.
5. Termination of Employment. An employee who terminates employment voluntarily or upon retirement may be paid 25% of their vested sick time. An employee is vested when the employee has been employed with Santaquin City for 5 consecutive years. An employee whose employment is terminated for cause shall not be compensated for unused accrued sick leave.
6. Records. Official sick leave records will be maintained and kept current on city records and shall be posted on payroll check stubs.

- E. Bereavement/Funeral Leave – Upon authorization an employee may receive a maximum of 24 hours bereavement leave per occurrence with pay, at the Functional Area Director's discretion, following the death of a member of the employee's immediate family.
1. Immediate family means the following relatives of the employee or spouse (including in-laws or step-relatives): spouse, parents, siblings, children, all levels of grandparents, or all levels of grandchildren.
- F. Military Leave - It is the policy of Santaquin City to comply with the provisions of Utah State Code 39-3-1 Public Officers and employees in military service, Utah State Code 39-3-2 Government employees in United States armed forces or National Guard, and in accordance with the Uniformed Services Employment and Reemployment Rights Act (USERRA).
1. Active Duty. Employees called to active military duty shall be granted leave for such service.
 - (a) An employee must notify their Functional Area Director and the Personnel Officer of their military orders as soon as possible. A copy of official military orders shall be submitted with a request for leave.
 - (b) An employee entitled to leave under this section shall be restored to the same position, or to a position equivalent to the same position, which the employee held immediately prior to the commencement of active military service.
 - (b) A request for restoration of employment must be submitted within 40 days after release from active services.
 - (c) Restoration of employment shall be made within 20 days after submission of the request to Santaquin City.
 - (d) Employees do not accrue vacation or sick leave while on a leave without pay status, including any pay period in which accrued leave is the only available paid leave.
 - (e) An employee returning to employment shall retain all sick, vacation and other leave to which the employee was entitled immediately prior to the commencement of the active military service and shall receive and earn benefits and compensation at the same level not less than that to which the employee would have been entitled had the employee not been absent due to active military service.
 - (f) Health and Dental benefits will discontinue the first of the month following entry into active military duty, or until the military insurance begins. Life Insurance, ADD and LTD

benefits will discontinue the first of the month following entry into active military duty. Upon returning to work all benefits will be reinstated.

(g) Contributions to Utah State Retirement benefits continue during active duty as required by law.

2. National Guard or Military Reserves. Employee shall be granted leave for service in the National Guard or in the Armed Forces reserves for the purpose of fulfilling annual field training.

(a) Employees may use accrued vacation leave or compensatory time for National Guard or Military Reserves annual field training.

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

1. Employees will be granted time off to perform jury duty or serve as a witness in court. This time is paid at the base rate of eight hours straight time for each day at the employee's regular rate of pay. If leave is due do a court appearance on the employees own behalf as a defendant or plaintiff, the employee will not be paid, however employees may use vacation or compensatory time.

2. Employees retain jury and witness fees received from the court for such services. Any mileage expenses paid by the court to reimburse the employee for travel to and from the courtroom may be retained by the employee.

3. An employee must show the Jury or Witness Duty Subpoena to their supervisor as soon after receipt as possible so the supervisor may make arrangements to accommodate their absence. An employee on jury duty leave must keep his or her supervisor informed on a daily basis as to whether the jury duty will continue. If the employee is selected as a juror, the supervisor should be provided at least weekly updates of the status of the case and when the employee anticipates returning to work.

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

1. An employee is eligible under the Family and Medical Leave Act if the employee has been employed with the City for a minimum of

12 months and has worked a minimum of 1250 hours in the 12 month period immediately preceding the request.

2. Eligible employees may request, or the city may designate, up to 12 work weeks of paid/unpaid leave for situations related to certain family and medical reasons such as:
 - (a) To care for the employee's child after birth, or placement for adoption or foster care.
 - (b) To care for the employee's child, spouse, or parent (but not in-law) who has a serious health condition. A serious health condition means an illness, injury, impairment, or physical or mental condition that involves inpatient care in a hospital, hospice, or residential medical care facility; or continuing treatment by a health care provider.
 - (c) For the employee's own serious health condition (including any period of incapacity due to pregnancy, prenatal medical care, or childbirth) that makes the employee unable to perform one or more essential functions of the employee's job.
 - (d) Because of any qualifying exigency arising out of the fact that an employee's spouse, child, or parent is a covered military member on active duty or has been notified of an impending call or order to active duty status in the Armed Forces in support of a contingency operation.

3. Eligible employees whose leave qualifies under one of the above situations should make requests for family and medical leave to the Personnel Officer and notify their supervisor in writing, at least 30 days in advance of foreseeable event(s) and as soon as practical for unforeseeable event(s). Requests for leave should be made even if the employee has accrued time off available. The City will designate FMLA leave for an employee whenever it has knowledge that the employee may qualify even when no notice was given.
 - (a) In an emergency, when the need for leave was not previously known, the employee must contact his or her supervisor within 48 hours or as soon as practical.
 - (b) An eligible employee may take leave consecutively or intermittently for qualifying conditions. If intermittent or reduced leave is needed, employees

are strongly encouraged to schedule their leave so it does not unduly disrupt City operations.

- (c) All employees requesting leave or whose leave has been designated FMLA leave under this policy must complete the applicable Certification of Health Care Provider form and return it to the Personnel Officer within 15 working days.
 - (d) The Personnel Officer will process the certification and provide the employee with the Notice of Eligibility and Rights & Responsibilities form and Designation Notice.
4. An employee on designated FMLA leave will have all absences related to that qualifying event count toward the total eligible 12 weeks of FMLA leave.
 5. Eligible employees must exhaust all available paid leave (accrued vacation, sick, and personal leave, and compensatory time) before going on a leave without pay status. Supervisors will be responsible for submitting the employee timecard to payroll and FMLA tracking form to the Personnel Officer while an employee is on FMLA leave if the employee is unable to do so.
 6. Subject to the terms, conditions, and limitations of the applicable health insurance plans, the City will continue to contribute to premiums in accordance with established policy during an employee's approved FMLA leave, however seniority, vacation, sick, personal, and other benefits will not accrue during unpaid time off, including any pay period in which accrued leave is the only available paid leave. The employee must continue to pay any portion of the premiums that the employee would typically pay if not on leave, either through payroll deduction or through personal reimbursements. The City has the right to recover health insurance premiums if the employee does not return from FMLA leave.
 7. If the employee is returning from leave for their own serious health condition, the City may request a fitness-for-duty or release to work report from the health provider before the employee can return.
 - (a) Upon return from FMLA leave, the City will accommodate an employee's return to their original or an equivalent position.
 - (b) If an employee fails to return to work after the 12 weeks of leave have expired, the employee is responsible for reimbursing the City for any unpaid employee share of the premium costs.

- (c) If any employee fails to report to work promptly at the end of the 12 weeks of FMLA leave, the City will assume the employee has resigned and employment will be terminated, unless they have received an approved leave of absence.
 - (d) Additional Military Family Leave Provisions (Injured Service Member Leave). In addition to the basic FMLA leave provisions, an eligible employee who is the spouse, child, parent or next of kin of a covered service member is allowed to take up to 26 weeks of leave during a single 12 month period to care for the service member with a serious injury or illness. Leave to care for a service member shall only be available during a single, 12 month period and, when combined with other FMLA qualifying leave, may not exceed 26 weeks during the single 12 month period. The single 12 month period begins on the first day an eligible employee takes leave to care for the injured service member. Expanded additional leave may also be available to care for certain former service members.
8. Work Prohibited While On FMLA Leave. Employees shall not work secondary employment during regularly scheduled working hours while on FMLA leave.
- I. Administrative Leave -
- 1. Administrative leave with pay. The Mayor, or designee, may assign administrative leave with pay under any of the following circumstances:
 - (a) Pending the outcome of an investigation to determine possible disciplinary action against the employee.
 - (b) Pending the results of a post accident or reasonable suspicion drug and/or alcohol test.
 - (c) With regard to incidents resulting in extreme stress.
 - (d) To protect City interests during an end of employment process.
 - (e) Other circumstances determined to be in the best interest of the City and/or employee.
 - 2. An employee shall not engage in secondary employment during the actual hours designated as administrative leave with pay. The City may, at its discretion, additionally restrict the activities of an employee on administrative leave with pay. Examples include being required to remain at the employee's residence during

designated working hours (except to obtain medical care, to fulfill religious obligations, or as specifically authorized), remain readily available and immediately respond to phone contact or return to work, modification of working hours, or restrictions on secondary employment outside administrative leave hours.

3. After review by the City Attorney and with the authorization of the Mayor, or designee, an employee charged with a job related felony, after judicial review, may be placed on administrative leave without pay.
 4. Administrative Leave without Pay. Full-time and Part-time/benefited employees are eligible to request leave without pay (unrelated to FMLA leave) for up to 12 months as described in this policy. Eligible employees interested in a leave without pay must submit a written request to the Mayor, or designee, detailing the nature of the leave.
 - (a) Requests for leave without pay will be considered based on criteria such as the nature of the request, the impact to the organization, and the benefit to the employee and/or the City. The City does not grant a leave without pay, unless it is believed the employee will remain employed by the City at the end of the leave. The City may end an approved leave without pay at its discretion, upon reasonable notice to the employee.
 - (b) Prior written approval must be obtained from the Mayor, or designee.
 - (c) Vacation leave, sick leave, personal leave, holiday leave and other City benefits will not continue to accrue during the approved leave of absence period.
 - (d) Employees that are granted a leave without pay are required to pay for employee benefits costs that are normally taken through payroll deduction.
- J. Unauthorized absence - Any unauthorized absence is grounds for disciplinary action. An employee who is absent for 3 consecutive work days, without authorized leave, shall be deemed to have voluntarily resigned.
- K. Breaks and Meal Periods - The City offers breaks and meal periods as work allows.
1. The City may provide two paid breaks of up to 15 minutes each during a standard workday as determined by the supervisor.

2. The City normally provides a 30 minute unpaid meal period for full-time employees during a standard workday.
3. Breaks and meal period for part-time employees will be determined by the department director depending on the number of hours scheduled to work during a standard workday.
4. Employees in public safety positions shall take breaks and meal periods in accordance with Department work schedules and policies.
5. Employees under the age of 18 are entitled to a meal period of at least 30 minutes not later than 5 hours from the beginning of their shift. A rest break of at least 10 minutes is required for employees under the age of 18 for every three hour period or part thereof that is worked.

3.3 EMPLOYEE BENEFITS

- A. Retirement - All Full-time and Part-time/Benefited employees are covered by the Utah State Retirement System, unless exempted in accordance with Utah State Law. Contribution rates are set annually by Utah State Retirement Systems. Because of complexities of the State Retirement plan, employees should refer to the informational handbook regarding any questions concerning the plan or contact the Personnel Officer.
- B. Medical & Dental Insurance - The City may offer group medical and dental insurance benefits to Full-time and Part-time/Benefited employees. Shared rates will be established by the Mayor and City Council and shall be included in the annual budget.
 1. Eligible employees are enrolled when hired. Employees may make changes to group benefit plans once each year during a specified period known as "Open Enrollment" or when a life event occurs, such as marriage, divorce, birth of child, etc.
 2. The employee has the responsibility to inform the city of any change in coverage, including, but not limited to the birth/adoption of a child, marriage, a divorce, legal separation, a child losing dependent status under the group health plan. Notification should occur within seven (7) working days of the actual event.
 3. Eligible employees who provide proof of insurance under another plan may choose to waive the City's coverage annually. A portion of the City's insurance premium cost may be reimbursed to the employee through the payroll process.
- C. Life Insurance - Basic life insurance may be provided by the City for all Full-time and Part-time/Benefited employees.

- D. FICA (Social Security & Medicare) - All employees are covered by the benefits of Old Age, Survivors and Disability Insurance as provided by law. Contributions of the employee and the City will be made in accordance with Federal law.
- E. Savings Plan - All Full-time and Part-time/Benefited employees are eligible to participate in an employee funded savings plan (401k, 457, or Roth IRA) through Utah State Retirement Systems.
- F. Employee Assistance Program - The City provides an Employee Assistance Program (EAP) for employees, and their dependents. The EAP is a confidential counseling and referral service that is designed to help employees and their family members deal with personal and/or work related problems and concerns. Additional information on the EAP is available at the Administration Office.
- G. Training - Employees are encouraged to obtain training through attendance at job related seminars, conferences, classes, certification courses, etc. The employee's Functional Area Director or Department Manager/Supervisor must pre-approve all training attendance and payment of associated costs.
 - 1. When training is approved, the involved time will be treated as time worked, consistent with City policy and FLSA regulations.
 - 2. If the employee voluntarily terminates his or her City employment within two years of the final date of the training, the Functional Area Director may require the employee to reimburse the City for the cost of the training, on a pro-rated basis (see educational assistance).
- H. Education Assistance - The educational assistance program provides assistance to employees who undertake undergraduate or graduate course of study which is mutually advantageous to the City and to the employee. Subject to available funding, employees may be eligible to receive partial tuition reimbursement.
 - 1. Request. Request for education assistance must be submitted in writing to the Mayor, or designee. Pre-approval is required for reimbursement. Course work approved must be related and pertinent to the employee's current position. Final determination shall be made by the Mayor, or designee, with input from the Functional Area Director and is subject to availability of funds.
 - 2. Eligibility. Only full-time employees who have successfully completed the required probationary period are eligible for education assistance.
 - 3. Employee Reimbursement. The City expects the employee to front costs for college classes. Upon proof of completion of each

course with a "B" or higher, or passing on a pass/fail course, and presentation of proper receipts, the City will reimburse 50% of tuition fees, materials, and other necessary costs.

4. City Reimbursement upon resignation or termination of employment. In the event that the employee resigns or is terminated for cause, the employee will be required to reimburse the city for educational assistance using the following schedule:
 - (a) 0-12 Months. If the employee resigns or is terminated for cause, 100% of tuition costs and fees paid by Santaquin City over the previous 0-12 month period must be reimbursed to the City.
 - (b) 12-24 Months. If the employee resigns or is terminated for cause, 50% of the tuition costs and fees paid by Santaquin City over the previous 12-24 month period must be reimbursed to the City.
 - (c) After 24 Months. The employee is not responsible for any reimbursement of tuition or fees paid 24 months prior to resignation or termination of employment for cause.
 - (d) Termination of Employment without cause. If an employee is terminated without cause, they are not responsible for the reimbursement of any tuition costs or fees.

Reimbursement shall be deducted from the employee's final paycheck. In the event that reimbursement amounts exceed the amount of the employee's final pay check, the employee is responsible for paying the City for the debt outstanding. The City reserves the right to collect all outstanding debts.

The City reserves the right to place a time limit on the completion of the degree. The City also reserves the right to deny or to delay payment for classes for concerns such as, but not limited to: duration of employment, performance levels, etc.

5. Other. Employees will attend, travel to or from, and study on their own time. To accommodate course scheduling, irregular work schedules may be authorized by the Functional Area Director.
- I. Uniform Allowance - The City will provide employee uniforms when uniforms are required to fulfill job responsibilities. Uniforms will be maintained and worn in accordance with City and Department policies.

SECTION 4: EMPLOYEE CONDUCT

4.1 CODE OF CONDUCT

- A. Professionalism - Santaquin City is a public entity whose purpose, among others, is to provide professional services to its citizens. Its employees must adhere to high standards of public service that emphasize professionalism and courtesy. City employees shall conduct themselves in a way that will bring trust and respect to themselves and the City.
- B. Honesty - Employees shall be honest in word and conduct and never use their position to benefit themselves personally, or another party, through the disclosure of or by acting on confidential information, award of work, procurement of supplies, or use of City facilities, equipment, or resources.
- C. Privileged Information - Santaquin City employees that are involved with Information of significant public interest may not use this privileged information for personal gain, nor to benefit friends, acquaintances, or any other individual or entity. If an employee has an outside interest which could be affected by any Santaquin City plan or activity, this situation must be reported to the Mayor, or designee, immediately. Each employee is charged with the responsibility of ensuring only information that should be made available to the general public is released as defined in the Government Records Access and Management Act ("GRAMA").
- D. Confidentiality - Employees shall not disclose, or willfully allow to be disclosed, any information gained by reason of their position, for any reason other than its official or authorized purpose. Employees will comply with the confidentiality requirements of State Law and the City Code, including restrictions against disclosing or using private protected, or controlled information acquired by reason of a member's official position for the employee's or another's private gain or benefit.
- E. Outside Activities - Santaquin City employees shall not use Santaquin City owned property in support of outside interests and activities when such use would compromise the integrity of Santaquin City or interferes with the employee's duties. Specifically, an employee who is involved in an outside activity such as a civic organization, church organization, committee unrelated to Santaquin City business, public office, or service club, shall:
 - 1. Pursue the outside activity on the employee's own time.
 - 2. Pursue the outside activity away from Santaquin City offices.
 - 3. Discourage any phone, mail or visitor contact related to the outside interest at Santaquin City offices or while on duty.
 - 4. Arrange for annual leave or compensatory time off in advance to pursue the outside interest during business hours.

5. Except as provided in paragraph L of this section, an employee shall not use data processing equipment, software, postage metering machines, copiers, other Santaquin City owned equipment or supplies for the outside interest.
- F. Political Activities - City employees shall not use City owned property, work time, or influence of position over other employees while engaging in any political activity.
- G. Secondary Employment - The Municipal Officers and Employees' Ethics Act establishes standards of conduct for City employees and appointed city officials for the disclosure of actual or potential conflicts of interest between public and personal duties. Employees are required to provide written notification to the Mayor, or designee, in the form of a sworn disclosure statement, of any secondary or outside employment, or before starting any secondary or outside employment, or if the employee has an interest in an entity that does business with Santaquin City. The written disclosure statement must contain the name and address of the City employee, the name and address of the person or business entity, and the position that would be held by the City employee with the person or business entity and the nature of his or her business interest.
 1. Secondary Employment must be pre-approved by the Mayor, or designee.
 2. Secondary Employment must in no way interfere, conflict with, or affect a City employee's duties.
 3. If an employee's performance is distracted by secondary employment, the employee will be asked to discontinue the secondary employment, or face disciplinary action, up to and including termination of employment.
- H. Gifts & Gratuities - Acceptance of gifts and gratuities shall be governed by Utah State Law 67-16, Utah Public Officer' and Employees' Ethics Act, unless department policy is more restrictive.
- I. Attendance - All employees shall meet attendance and punctuality requirements in accordance with department and supervisory guidelines.
- J. Appearance - In order to maintain a professional atmosphere and appearance, all employees including those who wear uniforms, shall maintain the following minimum standards:
 1. Employees must maintain a high standard of personal hygiene. Employees must appear neat and clean and have no offensive odors. An employee's hair must be clean and groomed.
 2. Employees must wear clothing appropriate to their employment. Appropriateness may vary, depending upon the nature of work performed, safety concerns, and degree of public contact.

3. Employees must wear clothing that is clean and neat, and not torn or frayed. Employees must avoid clothing that is unduly revealing, immodest, or otherwise inappropriate for a professional office setting or other work environment.
 4. In addition to the above, all employees shall meet department dress and appearance policies.
- K. City Owned Electronic Communication Devices - City electronic communication devices, including but not limited to, phones, cell phones, desktop and laptop computers, etc. and all their content are the property of the City, and there is no expectation of privacy for any employee. These devices are provided to facilitate the effective and efficient completion of job duties. The City retains the right to monitor, deny access, or copy content at any time, including communications made on a third party server.
1. Employees shall not intentionally use City electronic communication devices to download, view, print, or store any sexually explicit content, except as necessarily required by the employee's official job duties. Inadvertent exposure shall be immediately reported to the employee's supervisor.
 2. Employees shall not use City electronic communication devices for on-line gaming, gambling, and unauthorized peer-to-peer file sharing.
 3. Employees shall not use City electronic communication devices to violate the City's harassment, discrimination, or other policies.
 4. Unauthorized audio and/or video streaming is prohibited, to preserve the City's bandwidth capacity.
- L. Personal Use of City Equipment - Limited personal use of City owned equipment may be authorized by supervisors, consistent with this policy.
1. Computer Equipment.
 - (a) The use offers an opportunity for the employee to increase the employee's job-related knowledge and skills.
 - (b) The employee is not compensated for the work performed, unless the employee has received prior written approval by the Mayor, or designee.
 - (c) The employee pays for the cost of consumables and other attendant expenses (diskettes, paper, computer on-line/access charges, etc.).

- (d) The employee uses the computer system after hours, or on the employee's personal time.
 - (e) The employee does not use the computer system for permanent storage of data.
 - (f) Use does not conflict with the employee's Santaquin City responsibilities or normal Santaquin City business.
 - (g) All data stored on, and software developed on, Santaquin City owned computer equipment is the property of Santaquin City and may be viewed/reviewed by the Mayor, or designee, at any time.
2. Postage Meters. No employee shall be allowed to use Santaquin City owned postage metering machines at any time for posting and mailing of any material of a personal nature.
3. FAX and Copying Machines. Any employee desiring to use Santaquin City owned FAX or copying machines for items of a personal nature may do so after paying for such use at the rate established by resolution of the City Council on the consolidated fee schedule.
4. Telephones. Employees are expressly prohibited from making long distance telephone calls of a personal nature on Santaquin City owned telephones. Employees may use Santaquin City owned telephones for local personal calls. Personal local telephone calls will be limited to necessity and must not disrupt the carrying out of employee responsibilities.
5. Cellular Phones. Cellular phones are a tool to be used as a convenience for the City and to increase productivity of those authorized to use them. They are to be properly maintained and functional during work times for the City. Employees authorized to use cell phones shall do so primarily for City business. Any non-City use shall be reimbursed to the City, if "local" minutes exceed the package allotment. Cell phones privileges may be revoked at any time by the Mayor, or designee.
6. E-mail, voicemail, Internet, etc. cannot be used for any improper purposes, such as harassing or annoying anyone, obtaining illegal or copywrited materials, or transmitting or receiving messages that insult, degrade or poke fun at gender, sexual orientation, race, color, national origin, age, religion, disability, citizenship, etc.
- (a) Employees are to comply, in all respects, with the "Unsolicited Commercial and Sexually Explicit Email Act", UCA §13-36-101, which prohibits sending, forwarding, or otherwise transmitting commercial or sexually explicit emails which are unsolicited.

- (b) Employees shall not intentionally pass on viruses or other items which might affect the city computer system.
7. Use of personal communication devices during work hours. The use of personal communication devices shall not unreasonably interfere with the performance of the employee's duties or interfere with City business operations.
 8. Vehicles. City vehicles are provided for use by employees for city business. Employees shall not use city vehicles for personal business unless authorized in advance by the Mayor, or designee.
 9. Other Equipment. The personal use of any Santaquin City equipment or tools is strictly prohibited. However, reasonable use of Santaquin City tools and equipment to protect property and preserve life is authorized. Public Safety employees may be permitted to use body armor and firearms with prior approval from the Mayor, or designee.
 10. Personal Equipment. From time to time a City employee may wish to use a personal tool or piece of equipment in the performance of a City duty. This equipment must be used safely and may be permitted at the Mayor, or designee's discretion on a voluntary non-paid basis. Unless otherwise approved in advance of its use, any voluntary use of personal equipment, though appreciated, is at no risk to the City for replacement or repair.
 11. Misuse of Equipment. Misuse of any City owned equipment may result in disciplinary action, including termination.
- M. Abandonment - An employee who is absent from work for 3 consecutive days, and is capable of providing proper notification to their supervisor but does not, shall be deemed to have abandoned their position. The City considers abandonment as a voluntary resignation.
- N. Open Door Policy - Santaquin City has an Open Door Policy for all employees. This means, literally, that every Functional Area Director, the City Manager and Mayor's door is open to every employee. The purpose of an open door policy is to encourage open communication, feedback, and discussion about any matter of importance to an employee. This means that employees are free to talk with any Functional Area Director, the City Manager, or Mayor at any time without creating repercussions for the employee.

4.2 HARASSMENT, DISCRIMINATION, & RETALIATION

- A. General Policy - Santaquin City is committed to providing a work environment that is free of harassment or any other type of discrimination with regard to race, color, national origin, religion, gender, age, disability, pregnancy, or any other protected status. The City has a zero tolerance policy towards any form of unlawful harassment or discrimination by or to any employee or retaliation against any employee protected under this policy. Misconduct identified in this policy is unacceptable behavior and is prohibited. The City will make reasonable efforts to prevent the conduct identified in this policy, and will promptly investigate all complaints of violation of this policy. An employee's violation of this policy, whether legally constituting sexual harassment, discrimination, or retaliation, may result in disciplinary action, up to or including termination.
- B. Prohibited Conduct - The City prohibits conduct that includes, but is not limited to:
- 1 Unwelcome sexual advances, requests for sexual favors, and other verbal or physical conduct of a sexual nature when
 - (a) submission to such conduct is made either explicitly or implicitly a term of the condition of an individual's employment,
 - (b) submission to or rejection of such conduct by such individual is used as the basis for employment decisions affecting such individual, or
 - (c) such conduct has the purpose or effect of unreasonably interfering with an individual's work performance or creating an intimidating, hostile, or offense working environment.
 2. Other inappropriate conduct, such as
 - (a) derogatory comments, insults, suggestive remarks, or jokes involving sexual activity, or a person's race, color, national origin, religion, gender, age, disability, pregnancy, or any other protected status,
 - (b) display of photographs, drawings, cartoons, written material, objects, or use of electronic communication devices which would offend a reasonable person,
 - (c) inappropriate physical contact, such as patting or pinching,
 - (d) intentionally brushing against another person's body,

- (e) stating or implying that an individual's job performance is attributable to that person's race, color, national origin, religion, gender, age, disability, pregnancy, or any other protected status,
 - (f) giving of unsolicited or inappropriate gifts of a personal and private nature, or
 - (g) sexual assault of any kind.
3. Pervasive, unwelcome, demeaning, ridiculing, derisive, or coercive conduct towards another person based on race, color, national origin, religion, gender, age, disability, pregnancy, or any other protected status that
- (a) creates an intimidating, hostile, or offensive work environment,
 - (b) unreasonably interferes with a person's work performance, or
 - (c) otherwise adversely and unreasonably affects an employee's employment.
4. Retaliation against any employee for reporting, filing a complaint, or for assisting the City in its investigation of a complaint under this policy, even if such underlying complaint is determined to be unfounded. Retaliation may be deemed a separate violation of this policy and may subject the perpetrator to disciplinary action. Examples of retaliation include:
- (a) disciplinary action taken in bad faith,
 - (b) unwarranted changes in the terms of an employee's employment,
 - (c) spreading rumors about the employee,
 - (d) encouraging hostility from a co-worker,
 - (e) escalating the harassment, or
 - (f) disclosing confidential information with regards to an investigation being conducted under this policy, including discussing the investigation with unauthorized individuals such as witnesses, potential other victims, or alleged harassers.

C. Personal Employee Relationships -

1. Each City employee in a non-spousal romantic, dating, and/or sexual relationship with another City employee must promptly notify their Department Manager or Supervisor upon beginning or ending such relationship. The Department Manager or Supervisor shall notify the Functional Area Director, who is responsible for notifying the Mayor, or designee.
2. No employee shall have a romantic, dating, and/or sexual relationship with any employee that has direct or indirect supervisory responsibilities over the employee.

D. Employee Obligations -

1. Employees have the obligation to comply with this policy and avoid any prohibited conduct.
2. Employees have the obligation to report violations of this policy.
3. Employees have the obligation to fully cooperate in any investigation of an alleged violation of this policy, including the obligation to provide truthful and complete evidence and testimony in any investigation or proceeding.
4. Employees have the obligation to refrain from making any bad faith or known false complaint of violation of this policy.
5. Employees have the obligation to avoid retaliation against any person who files a complaint, or who participates or provides evidence or testimony in any investigation or proceeding under this policy.

E. Reporting Violations of This Policy -

1. Employees are required to report all incidents that they believe to be violations of the City's Harassment, Discrimination, & Retaliation Policy. These reports shall be made when the employee first feels they or someone else has been harassed, subjected to inappropriate conduct, discriminated against, or retaliated against. Employees must file such complaint with any one of the following: a supervisor, a Department Manager, Functional Area Director, City Manager, City Attorney or the Mayor.
2. If any supervisor, Department Manager, Functional Area Director or the City Manager becomes aware of possible discrimination, harassment, or retaliation, they shall immediately advise the Mayor and the City Attorney. Any employee employed in a supervisory capacity that has knowledge of an offense, and does not report the matter, shall be subject to disciplinary action.

- F. Investigation - The City shall investigate all complaints, regardless of whether they are written or verbal, as expeditiously and professionally as possible. Confidentiality of the complaint will be maintained to the extent it is practical, but cannot be guaranteed.
1. The Mayor, or designee, the City Attorney, and the involved Functional Area Director will coordinate the investigation.
 2. The Mayor, or designee is responsible for moving the investigation forward, ensuring adequate documentation, and making recommendations.
 3. The Mayor, or designee is responsible for accepting, modifying, or rejecting recommendations and, when appropriate, initiating disciplinary action.
 4. Disciplinary action placed in any personnel file will not include the name of any victim.
 5. An investigation determined to be unfounded will not be placed in any individual's personnel file. It will be retained as an investigative file. Access will be limited to appropriate Administrative Staff, City Attorney, and the Mayor, or designee.
 6. Appeals about the conclusions of the investigation will be handled as follows:
 - (a) Disciplinary actions arising from the investigation will be handled consistent with the Employee Discipline section in this chapter.
 - (b) The adequacy or conclusions of the investigation will be handled consistent with the Employee Grievance Procedures section of this chapter, but will begin directly at Step Three (Appeal to Mayor, or designee).

4.3 *ALCOHOL, DRUG, AND TOBACCO FREE WORKPLACE*

- A. Alcohol & Drug Free Workplace - It is the policy of Santaquin City to promote a workplace free from the influence of drugs and alcohol. Working under the influence of alcohol, illegal drugs, or misused prescription drugs and other related conduct threaten the safety of the public and other employees and under minds effective and efficient City operations. A more detailed statement of the City's policy on drugs and alcohol is set forth in Ordinance No. 07-01-2010, an Ordinance amending the Santaquin City Code to include the Santaquin City Drug Free Workplace Policy (Chapter 6B of Title 1 of the Santaquin City Code). This Ordinance is appended to this, the Santaquin City Employee Policies and Procedures Handbook, as Addendum A.

- B. Tobacco-Free Workplace - Santaquin City is subject to and enforces the Utah Indoor Clean Air Act and is committed to providing a safe and healthy work environment.
 - 1. Employee Responsibility. All employees are prohibited from use of tobacco products (including chewing tobacco) throughout the work-place, including all City buildings, vehicles, and equipment. Use of tobacco products is also prohibited within 25 feet of any entrance-way, exit, open window, or air intake of City buildings.

4.4 *VIOLENCE-FREE WORKPLACE*

- A. General Policy - Santaquin City is committed to maintain a safe and efficient working environment where employees and the public are free from the threat of workplace violence.
- B. Employee Obligations -
 - 1. Employees are obligated not to engage in violence or behavior that carries the potential for violence including, but not limited to assault, fighting, or foul, abusive, or threatening language or gestures.
 - 2. Any possession of firearms or other weapons on City property, including City vehicles, or while conducting City business shall be in compliance with federal and state laws, and City Code.
 - 3. Employees must immediately report all incidents of violation of this policy to their supervisor.

4.5 *EMPLOYEE DISCIPLINE*

- A. General Policy - It is the responsibility of all employees to observe rules of conduct necessary for the proper operation of City government. Administrative procedures have been established for the handling of disciplinary measures when required.
- B. Causes for Disciplinary Action - Causes for disciplinary action, up to and including termination, may include, but are not limited to the following:
 - 1. Violation of the laws of the United States, the State of Utah, or ordinances of Santaquin City or any other jurisdiction determined to be job related.
 - (a) A conviction (including a plea in abeyance or no contest) for the violation of any criminal law shall be prima facie evidence in any City hearing process.

- (b) Violation may also be established in any City hearing process under an administrative standard of whether the evidence shows more likely than not the violation occurred regardless of the pendency or dismissal of criminal charges.
2. Violation of the code of conduct.
 3. Conduct which endangers the peace and safety of others or poses a threat to the public interest.
 4. Any behavior by an employee deemed inappropriate or disruptive to the work environment which may affect the ability of other employees to perform effectively.
 5. Misconduct.
 6. Malfeasance. (The performance of an act which is legally unjustified or conflicts with the law or City policy)
 7. Misfeasance. (The wrongful performance of a normally lawful act.)
 8. Nonfeasance. (The omission of some act which ought to have been performed.)
 9. Incompetence.
 10. Negligence.
 11. Insubordination. (The opposition to and usually in defiance of established authority)
 12. Failure to maintain skills.
 13. Inadequate performance of duties.
 14. Unauthorized or excessive absence or tardiness.
 15. Falsification or unauthorized alteration of records.
 16. Violation of City or department policies.
 17. Falsification of employment application.
 18. Discrimination.
 19. Sexual harassment or prohibited sexual conduct.
 20. Retaliation.

21. Misrepresentation (making false statements or knowingly allowing false statements or false impressions to be accepted as valid in the course of the employee's job related duties).
22. Theft or removal of any City property, or the property of any employee from the work premises without proper authorization.
23. Gambling or engaging in a lottery on City property.
24. Failure of a public safety employee to maintain physical fitness/ability standards.
25. Inability to perform essential job duties, with or without reasonable accommodation.
26. Violation of the Drug Free Workplace ordinance.
27. No unlawful possession of firearms, weapons, or explosives on Santaquin City property.
28. Carelessness which affect the safety of personnel or the public.
29. Threatening, intimidating, coercing, or interfering with fellow employees on the job, or the public at large.
30. Misusing, destroying, or damaging any Santaquin City property or the property of any employee.
31. Misusing city owned equipment including but not limited to, office equipment, computers, the internet, tools, motorized equipment, etc.
32. Sleeping during working hours.
33. Fighting (verbal or physical) on Santaquin City premises, or while on city business, or in a city uniform. Exceptions will be made for Police Officers in altercations which occur in the line of duty.
34. Any other action or behavior contrary to the best interests of the City.

C. Types of Disciplinary Action - The following types of discipline are not written in progressive order and are not to be deemed a progressive disciplinary scheme or system:

1. Verbal Warning. A verbally communicated warning to an employee by a supervisor for a minor work behavior deficiency. Information including, but not limited to, date of the warning, reason for the warning, details of the discussion with the employee regarding the verbal warning should be kept for future reference.

2. **Written Reprimand.** A formal written notice outlining work performance deficiencies and required corrective action, to an employee by a supervisor for disciplinary purposes, which is documented in the employee's personnel file. Written reprimand shall be signed by the employee, the supervisor and the Functional Area Director, if they are not the supervisor.
 3. **Suspension.** An employee may be suspended from work with or without pay for up to 30 days (240 hours) by the Mayor, or designee. For any suspension of more than two day (16 hours), the City shall first conduct a pre-disciplinary hearing as outlined in 4.5 (D), except for appointed, and probationary employees.
 4. **Demotion.** An employee may be demoted to a lower grade position with or without a reduction in pay by the Mayor, or designee. If the demotion is also an involuntary transfer to a position with less remuneration, the City shall first conduct a pre-disciplinary hearing as outlined in 4.5 (D), except for appointed, and probationary employees.
 5. **Transfer.** An employee may be transferred to another position within a department by the Mayor, or designee or to another position in a different department within the City. If the transfer is an involuntary transfer with less remuneration, the City shall first conduct a pre-disciplinary hearing as outlined in 4.5 (D), except for appointed, and probationary employees.
 6. **Termination.** A full-time employee may be terminated by the Mayor, or designee, and the City Attorney. The City shall first conduct a pre-disciplinary hearing as outlined in 4.5 (D), except for appointed, and probationary employees. All other employees may be terminated from employment at the discretion of Functional Area Directors. A hearing is not required.
 7. Employees whose conduct constitutes grounds for discipline may be subject to one or more of the foregoing disciplinary actions depending on the severity of the improper conduct. The City reserves the right to impose disciplinary action, up to and including termination of employment on a first offense, depending on the nature and severity of the improper conduct.
- D. **Pre-Disciplinary Hearing** - Whenever a full-time employee, who is not an appointed, or probationary employee, is subject to possible suspension without pay for more than two days (16 hours), demotion or involuntary transfer from one position to another with less remuneration, or termination, a pre-disciplinary hearing shall be held prior to imposing disciplinary action.
1. The employee shall be given written notice of the hearing, prior to the hearing, which will include an explanation of the charges

against the employee and notice that discipline, up to and including termination, will be considered.

2. The pre-disciplinary hearing shall be conducted by the Mayor, or designee for the purpose of allowing the employee to respond to the charges and present information the employee believes is relevant to the decision.
 3. A decision as to the disciplinary action to be taken, if any, shall be made by the Mayor, or designee, and the employee shall be notified in writing within five working days after the hearing. This written notification shall include:
 - (a) The grounds for disciplinary action.
 - (b) Any disciplinary action to be imposed.
 - (c) The effective date and duration of the disciplinary action.
 - (d) Any required corrective action necessary for the employee to avoid further disciplinary action.
 - (e) Notice and a copy of the post-disciplinary hearing process outlined in 4.5 (E), if the imposed disciplinary action is termination, a suspension of more than two days (16 hours), or demotion or involuntary transfer from one position to another with less remuneration.
- E. Appeals - Upon written receipt of an Employee Suspension, Demotion, Transfer, or Termination of Employment, employees with appeal rights have the right to appeal to an Appeals Board. All appeals shall be processed as set forth in Ordinance No. 08-01-2009, an Ordinance naming the Santaquin City Council as the Appeal Board that is required by Utah law to hear and decide appeals of certain decisions regarding the discipline and/or discharge of city employees (Chapter 4 of Title 2 of the Santaquin City Code). This Ordinance is appended to this the Santaquin City Employee Handbook as Addendum B.

4.6 EMPLOYEE GRIEVANCE PROCEDURES

- A. General Policy - A grievance is defined as a complaint made by a City employee of a decision, or action taken by the City which affects an employee's employment status, except disciplinary actions. Disciplinary action appeals, if permitted, shall be handled consistent with the Employee Discipline policy (4.5).
- B. Grievance Process - The following process shall be followed in processing grievances made by City employees:

1. An employee wishing to grieve an incident or action meeting the definition above must submit the grievance in writing to his/her immediate supervisor within 10 business days of a decision or action. The written grievance should include at a minimum, the date, description of the decision or action in question, and the remedy sought. The employee's immediate supervisor shall respond to the employee's grievance in writing, detailing his or her decision, within 10 business days of receipt of the grievance.
 2. If the employee is not satisfied with the response of the immediate supervisor, the employee may submit a written grievance to their Functional Area Director within 10 business days of the immediate supervisor's response. The Functional Area Director shall respond to the employee's grievance in writing, detailing his or her decision, within 10 business days of receipt of the grievance.
 3. If the employee is not satisfied with the response of the Functional Area Director, the employee may submit a written request to the Mayor, or designee within 10 business days of receipt of the Functional Area Director's response. The Mayor, or designee, shall respond to the employee's grievance in writing, detailing his or her decision, within 10 business days of receipt of the grievance. The decision of the Mayor, or designee, is final and not appealable.
- C. Documentation - Copies of all grievances and responses shall be forwarded to the Administration Office for filing upon receipt or issuance.

SECTION 5: FINANCIAL POLICIES & PROCEDURES

5.1 PURCHASING

- A. General Policy - Santaquin City shall comply with all applicable federal laws and regulations, state laws, and city ordinances and resolutions regarding the purchasing of goods. All purchases of goods to be made by or on behalf of the city shall be made only by a full time employee of the city, or such other person as may be authorized by a purchase order.
1. Purchases of Less than \$100. Purchases less than \$100 made by authorized individuals within their departments do not require a purchase order. The mayor or his/her designee may, at his or her discretion, require approval of all purchases by an individual employee or department of less than \$100 if in his or her discretion there is concern regarding proper and prudent spending of public monies.
 2. Purchases of \$100 to \$500. Purchases of \$100 to \$500 require a purchase order, properly completed and identified with the appropriate general ledger number, signed and approved by the head of the department for which the funds are being drawn.
 3. Purchases from \$500 to \$15,000. Purchases from \$500.00 to \$15,000 require a purchase order, properly completed and identified with the appropriate general ledger number signed and approved by the mayor, or his/her designee. Supporting signatures may include the city manager, the Functional Area Director over the department for which the funds are being drawn, and the head of the department for which the funds are being drawn.
 4. Purchases Over \$15,000. Purchases of more than \$15,000 require City Council approval in accordance with advertising requirements as outlined by Utah state law.
 5. Waiver of Requirements: The City Council may waive any of the foregoing requirements upon its determination that said waiver is in the best interests of the city.
 6. Emergency Purchases: Each department supervisor shall be allowed to purchase emergency supplies for the following situations:
 - (a) Any problem which could cause equipment downtime.
 - (b) Broken service lines.
 - (c) Traffic obstructions.

- (d) Major crimes.
 - (e) Auctions; persons as only designated by the city council may purchase at auctions.
 - (f) Fuel and oil purchases.
 - (g) Health and public safety emergencies.
7. Violation. Any violation the provisions of this section may result in disciplinary action, up to or including termination of employment.

B. Bidding Requirements -

- 1. Informal Bids: Prior to any purchase of goods in an amount greater than \$1,000 and less than \$15,000, at least 3 informal bids must be obtained and submitted to and approved by the City Council.
- 2. Notification Of Intent To Purchase: Prior to any purchase of goods in an amount of \$15,000 or more, the City shall advertise in a newspaper of general circulation in such a format notifying sellers and providers of the city's intent to purchase a specific item or service. Said notice shall be run twice, once a week, for two (2) consecutive weeks, with a specific closing date identified, which date is at least five (5) days after the last publication date. In addition, notice shall be published on the website established by and in accordance with Utah Code Annotated section 45-1-101 (1953, as amended).
- 3. Formal Bids Submitted: Prior to any purchase of goods in excess of \$15,000, at least three (3) formal sealed bids must be obtained and submitted to and approved by the City Council.
- 4. City Not Limited: Nothing herein limits the city from rejecting any and all bids, nor requires the city to accept the lowest bid.

C. Surplus Property & Equipment - All property or equipment owned by the city must be declared surplus by the City Council prior to discarding or selling. Once declared surplus, city owned property and equipment can be discarded or advertised for submission of sealed bids.

D. Credit Cards - City credit cards shall be used for official City business only and all use shall comply with the provision of this section.

5.2 TRAVEL POLICY

- A. General Policy - From time to time employees are required to travel in the course of performing their job-related duties or to obtain training through attendance at job-related seminars. Requests for travel must be made in writing by the employee on a travel form and approved in advance by the Mayor, or designee.
1. Reimbursement. When an employee is to travel in the course of performing their work related duties or attend any training course, conference, seminar, or certification course, that has been approved prior to attendance, Santaquin City will provide the necessary time off with pay and will reimburse the employee for all approved costs including tuition or registration fees, authorized travel, meals, and lodging. Reimbursement rates are as follows:
 - (a) Meals. Meals will be reimbursed at the rate published by the State. If meals are provided as part of the work related activity, training, conference, or seminar, reimbursement shall not be made to the employee. The location of the travel will determine which rates will be used (in-state or out-of-state). The State of Utah travel policy is located at <http://www.finance.utah.gov/travel/>. It is the Department Directors responsibility to review the registration form to confirm when meals are provided as part of the registration fee.
 - (b) Lodging. Lodging will be reimbursed at the actual room rate. Lodging arrangement should be made prior to attending the training and paid for with a check or the city credit card. In extenuating circumstances if an employee places room rental on their personal credit card, approved reimbursement will take place upon presentation of a receipt.
 - (c) Travel/Mileage. If available and practical, employees should make arrangements to use a city vehicle for all work related travel. If a city vehicle is not available and with approval from the Functional Area Director, the employee will be reimbursed mileage at the prevailing federal rate for use of a personal vehicle. Time spent traveling that is not included in the employees regular work schedule will be reimbursed at the Functional Area Directors discretion.

When an employee must fly to a travel destination, the city shall pay for the plane ticket in whole. Plans to fly must be pre-approved by the Mayor, or designee.

- (d) Registration. Santaquin City shall pay for training registration fees at the rate noted on the registration form.
- (e) Books/Materials. Santaquin City shall pay for books and materials at the rate noted on the registration form.

SECTION 6: RISK MANAGEMENT

6.1 RISK MANAGEMENT PHILOSOPHY

- A. General Policy - It is the philosophy of Santaquin City to reduce the potential for loss from exposures through sound risk management practices in all City, department, and individual employee activities. Within the constraints of the budget and the City's obligation to provide certain public services, City risk management and safety practices will reflect a strong consideration for the safety of employees and the public.
- B. Department Responsibility for Risk Management and Safety - Each Functional Area Director is responsible to implement risk management programs established by the City insurance carriers, the City Risk Committee, and the Mayor, or designee to protect the health, safety and welfare of City employees and public; prevent financial losses and reduce insurance premiums; conduct the affairs of the department to reduce insurance premiums and to reduce the potential for claims and lawsuits against the City. To this end each Functional Area Director will:
1. Utah Local Governments Trust (ULCT). Implement all applicable ULCT risk reduction policies or programs;
 2. Risk Coordinators - Appoint one or more Department Risk Coordinator(s) to oversee the implementation of risk management and safety within the department; and
 3. Department Policies and Practices - Develop and maintain policies and practices designed to meet the particular risk management needs of the department.
- C. Individual Responsibility for Risk Management and Safety - Individual employees shall take responsibility for their own safety as well as the safety of other employees, citizens, and property. Employees shall abide by reasonable safety precautions and exercise due care while on the job. Adequate training, appropriate supervision, reasonable scheduling, proper equipment and other management tools should be utilized by the department and followed by each individual employee to create a safe working environment. Individual employees are responsible to immediately report to their supervisor any potential hazards likely to cause an accident and should be forthcoming in identifying and bringing to the attention of supervisors, Risk Coordinators, and their Functional Area Director, safety concerns that cannot be addressed and resolved by the individual employee.
- D. Risk Committee - The Risk Committee is hereby established to formulate and implement formal policy and philosophy relative to risk management and safety.

1. Members of the Risk Committee. The Risk Committee shall be comprised of a designated Risk Manager and one representative from each functional area or department.
 - (a) The Risk Committee shall assist the Risk Manager in formulating objectives for risk management in Santaquin City and in implementing those objectives.
 - (b) The Risk Committee shall meet at least quarterly as part of a regularly scheduled meeting. The Risk Manager, or designee shall be responsible for preparing agendas for the meetings and for keeping minutes of all Risk Committee meetings.

6.2 PROCESSING RISK-RELATED INCIDENTS

- A. General Policy - In order to effectively manage and administer potential and actual risk-related incidents involving Santaquin City, its agents, employees, assigns and/or property, it is necessary to establish a comprehensive procedure for the processing of incidents and claims involving persons or property directly or indirectly connected with City operations. Irrespective of whether an accident, loss or claim results in actual liability to the City or actual injury to persons or other property, it is crucial that all incidents with or without potential for claim against the City be adequately and properly reported and processed. 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 or her supervisor, the Mayor, or designee.
- B. Processing Incidents -
 1. Risk-related Incident Defined. A risk-related Incident ("Incident") is defined as any event or occurrence involving a Santaquin City employee or Santaquin City owned property or equipment where there is property damage exceeding \$100.00 or any physical injury to any person, or where there is a reasonable likelihood of a claim or lawsuit being filed against the City as a result of the event or occurrence. Any given Incident will present its own unique issues. Therefore, if there is any question as to appropriate action to be taken at any point during the processing of an Incident, these issues should be immediately directed to the City's Risk Manager.
 2. Initial Action by Employee Following an Incident. Immediately following an Incident, any employee involved in or aware of the Incident shall seek appropriate medical attention, notify other public safety agencies as the situation reasonably dictates, and notify his/her supervisor. Injured employees shall follow the

Workers Compensation Policy as outlined in this, the Santaquin City Employee Handbook.

3. Notification of an Incident. Generally the City is made aware of an Incident in one of three ways. Following the occurrence of an Incident, the following process shall be followed:
 - (a) Employee or Department Involvement - If an employee is involved in or becomes aware of an incident, the employee shall contact his or her supervisor immediately. The supervisor will make sure post-accident drug/alcohol testing procedures are followed. The supervisor will prepare a written Incident report and submit it to the Functional Area Department Director. Within one business day from the occurrence of the Incident, the Functional Area Director shall notify the Risk Manager of the Incident in writing (written memorandum or email). The writing shall minimally include the date, time and location of the incident, a statement from the employee summarizing the Incident and include all facts, conditions and events leading to the Incident, as well as witness statements, photographs and any other information that would aid in accurately and fully documenting the Incident. Any injuries to City employees arising from an Incident shall be handled pursuant to the City Workers' Compensation Policy.
 - (b) Claim Against the City. If an individual desires to make a claim against the City, the department contacted by the individual shall refer the individual to the Risk Manager. The individual may complete the standard "Notice of Claim" form as provided by the Risk Manager or submit their claim in a manner compliant with the Governmental Immunity Act of Utah. Completed claims should be returned with any accompanying documentation, as required, to the City Recorder's Office, then to the Risk Manager.
 - (c) Legal Process Served on the City. Any legal process served on the City by a constable or other law enforcement officer, such as a 60-day Notice of Claim or formal lawsuit (whether that lawsuit be for equitable relief and/or monetary damages), shall be immediately forwarded to the Risk Manager, with the original copy kept on file by the City Recorder.
4. Analysis of Incident. Upon receipt of notice of the Incident, the City Recorder shall (1) notify the Mayor, or designee, the City Attorney, and ULCT of the Incident if the Incident involves an actual or potential claim against the City; and (2) forward to the City Attorney any formal 60-day Notice of Claim or formal lawsuit served on the City.

5. Additional Investigation of Incident. The Risk Manager shall conduct additional investigation as appropriate, or as advised by the Mayor, or designee, the City Attorney or ULCT. Such investigation may include gathering police reports, supplemental reports, expert witness statements, bids on damage or loss from the City's independent contract appraiser and other relevant information. City departments are expected to cooperate fully in gathering information and assisting the Risk Manager as needed.
6. Incidents Involving Actual or Potential Claims Against the City. Following the investigation by the Risk Manager, Incidents involving actual or potential claims against the City shall be processed by ULCT.
 - (a) Claims Processed by ULCT. Any Incident where the damages claimed exceed \$500.00, or any Incident that involves a claim for personal injury or a violation of constitutional rights, shall be tendered to ULCT. The City shall provide whatever support is necessary. In situations where the claim is in litigation, the City Attorney shall be the liaison between ULCT, outside counsel and the City. In situations where the claim is not in litigation, the Risk Manager shall be the liaison between the City and ULCT, advising the City Attorney as the claim proceeds.
 - (b) Incidents Involving No Actual or Potential Claims Against the City. Incidents involving no actual or potential claims against the City shall be processed in-house by the Risk Manager.
 - (c) Opposing Attorney Involvement in Claim - If at any time throughout the Incident process outlined above an attorney opposing the City becomes involved in the process, or any formal legal action is initiated, the City Attorney shall immediately be notified. The City Attorney shall take the lead in processing the claim or in being liaison for the City, consistent with the terms of this policy.
 - (d) Settlement of Claims. The Mayor, or designee, with recommendation of the City Attorney and consent of the City Council, may chose to settle any claims, the disposition of lawsuits, the imposing of penalties on departments or employees at fault, or any other issues that in the opinion of the Mayor, or designee affect the rights or liabilities of the City.
 - (e) Repair of Damage to City Property Arising from Incidents- It shall be the responsibility of each City

department to arrange for repair or replacement of damaged City property. The department which has responsibility for the use of the City property shall be responsible for preparing a requisition for the repair of such property. Upon completion of the repair, the Functional Area Director shall notify the Risk Manager that the repair is acceptable and complete. Where practicable, the Risk Manager shall pursue subrogation for any costs incurred by the City as a result of damage to City property. Costs recovered by the Risk Manager for materials used or replaced property shall be forwarded to the department that paid for the repair or replacement of the damaged property unless otherwise determined by the City Manager. The file shall then be closed.

7. Paid Claims Where Employee is at Fault: If it is determined that an employee is partially or wholly responsible for a claim, an appropriate penalty or discipline may be imposed upon the employee.
8. Paid Claims Where Department Policy or Practice is at Fault: If it is determined that a Department policy or practice is at fault, the Functional Area Director will make an appropriate remedy.

6.3 WORKERS COMPENSATION

A. Workers Compensation Program Overview -

1. Program Oversight and Administration. City employees injured during the performance of their job duties are covered by the City's workers compensation program (the "Program"), which provides medical reimbursement and indemnity benefits, as provided by state law. The Program is overseen by the Risk Manager. Claims administration is provided by a contract worker's compensation program administrator "Program Administrator".
2. Medical Provider. Employees injured during the performance of their job should seek appropriate medical attention to care for work related injuries. If the injury is life threatening, 911 should be called and the employee will be treated by the nearest emergency facility. If the injury is not life threatening, the employee may select a "Medical Provider" of their choice to provide such care.
3. Employee Discipline - Failure by an employee to follow program reporting protocol, treatment policies, transitional duty

requirements, or any other law, policy, or procedure related to the program in a timely and complete manner, shall result in employee disciplinary action up to and including termination.

B. Treating and Reporting an Injury -

1. **Medical Treatment.** When injured, an employee shall immediately obtain appropriate medical treatment from a medical provider "Medical Provider". If the condition is life threatening the employee should call 911. Once initial emergency medical treatment is given and the employee is physically able, the employee shall report to a Medical Provider for follow-up treatment.
2. **Reporting an Injury.** Immediately following any injury, however minor, or immediately following emergency medical treatment, the employee shall report the injury to the employee's supervisor and to the Risk Manager. The report shall be made NO LATER THAN 24 HOURS following the occurrence of the injury. Although initial notice of the injury to the Risk Manager may be made by telephone or by leaving a message (if the injury occurs after regular City business hours), a claim is not deemed "reported" until the employee speaks personally with the Risk Manager and the appropriate injury report required by the Program Administrator is completed. The employee is responsible to follow up with the Risk Manager and to assure that all details of the injury are reported. If an injury is so severe as to render the employee physically incapable of following the reporting process as required, the employee's supervisor shall assure that the required reporting is completed. Once an injury has been reported, the Risk Manager will initiate a claim and will be provided a claim number. The claim numbers shall be reported to the Medical Provider as soon as possible.

C. Return to Work -

1. **Return to Full Duty Allowed by Medical Provider.** Immediately following initial treatment for a work related injury, the employee shall obtain a written return to work release "Work Release" from the Medical Provider and SHALL CONTACT THE RISK MANAGER BEFORE RETURNING to the employee's regular place of work. The employee shall return to work for regular full duty ("Full Duty") unless directed otherwise by the treating Medical Provider. An employee shall not return to the work site following a work related injury without a Work Release signed by the employee's Medical Provider being delivered to Risk Manager. The Risk Manager will provide a copy to the Personnel Officer. The employee's supervisor shall verify that the employee has contacted the Risk Manager before allowing the employee to return to the work site.

2. Return to Full Duty Not Allowed by Medical Provider. If an employee is directed by the Medical Provider to not return immediately to Full Duty, the employee shall immediately notify the employee's supervisor and Risk Manager of the following:
 - (a) that the Medical Provider has directed the employee to not return to Full Duty;
 - (b) the reasons for such direction and the prognosis of the injury;
 - (c) the expected date and time the employee will be released by the Medical Provider Full Duty; and
 - (d) the work restrictions the Medical Provider has placed on the employee.
3. Return to work with restricted duty "Restricted Duty". An employee may return to work if there is work available that will accommodate the Restricted Duty outlined by the Provider. The Functional Area Director will determine if such work is available.
4. Employee to Report to the Risk Manager with Work Release and Written Work Restrictions. Upon release to work by the Medical Provider for Full Duty or Restricted Duty, the employee shall immediately report to the Risk Manager with a work release and any work restrictions from the Medical Provider. THE EMPLOYEE SHALL NOT RETURN TO THE WORK SITE PRIOR TO CONTACTING RISK MANAGER. Prior to any work being performed the employee's supervisor shall verify that the employee has reported to the Risk Manager and shall confirm any Work Restrictions placed on the employee with the Risk Manager. If the employee has only been release to Restricted Duty, the Functional Area Director, or designee, will determine if there is work available that will accommodate the restrictions outlined by the Medical Provider. If it is determined that work is available, the employee's supervisor shall review any Work Restrictions with the employee before allowing the employee to return to the work site.
5. Secondary Employment - An employee on workers compensation leave shall not engage in any secondary employment except as first authorized by Risk Management.

D. Workers Compensation Wage Replacement ("Indemnity Benefits") -

1. Wage Replacement Amount (Indemnity Benefit) - If a worker's compensation injury or illness causes total temporary disability (i.e. the employee cannot perform ANY work tasks for the City) as determined by the Medical Provider and confirmed by Risk Management, the employee receives weekly wage replacement ("Indemnity Benefits") equal to 66 2/3 percent of the employee's

weekly wages at the time of the injury, up to a maximum of the state weekly average, adjusted for eligible dependents. The Indemnity Benefit continues until the employee is released by the Medical Provider to Restricted Duty (if available) or Full Duty.

2. First Three Calendar Days After Injury Not Compensated. An injured employee does not receive Indemnity Benefits for the first three days after the injury occurs, unless the period of total temporary disability lasts more than 14 days.
3. Supplement to Indemnity Benefit. Employees may receive supplemental Indemnity Benefits on a taxable basis, to 100% of employee's regular wages where an employee has accrued sick leave, personal leave and/or vacation leave. No employee may receive more than the equivalent of 100% of his or her regular wages, adjusted for taxes and deductions. Supplemental compensation may be allowed when an employee submits documentation of the workers compensation Indemnity Benefit received from the Program Administrator to the Administration Office. Request for supplemental compensation shall be submitted in writing to the Personnel Officer and must specify which leave will be used for compensation. Payments of supplemental compensation shall be made in accordance with regularly scheduled payroll.

E. Failure to Follow Applicable Law, Policies and Procedures –

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

F. Accrual of Benefits (sick and vacation leave and holiday pay) while on Workers Compensation leave - Employees on Workers Compensation leave for 5 consecutive working days, will not accrue sick or vacation leave or holiday pay.

SECTION 7: VEHICLE POLICY

7.1 VEHICLE USE

- A. Authorization to Drive - To be authorized to drive a city-owned vehicle, an employee or volunteer must possess a valid Utah driver's license for the type of vehicle being operated.
- B. Training Requirements - Additionally, Departments may impose such familiarization or training requirements on vehicle operators as may be necessary.
- C. Pool Vehicle Use - Pool vehicles are authorized for use by authorized employees or volunteers who do not have a City vehicle assigned to them that need transportation to conduct City business, subject to availability.
- D. Personal Use - Personal use of City vehicles is prohibited, except for incidental local use such as taking breaks or meal periods, or completing a personal errand that does not require indirect travel. The Police and Fire Departments have their own personal use policies.
- E. Permitted Passengers - Only authorized employees and volunteers are allowed to ride in City vehicles, except for the purpose of conducting City business or personal use incidental to City business.
- F. Emergency Use - Functional Area Directors may grant occasional overnight take home vehicle use due to an isolated incident of need because of the lateness of the hour or other circumstances where it is impractical for the user to return a City vehicle at the end of a duty shift.

7.2 DRIVER/OPERATOR DUTIES AND RESPONSIBILITIES

- A. Maintenance - All repairs or damage issues shall be reported immediately to driver's supervisor when the driver becomes aware of such issue. Supervisors shall notify the Functional Area Director.
 - 1. Each department is responsible for the care and general maintenance of City vehicles under their control or assigned to their department. Maintenance may be done by the Public Works Department or by a repair shop, whichever the Functional Area Director deems appropriate. Employees shall not,
 - (a) make any repairs or have any repairs made to the vehicle at any facility (other than simple repairs, i.e. light bulb, fuse, etc.) not authorized by the Functional Area Director, or

- (b) add or remove auxiliary equipment to vehicles without the permission of the Functional Area Director.
 - (c) display unauthorized bumper stickers or other items.
- 2. Records of all maintenance performed on a vehicle shall be kept by the department to which the vehicle is assigned. This information shall be available for inspection upon request.
- B. Cleanliness - Drivers shall maintain a high degree of cleanliness of both the interior and exterior of assigned vehicles. Failure to do so may result in disciplinary action.
- C. Mileage - Each time a City vehicle is refueled at a station using a Gascard, the driver/operator will accurately enter odometer/hour meter readings. If an incorrect reading is entered, the driver will notify his/her supervisor of the correct readings. If no notification is given, a warning will be issued for the first offense. A second or subsequent offense may result in disciplinary action.
- D. Vehicle Registration Renewals - It is the responsibility of each department to complete the state inspection/emissions test by the date required.
- E. Compliance with Laws - All City employees and volunteers shall drive and park in accordance with all state and local laws, including wearing seat belts. Any citation received shall be the responsibility of the driver.
- F. Idling - Drivers will not allow an unattended vehicle to idle excessively, except as required for safety reasons or operation of auxiliary equipment. Emergency vehicles are exempt during emergency situations.
- G. Locking Vehicles - Vehicles unattended for more than one hour should be locked.
- H. Abuse or Neglect of Vehicles - Drivers will not abuse or neglect City vehicles.
- I. Supervisor Responsibility - Supervisors will know the condition of the vehicles under their direct responsibility. Supervisors will keep in close touch with operators to make sure all equipment is properly cared for and maintained. Supervisors will notify Functional Area Directors when maintenance or repairs are necessary, prior to any maintenance being performed.

7.3 USE OF PERSONAL VEHICLES FOR CITY BUSINESS

- A. Employees are strongly discouraged from using personal vehicles for City business. City vehicles should be used when practical and available.

- B. When using a personal vehicle for City business, all relevant City policies and ordinances apply.
- C. Mileage reimbursement is available at the current IRS rate for authorized personal vehicle use. Requests for reimbursement must be approved and signed by the Functional Area Director.

7.4 GENERAL LIABILITY PROVISIONS

- A. City Vehicles -
 - 1. City vehicles are insured by the City.
 - 2. Third party claims are handled by the City's insurer to the policy limits.
 - 3. Injuries to City employees will be handled as worker's compensation claims.
- B. Personal Vehicles -
 - 1. Personal vehicles shall be insured by the owner.
 - 2. Employees must have the state mandated minimum liability coverage on any personal vehicle they may be authorized to drive on City business.
- D. Limitation of Liability - The City reserves the right to limit insurance coverage and/or worker's compensation as provided by law, such as actions "outside the scope of an employee's employment."

SECTION 8: SAFETY

8.1 SAFETY POLICY

- A. *General Policy* – It is the policy of Santaquin City to maintain an environment which is free from any recognizable hazard, which is likely to cause serious injury or death to any employee, through open communication with all employees. The following general safety rules will apply in all agency work places. Each department may prepare separate safety rules applicable to the specific nature of work in their area, but not in conflict with these rules.
1. Proper licensing and extreme caution are required by all employees operating any type of powered equipment.
 2. Employees will use safety equipment and PPE appropriate to the job, such as safety glasses, gloves, toe guards, back supports, and hard hats, if required or appropriate to the work performed.
 3. Employees will avoid wearing loose clothing and jewelry while working on or near equipment and machines. Long hair will be secured properly.
 4. All accidents, regardless of severity, personal or vehicular, shall be reported immediately to the supervisor/manager.
 5. Defective equipment will be reported immediately to the supervisor/manager.
 6. Employees will not operate equipment or use tools for which licensing and training has not been received.
 7. In all work situations, safeguards required by State and Federal Safety Orders and laws will be provided and are required to be used by all employees including seat belts in all motor vehicles.
 8. Due to the potential risk of serious injury or death, employees are prohibited from entertaining, or caring for, guests or family members in or around inherently dangerous work areas.

Employee Policy & Procedure Handbook

ADDENDA

ORDINANCE NO. 07-01-2010

AN ORDINANCE AMENDING THE SANTAQUIN CITY DRUGFREE WORKPLACE POLICY; PROVIDING FOR CODIFICATION, INCLUSION IN THE CODE, CORRECTION OF SCRIVENER'S ERRORS, SEVERABILITY, AND PROVIDING AN EFFECTIVE DATE

WHEREAS, the City of Santaquin ("the City") is a fifth-class municipality of the State of Utah; and

WHEREAS, the City employs certain personnel to perform municipal functions and assisting in providing municipal services; and

WHEREAS, the City Council has determined that the public health, safety and welfare will be better served by the implementation of a Drug-Free Workplace; and

WHEREAS, the City Council finds that the best interests of the City will be served by certain amendments to the previously enacted Drug-free Workplace Policy;

NOW THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF SANTAQUIN CITY, UTAH, AS FOLLOWS:

SECTION I. Chapter 6B of Title 1 of the Santaquin City Code is hereby amended to read as set forth in Exhibit A hereto.

SECTION II. Codification, Inclusion in the Code, and Scrivener's Errors

It is the intent of the City Council that the provisions of this ordinance be made part of the City Code as adopted, that sections of this ordinance may be re-numbered or re-lettered, that the word *ordinance* may be changed to *section*, *chapter*, or other such appropriate word or phrase in order to accomplish such intent regardless of whether such inclusion in a code is accomplished, sections of the ordinance may be re-numbered or re-lettered. Typographical errors which do not affect the intent of this ordinance may be authorized by the City without need of public hearing by its filing a corrected or re-codified copy of the same with the City Recorder.

SECTION III. Severability

If any section, phrase, sentence, or portion of this ordinance is for any reason held invalid or unconstitutional by any court of competent jurisdiction, such portion shall be deemed a separate, distinct, and independent provision, and such holding shall not affect the validity of the remaining portions thereof.

SECTION IV. Effective Date


The City Recorder shall deposit a copy of this ordinance in the official records of the City on July 22, 2010, and before 5:00 p.m. on that same day, shall place a copy of this ordinance in

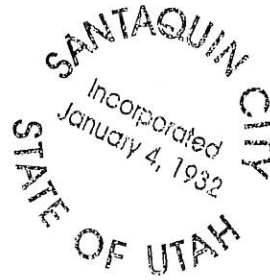
three places within the City. This ordinance shall become effective at 5:00 p.m. on July 22, 2010.

Passed and duly adopted this 21st day of July, 2010.


JAMES E. DEGRAFFENRIED, Mayor

ATTEST:


SUSAN B. FARNSWORTH
Santaquin City Recorder



Council Member Filip Askerlund	<u>Yes</u>
Council Member Martin Green	<u>Yes</u>
Council Member Rick Steele	<u>Yes</u>
Council Member James Linford	<u>Absent</u>
Council Member Brent Vincent	<u>Yes</u>

STATE OF UTAH)
 ss.
COUNTY OF UTAH)

I, SUSAN B. FARNSWORTH, City Recorder of Santaquin City, Utah, do hereby certify and declare that the above and foregoing is a true, full, and correct copy of an ordinance passed by the City Council of Santaquin City, Utah, on the 22nd day of July, 2010, entitled

AN ORDINANCE AMENDING THE SANTAQUIN CITY DRUGFREE WORKPLACE POLICY; PROVIDING FOR CODIFICATION, INCLUSION IN THE CODE, CORRECTION OF SCRIVENER'S ERRORS, SEVERABILITY, AND PROVIDING AN EFFECTIVE DATE

IN WITNESS WHEREOF, I have hereunto set my hand and affixed the Corporate Seal of Santaquin City Utah this 22nd day of July, 2010.



SBFarnsworth
SUSAN B. FARNSWORTH
Santaquin City Recorder

(SEAL)

AFFIDAVIT OF POSTING

STATE OF UTAH)
) ss.
COUNTY OF UTAH)

I, SUSAN B. FARNSWORTH, City Recorder of Santaquin City, Utah, do hereby certify and declare that I posted in three (3) public places the ordinance which is attached hereto on the 22nd day of July, 2010.

The three places are as follows:

1. City Center
2. Post Office
3. Bank- Zions

I further certify that copies of the ordinance so posted were true and correct copies of said ordinance.

Susan B. Farnsworth
SUSAN B. FARNSWORTH
Santaquin City Recorder

The foregoing instrument was acknowledged before me this 22nd day of July, 2010, by SUSAN B. FARNSWORTH.

My Commission Expires: 10/1/2013

Jody Thomas
Notary Public

45 W. 100 S.
Residing at Santaquin, Utah County

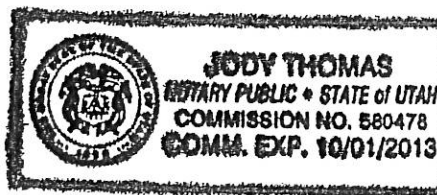


EXHIBIT A

TITLE 1 - CHAPTER 6B - ADMINISTRATIVE POLICIES AND PROCEDURES DRUG-FREE WORK PLACE

1-6B-1 DRUG-FREE POLICY

- A. **Policy:** This shall be known as the Santaquin City (the "City") Drug-Free Workplace Policy (the "Policy").
- B. **Purpose:** The purpose of this chapter is to outline the City's policies and procedures to promote a drug-free work place. It is adopted, in part, pursuant to the Local Governmental Entity Drug-Free Workplace Policies (the "Act"), UTAH CODE ANN. §§ 34-41-101, *et seq.*
- C. **Application:** It is the policy of the City that the unlawful manufacture, distribution, dispensation, possession or use of a controlled substance and/or alcoholic beverage in the work place is expressly prohibited. City employees involved in any unauthorized use, possession, transfer, sale, manufacture, distribution, purchase or presence of drugs/alcohol or drug paraphernalia on City property or having reported to work with detectable levels of illegal drugs or alcohol in their system will be subject to disciplinary action, including termination.
- D. **Definitions:** Except as otherwise indicated in the context, as stated in this chapter, the following terms shall have the meanings stated:
1. **Alcohol:** 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.
 2. **BAC:** blood alcohol content and/or breath alcohol content. Alcohol content in the blood shall be based upon grams of alcohol per 100 milliliters of blood, and alcohol concentration in the breath shall be based upon grams of alcohol per 210 liters of breath.
 3. **Drug Paraphernalia:** objects used or intended for use to manufacture, compound, convert, produce, process, prepare, test, analyze, pack, re-pack, store, contain, and/or conceal drugs or inject, ingest, inhale, or otherwise introduce a Drug other than a Prescription drug into the human body.
 4. **Drugs or Drugs:** means any substance recognized as a drug in the United States Pharmacopeia, the National Formulary, the Homeopathic Pharmacopeia, or other drug compendia, including Title 58, Chapter 37, Utah Controlled Substances Act, or supplement to any of those compendia; including but not limited to: narcotics, marijuana, hashish, cocaine, phencyclidine (PCP), opiates, and amphetamines (including methamphetamine).

5. Prescription drugs: those medications (containing drugs or other controlled substances) that are prescribed to an individual by an authorized physician, carried in the original container that is labeled by a licensed pharmacist and taken as directed.
6. Positive Test: a test result showing a blood or breath alcohol content of 0.02 or greater or the presence of any Drug other than a Prescription Drug in the test subject.
7. Refusal to Submit to Testing: failure to provide an adequate blood, breath or urine sample without a valid and verified medical explanation, or conduct by the employee that clearly obstructs the testing process, after the employee has received notice or is otherwise aware that he is to be tested and a breath or urine sample is required.
8. Reasonable Suspicion: knowledge sufficient to induce an ordinarily prudent and cautious person under the circumstances to believe that a prohibited activity is occurring.
9. Safety Sensitive Position or Duty: any position or duty requiring a commercial drivers license ("CDL") and other duties or positions deemed safety sensitive. Examples of safety sensitive positions, include: all police officers, all employees of the Police, Fire and EMT Departments; all employees of the Public Works Department (because worker's duties involve operating heavy machinery, including trucks, tractors and backhoes, and require that the worker maintain a CDL); and all employees who regularly operate any motor vehicle in the course or scope of employment with the City (whether such vehicle is city owned or individually owned), or whose job description include the operation of a motor vehicle as an essential job function. The City's Chief Executive is authorized to determine whether a position or duty is safety sensitive.
10. Additional definitions may be found in UTAH CODE ANN. § 34-41-101.

E. Prohibited Conduct:

1. Employees shall not use, be under the influence of, be in possession of, or be in such a condition as to test positive for alcohol or any Drug that is not a Prescription drug while on duty, on City premises or in City vehicles.
2. For purposes of this policy, an employee with a BAC of .02 or higher shall be deemed to be under the influence of alcohol. City premises include buildings, parking lots, grounds and vehicles owned by the City or personal vehicles in use for City business.

3. Employees shall not possess Drug Paraphernalia on City property or in City vehicles.
4. No Prescription Drug will be brought on City premises by a person other than for whom it is prescribed. Prescription Drugs will be used only in the manner, combination, and quantity prescribed.
5. No employee may perform work involving safety sensitive duties while having any therapeutic level of any Prescription Drug that is likely to cause drowsiness or impairment unless a medical doctor has provided a written statement to the City stating that he/she has reviewed the employees job description and that the employee can safely perform the job functions while taking the Prescription Drug as prescribed.
6. Exceptions: Employees involved in law enforcement activities may be in possession of any alcohol, Drug or Drug Paraphernalia while performing within the scope of their job duties.
7. Consequences: Any employee using, possessing or being on City premises under the influence of alcohol or any Drug other than a Prescription Drug or who otherwise engages in prohibited conduct shall be subject to questioning and disciplinary action up to and including, immediate termination of employment. Any employee whose off-duty abuse of alcohol, any Drug or Prescription Drug results in excessive absenteeism or tardiness or is the cause of on-duty accidents or poor work performance will be subject to discipline, up to and including termination of employment.

1-6B-2 PRELIMINARY INFORMATION

- A. **When testing occurs:** The testing mandated by this policy shall occur during, immediately before or immediately after, a regular work period of the employee and shall be deemed work time for the purposes of compensation.
- B. **Costs of testing:** All costs of testing required by this policy, excluding follow-up testing and testing of split samples, including the cost of transportation, if the testing is at a location other than the work place, will be at the city's expense.
- C. **Detection methods:** The city maintains the right to utilize detection methods necessary for the enforcement of this policy including blood, urine, breath, hair or others tests, and the use of electronic detection equipment and trained animals.
- D. **Refusal to Cooperate:** Failure to cooperate with these detection methods or inspections or to timely submit to required testing is grounds for disciplinary action up to and including termination of employment.

- E. **Inspections:** The City maintains the right to conduct unannounced inspections of City owned property, work stations, equipment, computers, desks, cabinets, etc.
- F. **Testing Procedures:** A private medical provider will draw test samples on site or at a separate location. The City may direct that a sample be split; one to be tested in the normal course of testing procedures, and the other to be maintained for a period of one year for possible future testing at the discretion of the City, if the initial test indicates a positive result. The employee will be responsible for the cost of the subsequent test if the employee requests to have the split sample tested.

1-6B-3 MANDATORY TESTING

- A. **When Testing is Required:** In order to achieve a drug-free work place, employees and applicants for City 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 and cause 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 for Safety Sensitive Positions or Duties;
 - 5. before an employee may return to duty after having violated this policy;
 - 6. as a follow-up to employment related Drug or Alcohol violations; and
 - 7. Other testing, including if an employee is the subject of an investigation of theft of property, security breach of information or property or the employee's productivity or quality of work has drastically reduced.

The City intends to follow applicable law in conducting mandatory testing. Consequently, suspicionless drug testing will generally be confined to safety sensitive positions or duties.

- B. **Pre-Employment Testing:** The City may require a final applicant selected for a position with the City to undergo an Alcohol and/or Drug test to detect the presence of Alcohol and illegal Drugs in the body. Refusal to take such a test may be grounds for denial of employment. An applicant who tests positive for any Drug other than a Prescription Drug or whose test detects a blood alcohol content ("BAC") of .02 or higher will be denied employment with the City.

C. **Reasonable Suspicion Testing**: When a designated supervisor makes a determination that there is Reasonable Suspicion and cause to believe that an employee performing or assigned to a Safety Sensitive Position is using, is under the influence of, or is in possession of Alcohol or any Drug, the employee shall be subject to Drug and/or Alcohol testing.

1. Supervisory Training: The required observations underlying Reasonable Suspicion testing must be made by or reported to a supervisor or official who has received training on the physical, behavioral, speech and performance indicators of alcohol and Drug use.
2. Documentation: Observations underlying the Reasonable Suspicion testing must be documented in writing and signed by the supervisor or official making the reasonable suspicion determination within twenty-four (24) hours or before the results of the test are announced, whichever is later.
3. Transportation: Employees subject to Reasonable Suspicion testing may not transport themselves to the testing location.
4. Limitations on Duties: 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 the supervisor deems dangerous to the employee or others until the results of the tests are received and the employee is released back to work by the appropriate supervisor.

D. **Post Accident Testing**: Any employee involved in an accident causing personal injury with requires medical attention or causing property damage estimated to be in excess of \$1,000.00 or engaging in unsafe work practices affecting the safety of other employees or the general public shall be subject to Alcohol and/or Drug testing. An employee subject to post accident testing who does not remain readily available for such testing may be deemed to have refused to submit to testing.

1. Timing: Samples for Alcohol and Drug testing following an accident should be collected within (2) two hours of the accident when feasible, but no later than eight (8) hours following an accident. If such collection testing does not occur within the (2) two hours, documentation shall be provided stating the reason for the delay.
2. Transportation: Employees subject to post accident testing may not transport themselves to the testing location.
3. Limitations on Duties: Upon required testing due to an accident the employee tested shall not engage in the operation of any City equipment or engage in any employment related duties which the supervisor deems dangerous to the employee or others until the results of the tests are received and the employee is released back to work by the appropriate supervisor.

- E. **Random Testing:** Employees in Safety Sensitive Positions are subject to random Drug and/or Alcohol testing in order to assist in the prevention of accidents and theft, increased safety for the employee and the general public, and to maintain productivity, quality, and the security of property and information.
1. Consortiums. The City may, as determined by either the Chief Executive or the City Council, join a consortium, or third party administering testing and other services under contract, for random testing purposes as allowed by the Department of Transportation rules.
 2. Quantity. Department of Transportation rules presently mandate that the City randomly test (50%) fifty percent of all employees holding safety sensitive positions annually for Drugs, half of those tested for Drugs will also be tested for Alcohol. Tests will be unannounced and will be conducted during the employee's shift, shortly before or immediately thereafter. This testing requirement may be lowered or raised by the federal highway administration depending upon test results.
 3. Procedures: The consortium, or a third party performing testing and other services under contract, may establish the procedures, in conformance with the requirements of the Act and applicable rules and regulations, to be used in the performance of Drug and Alcohol tests. In the event that the City does not join a consortium or contract with a qualified third party to perform these services, the procedures to be used in the performance of Drug and Alcohol tests shall be developed, in writing, by the Chief Executive and reviewed at least annually by the City Council.
 4. Administration: Whether or not the City joins a consortium, the City may contract with a qualified third party who will administer the random testing program and may administer other tests as required by this chapter.
 5. Documentation: The City must maintain or obtain from the consortium or third party administering the testing program, and have available for inspection, the following information:
 1. how the random selection pool was assembled;
 2. the method of selection and notification of test subjects;
 3. the location of collection sites;
 4. methods of reporting the test results on each person tested; and

5. summary reports on the consortium's program showing that the consortium tested at the prescribed minimum annual rates for Alcohol and/or Drugs.
- F. **Return to duty testing:** An employee who has tested positive for Drugs and/or Alcohol and will be returning to duty must be tested and show a negative test result, prior to returning to work.
- G. **Follow-up testing:** Employees who have violated this policy and had been approved to continue to work for the city shall be subject to follow-up Drug and/or Alcohol testing.
1. Period of testing: Follow-up testing shall occur for a period of not less than one (1) year.
 2. Amount of testing: Employees subject to follow-up testing may be tested up to six (6) times in the one (1) year following the positive test result.
 3. Cost of testing: The cost of follow-up testing will be the responsibility of the employee and will be deducted from the employees payroll check.
- H. **Other testing:** Employees may also be subject to testing for the following reasons:
1. An employee is the subject of an investigation involving an incident or incidents of theft of property belonging to the city, to other city employees, or that is entrusted to the care of the city by a private individual or entity.
 2. An employee who is the subject of an investigation into a security breach of either information or property.
 3. An employee's productivity or the quality of an employee's work is drastically reduced without other readily available explanation(s).

1-6B-4 TESTING RESULTS

- A. **Notification.** The city will notify an employee of an initial positive test as soon as possible after the result is known by the city.
- B. **Positive test results:** Employees testing positive for Drugs and/or Alcohol showing a BAC of 0.02 or over shall be placed on administrative leave pending a hearing to determine the possible course of disciplinary action, which may include the following depending on the severity of the offense:
1. Probation pending completion of follow-up testing. An employee for whom a positive test result is reported while the employee is on follow-up testing will be terminated as a City employee.

2. Mandatory completion of a substance abuse evaluation and/or enrollment in substance abuse counseling or rehabilitation program through the Employee Assistance Program (EAP).
3. Suspension of Employment with or without pay.
4. Termination of Employment.

An employee testing positive for Drugs and/or Alcohol showing a BAC of 0.02 or over, on a second occasion, for any reason, i.e., random, follow-up, post accident, reasonable suspicion, return to duty, etc. shall be terminated from employment with Santaquin City.

1-6B-5 RECORD RETENTION

Subject to the requirements of the City's Policies and Procedures Manual, and the Government Records Access and Management Act ("GRAMA"), records related to Drug and Alcohol testing may not be released unless authorized by law and, except as otherwise required by law, the release is expressly authorized by the subject of the test. Records relating to post accident testing must be made available to the National Transportation Safety Board when requested as part of an accident investigation. Records relating to Drug and Alcohol testing will be made available in accordance with the requirements of law to the Secretary of Transportation, any Department of Transportation agency and state or local officials with regulatory authority over the City or the test subject. A test subject is entitled, upon written request, to obtain copies of any records related to the subject's use of or testing for Drugs and Alcohol. Records will be provided to a subsequent employer or other identified person upon receipt by the City of a written request from the subject of the test.

- A. **Time Periods:** Subject to the requirements of GRAMA, records must be maintained by the City for at least the following time periods:
1. Five years: alcohol tests with results showing an alcohol concentration of .01 or greater; Drug tests with verified positive results Drugs; documentation of refusal to take a Drug or Alcohol test; documentation of calibration of evidential breath testing devices; employee evaluations and referrals for rehabilitation; and annual calendar year summaries.
 2. Two years: records related to the Drug and Alcohol training records.
 3. One year: records of negative Drug tests and records of Alcohol tests showing a BAC of less than .01.

1-6B-6 FEDERAL AND STATE REQUIREMENTS

This chapter has been promulgated, in part, to satisfy applicable requirements of the Drug-Free Workplace Act of 1988, the Omnibus Transportation Employee Testing Act of 1991 and applicable rules of the Department of Transportation or other federal regulatory agency

having jurisdiction. In the event of any conflict between this chapter and any applicable federal statute or regulation, or any applicable state law or regulation, the applicable federal or state statute, law or regulation, including amendments, shall control.

1-6B-7 MISCELLANEOUS

- A. **No Vested Rights**: Nothing contained in this chapter dealing with rehabilitation, continued employment, or otherwise, shall vest any employee with a continued right to employment with the City or limit the City's ability to discipline the employee, including termination, in accordance with the provisions the City's personnel manual.

- B. **Questions**: Employees may direct any questions regarding this chapter to the
Administrative Services Director.

ORDINANCE NO. 08-01-2009

AN ORDINANCE NAMING THE SANTAQUIN CITY COUNCIL AS THE APPEAL BOARD THAT IS REQUIRED BY UTAH LAW TO HEAR AND DECIDE APPEALS OF CERTAIN DECISIONS REGARDING THE DISCIPLINE AND/OR DISCHARGE OF CITY EMPLOYEES; AND ALSO PROVIDING FOR THE CODIFICATION AND INCLUSION IN THE CITY CODE, CORRECTION OF SCRIVENER'S ERRORS, SEVERABILITY AND AN EFFECTIVE DATE FOR THE ORDINANCE.

WHEREAS, The City of Santaquin, Utah is a fifth-class city of the State of Utah; and

WHEREAS, Utah Code Ann. § 10-3-1106 (1953 as amended), provides that certain employees that are discharged, suspended for more than two days without pay, or involuntarily transferred from one position to another with less remuneration for any reason, may appeal any such action to a board to be known as the appeals board; that the City Council shall establish the method and manner of choosing the members of the appeal board, the number of members, the designation of their terms of office, and the procedure for conducting an appeal and the standard of review; and

WHEREAS, the Santaquin City Council desires now to establish the City Council as the aforementioned Appeal Board and establish the procedure for conducting an appeal and the standard of review;

NOW, THEREFORE, BE IT ORDAINED by the City Council of Santaquin, Utah as follows:

SECTION I. Chapter 4 of Title 2 of the Santaquin City Code is hereby enacted to read as follows:

CHAPTER 2-4: SANTAQUIN CITY APPEAL BOARD

2-4-1: ESTABLISHED

There is hereby created an appeal board for Santaquin City, Utah, to be known as the Santaquin City Appeal Board (the "Appeal Board"). The Appeal Board shall be comprised of the members of the Santaquin City Council, excluding the Mayor, who shall be responsible to make or approve each initial action to remove or demote any employee of the City.

2-4-2: PURPOSE

The Appeal Board shall hear and decide each appeal filed in compliance with the provisions of Utah Code Ann. § 10-3-1106 (1953 as amended), as the same may be amended from time to time.

2-4-3: TIME FOR APPEAL

Each appeal taken pursuant to this chapter, shall be taken by filing written notice of the appeal with the City Recorder within ten calendar days after: (a) the employee receives notice of the final disposition of any internal grievance procedure that is provided by the City; or (b) the discharge, suspension, or involuntary transfer, if no internal grievance procedure is provided.

2-4-4: RIGHTS OF APPELLANT

An appellant may:

- A. Appear in person and be represented by counsel;
- B. Have a public hearing, if such is included in the written request for appeal;
- C. Confront the witness(es) whose testimony is to be considered; and
- D. Examine the evidence to be considered by the Appeal Board.

2-4-5: STANDARD OF REVIEW

All Appeals pursuant to this chapter shall be de novo.

2-4-6: BURDEN OF PROOF

In every appeal of an employment decision under this chapter, the appellant shall have the burden of proving that the employment decision was erroneous.

2-4-7: PROCEDURES OF THE APPEAL BOARD

- A. Receipt of File Documents. Upon receipt of an appeal, the Mayor, or other authorized officer, shall submit to the Appeal Board all information regarding the requested appeal.
- B. Further Proceedings Stayed. No appeal under this chapter shall stay the decision being appealed.
- C. Majority Vote Required. A concurring vote of a majority of the members present at a meeting shall be required for any action. Decisions of the Appeal Board become effective at the meeting in which the decision is made, unless a different time is designated at the time of the decision.

- D. Notice of Hearings. The Appeal Board shall establish a reasonable time for all hearings and shall notify the appellant of the date, time and place of the hearing, by United States First-Class Mail, at least five (5) days prior to the date of hearing.
- E. Factual Basis for Decisions. The decision of the Appeal Board shall be based upon the application of the evidence to laws, rules and ordinances in effect on the date of violation.
- F. Action of the Appeal Board. No hearing may be held without three or more of the members present. Decisions of the Appeal Board shall be by secret ballot and shall be certified to the City Recorder within fifteen (15) days from the date that the matter is referred to it, except that, for good cause shown, the time may be extended to a maximum of 60 days, with the consent of the employee and the City.

2-4-8: EFFECTS OF DECISION IN FAVOR OF EMPLOYEE

If the Appeals Boards finds in favor of the employee, it shall include in the order either: (a) the employee's salary for the period of time during which the employee is discharged or suspended without pay; or (b) any deficiency in salary for the period during which the employee was transferred to a position of less remuneration.

2-4-9: CONDITIONS PRECEDENT TO JUDICIAL REVIEW

An adversely affected party shall present to the Appeal Board every theory of relief that it can raise in district court.

SECTION II. Contrary Provisions Repealed.

All provisions of the Santaquin City Code and the Santaquin Employee Handbook that are contrary to the provisions of this Ordinance are hereby repealed.

SECTION III. Codification, Inclusion in the Code, and Scrivener's Errors

It is the intent of the City Council that the provisions of this ordinance be made part of the City Code as adopted, that sections of this ordinance may be re-numbered or re-lettered, that the word ordinance may be changed to section, chapter, or other such appropriate word or phrase in order to accomplish such intent regardless of whether such inclusion in a code is accomplished. Sections of the ordinance may be re-numbered or re-lettered. Typographical errors which do not affect the intent of this ordinance may be authorized by the City without need of public hearing by its filing a corrected or re-codified copy of the same with the City Recorder.

SECTION IV. Severability.

If any part of this ordinance or the application thereof to any person or circumstances shall, for any reason, be adjudged by a court of competent jurisdiction to be unconstitutional or invalid, such judgment shall not affect, impair or invalidate the remainder of this ordinance or the application thereof to other persons and circumstances, but shall be confined to its operation to the section, subdivision, sentence or part of the section and the persons and circumstances directly involved in the controversy in which such judgment shall have been rendered. It is hereby declared to be the intent of the City Council that this section would have been adopted if such invalid section, provisions, subdivision, sentence or part of a section or application had not been included.

SECTION V. Effective Date.

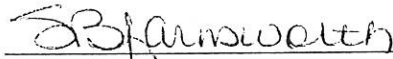
The City Recorder shall deposit a copy of this ordinance in the official records of the City on August 6, 2009, and before 5:00 p.m. on that day, shall place a copy of this ordinance in three places within the City. This ordinance shall become effective at 5:00 p.m. on August 6, 2009.

PASSED AND ADOPTED this 5 day of August, 2009.


James E. DeGraffenried, Mayor

Councilmember Filip Askerlund	Voted <u>Yes</u>
Councilmember Martin P. Green	Voted <u>Yes</u>
Councilmember Connie Hansen	Voted <u>Yes</u>
Councilmember James F. Linford	Voted <u>Yes</u>
Councilmember Brent Vincent	Voted <u>Yes</u>

ATTEST:


Susan Fainsworth, City Recorder

