



Human Resources Policies and Procedures Manual

Amended and Adopted 06/30/2010
Amended and Adopted 09/14/2011
Amended and Adopted 01/08/2014
Amended and Adopted 05/19/2016
Amended and Adopted 02/08/2017

The information in this manual is not intended, nor should it be interpreted, to grant or impose any contractual or other obligation upon any employee, or upon the City of Midway. This handbook as a whole is not all-inclusive and contains only general statements of the employer's policies. All provisions may be modified at the employer's discretion, in accordance with applicable law.

Human Resources Policies and Procedure Manual

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MIDWAY CITY

HUMAN RESOURCES

POLICIES AND PROCEDURES MANUAL

Section 1. Introduction

1.1 Vision Statement

Our vision for the City of Midway is to be a place where citizens, businesses and civic leaders are partners in building a city that is family-oriented, aesthetically pleasing, safe, walkable and visitor friendly. A community that proudly enhances our small town Swiss character and natural environment, as well as remaining fiscally responsible.

1.2 Mission Statement

The mission of the City of Midway is to create a positive lifetime difference, enhance the quality of life, promote the safety and well being of our residents and visitors while honoring our heritage and preparing for the future.

1.3 Core Values

Integrity - actions are based on honor - to create ethical character and a positive reputation.

Teamwork - a process built upon common focus, flexibility, cooperation, communication, and the sharing of risk, responsibility and reward.

Innovation - demonstrating a civic entrepreneurial spirit by generating new ideas and better ways of doing things and engaging in reasonable risk.

Respect - the obligation to treat all with civility by listening, comprehending, empathizing, and valuing opinions and perspectives.

Responsive Customer Service - meeting needs in a timely, courteous, and responsive manner by delivering on promises and commitments while meeting or exceeding expectations.

Trust - actions, information and communication are accurate, consistent, open and honest to maintain credibility.

Honor - respect and preserve our heritage.

1.4 Purpose of Manual

The policies and procedures relative to the human resource activities for Midway City are set forth for a dual purpose:

1. To give Midway City employees clear, concise information as to their rights, privileges, obligations and responsibilities.
2. To provide Midway City management and Midway City Council direction in dealing fairly, consistently and justly with all employees.

The contents of this Manual are for informational purposes only and are not intended to create a contract, nor do they constitute contractual obligation of any kind or a contract of employment between Midway City and its employees. The Manual provisions have been developed at the discretion of the City Council and, except for its policy of employment at will for appointed and elected officials, may be amended or canceled at any time at Midway City's sole discretion.

1.5 Assignment of Responsibility

The Mayor, City Council and employees are responsible for recommending human resources policies and procedures for Council approval.

1.6 Applicability of Policies and Procedures

The policies and procedures, rules and regulations of this document shall apply to all employees of Midway City, except where specifically excluded. These policies and procedures do not apply to persons engaged under contract to supply professional or technical services, or volunteers who receive no or nominal compensation from Midway City except where noted.

1.7 Violations

Violation of any state or federal law, personnel policy, rule or procedure adopted hereunder shall be grounds for disciplinary action up to and including termination following proper procedures. Also any suspicion or knowledge of any violation of state, federal laws, personnel policy, rule or procedure must be reported in a confidential manner to the direct supervisor, Human Resources or Mayor.

1.8 Standards

The human resources standards subscribed to by Midway City shall conform to the following:

1. Recruit, select and advance employees on the basis of their business/professional competencies (current potential, knowledge and skill, commitment and required behaviors).

2. Provide competitive compensation based on Midway City's ability to pay.
3. Provide training to employees to assure high quality performance to justify reasonable performance standards.
4. Retain employees on the basis of prescribed performance standards, correcting unacceptable performance in a timely manner, and terminating employees whose performance continues to not meet Midway City's standards.

Assure non-discrimination for applicants and employees in all aspects of employment.

5. Provide a formal procedure for processing the appeals and grievances of employees without discrimination, coercion, restraint, or reprisal.

1.9 Availability and Revision of Manual

The policies and procedures in this Manual are subject to change at any time by the action of the Midway City Council. Employees will be notified in writing of changes to any and all policies and procedures in this Manual. A copy of the Manual shall be made available to all Midway City employees. If you have a question that cannot be answered by the Manual, we require that you ask Midway City management.

1.10 General Conduct

The very nature of this municipality makes employee relations one of the most important aspects of the job. The quality of our interactions impacts all employees of Midway City and the public perceptions of Midway City as a whole. Employees are to take every opportunity through the course of performing their jobs to create "good will" with the public. Employees are required to be courteous and show understanding in spite of the difficulty of situations that may arise. Management will investigate reports of a negative nature, and disciplinary actions could result.

1. Employees are expected to apply themselves to their assigned duties for which they are being compensated.
2. Employees are expected to make prudent and frugal use of Midway City funds, equipment, buildings and supplies.
3. Employees are expected to observe all work place rules.
4. Employees are to report conditions or circumstances that would prevent them from performing their job effectively or completing assigned tasks to their management.
5. In order to maintain a professional atmosphere and appearance, all employees including those who wear uniforms, shall maintain the following minimum standards:
 - a. Employees must maintain a high standard of personal hygiene. Employees must

- appear neat and clean and have no offensive odors. An employee's hair (including facial hair) must be clean and groomed.
- b. Employees must wear clothing appropriate to their employment. Appropriateness may vary, depending upon the nature of work performed, safety concerns, and the degree of public contact.
 - c. Employees must wear clothing that is clean and neat, and not torn or frayed. Employees must avoid clothing that is unduly revealing, immodest, or otherwise inappropriate for a professional office setting or other work environment.
 - d. In addition to the above, all employees shall meet department dress and appearance policies.
6. All employees in all departments are to treat equipment they use with respect and good common sense, keep equipment in good working order and report any damages or malfunctions to their supervisor.
7. Employees are also expected to have a courteous helping attitude towards each other.

1.11 Equal Employment Opportunity and Non-Discrimination Statement

Based on Midway City's current employment numbers, we are not required to meet certain legal equal employment opportunity requirements. However, we want our employees to understand that we do not conduct our operations in a manner that discriminates against others.

Our commitment to non-discrimination applies to all areas of employment including recruitment, hiring, training, promotion, compensation, benefits, transfer, and social and recreational programs. Non-discrimination applies also gender, race, color, religion, national origin, ancestry, age, physical disability, mental disability, medical condition, pregnancy, childbirth, marital status, sexual orientation. It is the responsibility of each member of Midway City management to consciously and consistently follow this commitment.

1.12 Harassment

1.12.1 Harassment

Midway City is committed to the belief that all employees have the right to work in an environment that is free from discrimination and harassment. The City strictly prohibits harassment of or by its employees in any form. All employees at all levels of employment with the City must avoid offensive or inappropriate harassing behavior, and the City holds employees responsible for ensuring that the workplace is free from harassment. Employees should at all times treat other employees with respect, with dignity, and in a manner so as not to offend the sensitivity of their co-workers. The City is committed to the vigorous enforcement of its harassment policy at all levels of employment and in all City workplaces.

1.12.2 Sexual Harrassment

The City bases its policy on the Equal Employment Opportunity Commissions definition of sexual harassment, which is:

Unwelcome sexual advances, requests for sexual favors, and other verbal or physical conduct of a sexual nature when (1) submission to such conduct is made either explicitly a term or condition of an individual's employment; (2) submission to or rejection of such by an individual is used as the basis for employment or decisions affecting such individuals; or (3) such conduct has the purpose or effect or unreasonably interfering with an individual's work performance or creating an intimidating, hostile, or offensive working environment.

Specifically, the City prohibits conduct that may include, but is not limited to, the following:

- a. Unwelcome sexual advances
- b. Requests for sexual favors, whether or not accompanied by promises or threats with regard to the employment relationship.
- c. Other verbal or physical conduct of a sexual nature made to an employee that may threaten or insinuate, either explicitly or implicitly, that an employee's submission to or rejection of the sexual advances will in any way influence any personal decision regarding that person's employment, evaluation, wages, advancement, assigned duties, shifts, or any other condition of employment or career development.
- d. Harassment of women by men, men by women, or same sex harassment.
- e. Any verbal or physical contact that has the purpose or effect of creating an intimidating, hostile, or offensive working environment.
- f. Other sexually harassing conduct committed in the workplace by supervisors or non-supervisory personnel, whether physical or verbal.
- g. Sexually degrading words to describe an individual, offensive comments; off-color language or jokes; innuendoes, and sexually suggestive objects, books, magazines, photographs, cartoons, pictures, emails or faxes.

Such conduct may result in disciplinary action, up to and including termination.

Employees who have complaints of harassment or sexual harassment by anyone in the workplace, including supervisors, co-employees, or visitors, are urged to report such conduct to their supervisors/managers who will report the incident to the Mayor, so that the City may investigate and resolve the problem. If the complaint involves an employee's supervisor or someone in the direct line of supervision, or if the employee for any reason is uncomfortable in dealing with his/her supervisor, the employee may go directly to the Mayor or City Attorney.

The City endeavors to investigate all complaints as expeditiously and professionally as possible. Where investigation confirms allegations of harassment, the City shall take appropriate corrective action, the harassing employee will be subject to disciplinary

action up to and including termination. If the harassment has come from a person outside Midway City, corrective action will be taken after consultation with the Midway City Attorney and the responsible outside party/organization.

If after careful investigation, the City is unable to confirm an allegation of harassment, the City may transfer an employee to a new location where the employee will not have any contact with the alleged harasser.

To the extent possible by regulation or law, employees will be apprised of the investigation process and the conclusion of the investigation.

The City makes every attempt to keep confidential the information provided to it in the complaint and investigation process, to the fullest extent permitted by the circumstances. Retaliation against employees for reporting harassment or for assisting the City in its investigation of a complaint is against the law and is not permitted. Retaliation may include, but is not limited to, such acts as: refusing to recommend the employee for a benefit for which he or she qualifies, spreading rumors about the employee, encouraging hostility from co-workers; and escalating the harassment.

If after investigating any complaint of harassment the City learns that an employee provided false information regarding the complaint, the City may take disciplinary action against the employee.

1.13 Political Activities

It is the policy of Midway City to permit political participation by employees during non-work hours. However, no employee shall be allowed to solicit funds for a political party or candidate from any organization or individual associated with Midway City.

An employee shall not use Midway City time, facilities, or resources to participate in campaign activities or to further the cause of a candidate for political office. Such facilities and resources include, but are not necessarily limited to, computer, use of city's Internet connection, facsimile machine, photocopying machines, typewriters, paper, telephones, stationery, or other staff members' time to compile or distribute campaign materials. Literature or announcements promoting, endorsing, or seeking support for a candidate or slate of candidates for political office may not be distributed on the premises.

Midway City employees shall not participate in any appointment or election process of the City Council or Mayor except to provide substantive public information when requested.

1.14 Outside Employment

Employees are not to engage in any employment, private business, or in the conduct of a profession, or paid or unpaid work, during the hours for which the employee is employed to work for Midway City.

1.15 Work Product Exclusivity

Any material or work that the employee was directly assigned to do in conjunction with employment with Midway City shall be the exclusive property of Midway City. According to federal copyright laws (17 USC SEC. 101) such work produced shall be regarded as work made for hire, and Midway City shall be considered the author and shall own all the rights associated with the work. This ownership shall extend to literary, musical, dramatic, pictorial, graphic and sculptural works, motion pictures and other audio/visual works and sound recordings, unless the parties have expressly agreed otherwise in a written instrument signed by both parties. This policy does not supersede any state or federal grant or contract provisions.

1.16 Confidentiality

The security of Midway City is a shared responsibility of all employees. Confidential information is any information that is not known generally to the public and would be damaging to the City if communicated to anyone other than authorized individuals. Personnel files, computer records, financial data, etc. would be considered confidential information. Document control and restricting access to confidential information must be strictly observed by all employees. Employee failure to manage confidential information properly will be subject to disciplinary action up to and including termination of employment.

Terminated employees are reminded that they are responsible for returning to Midway City all materials, including any confidential information in their possession. Also, former employees with knowledge of confidential information are expected to maintain the confidentiality of this information.

Section 2. Administration

2.1 Administration of Policies:

The day-to-day management of employee activities and operations within Midway City is the responsibility of the department supervisors, office manger and recorder, who is also responsible for assuring the effective administration of all policies and procedures. The Mayor or designee shall coordinate and manage all aspects of the human resources management system and enforce all policies and procedures subject to existing policies which may include, but not limited to:

1. Administration of the employee performance management process.
2. Staff planning, recruitment and selection processes.
3. Employee relations and training processes.
4. HR administration of all personnel records/files and actions.
2. Make reasonable and practical interpretations of the intent of policies, procedures, etc.
3. Other actions as prescribed by Midway City's rules, regulations, policies and procedures.

2.2 Interpretation

Management should be familiar with policies and procedures set forth in this manual so they are able to address any questions and offer clear, accurate interpretations to any employee asking questions or desiring information of city policy and procedure.

In the event that a supervisor/manager is unable to answer an employee's question, it is his/her responsibility to use this manual to obtain the needed information. Under no circumstances should a supervisor/manager answer any employees questions when he/she is not sure of the accuracy of the answer or interpretation of the policy.

2.3 Human Resources Records

1. It is the policy of Midway City to maintain records for applicants, employees, and past employees in order to document employment-related decisions, evaluate and assess policies, and comply with government record-keeping and reporting requirements.
2. Midway City strives to balance its need to obtain, use and retain employment information with each individual's right to privacy. To this end, it attempts to restrict the personnel information maintained to that which is necessary to conduct Midway City business or which is required by law.
3. The Recorder or designee is responsible for overseeing the record keeping for all personnel information and will specify what information should be collected and how

it should be stored and secured. The Recorder or designee shall maintain the official personnel records. According to the law, all medical files shall be maintained separate from other personnel records.

4. Employees have a responsibility to make sure their personnel records are up-to-date and should notify the Recorder or designee of any changes in at least the following:
 - a. Name.
 - b. Address
 - c. Telephone number.
 - d. Address and telephone numbers of dependants and spouse or former spouse (for insurance purpose only)
 - e. Beneficiary designations for any of Midway City's insurance or retirement plans.
 - f. Persons to be notified in case of emergency.
5. Personnel records shall contain, as appropriate:
 - a. Record of application for employment and employment eligibility certification, resume, letters of reference.
 - b. Reference to transcripts of academic preparation.
 - c. Performance evaluation ratings.
 - d. References to any formal reprimand, corrective action or commendation.
 - e. Records of actions affecting employee salary, status, or standing.
 - b. Leave records. (See Section 9)
 - c. Any other information felt to be pertinent by the Recorder or designee or employee.
6. An employee has the right to review the contents of his or her personnel record as governed by law and may challenge any information contained in the official personnel record, but may not remove any of its contents. All challenges must be in writing and directed to the Mayor.
7. If a disciplinary action is rescinded, disproved upon appeal, or is more than one year since the incident occurred, these forms, documents and records pertaining to the case shall be removed from the personnel record and destroyed.
8. Personnel records are private data and available for review only to the employee and the user authorized by law or as determined by the Recorder or designee to have a legitimate "need to know." A log or record of those reviewing personnel records and information, shall be maintained together with the reasons for access to the records. All reviews of personnel records shall be done in the presence of the Recorder or designee. Midway City will not make copies of personnel files.
9. When providing information of previous employees for a reference check, Midway City's response shall be limited to the former employee's job title and dates of

employment. Only the Recorder or designee is authorized to provide reference information on behalf of Midway City.

10. Requests for information: Information and records management shall be consistent in a manner consistent with state law, Government Records Access & Management Act (GRAMA). When completing request for verification of employment; names, gender, gross compensation, job titles, job descriptions, business addresses, business telephone numbers, numbers of hour worked per pay period, dates of employment, relevant education, previous employment, and similar job qualifications of present employees shall be treated as public information. Such requests or inquiries should be directed to the Recorder or designee. The actual net salary of the employee is confidential information. When providing information of previous employees for a reference check, the City's response shall be limited to the same information as provided for an employment verification. Under no circumstances shall character judgments be issued.
11. Records Retention: All active employee files must be kept up to date and the content of the file must be relevant to current employment and work history. Generally, all records related to inactive and terminated employees shall be retained based on legal records retention requirements.
12. Upon separation from the City, it is the employee's responsibility to provide the City with information regarding a change of address to ensure timely delivery of the employee's tax record and any other materials the City may need to forward to the former employee.

2.4 Savings Clause

If any provision of these policies and procedures or the application thereof are found to be in conflict with any applicable law, the conflicting part of the policy and/or procedure is hereby inoperative to the extent of the conflict, but such conflict shall not affect the operation of the remainder of these policies and procedures or any of its applications.

Section 3. Position Management

3.1 Staff Planning/Position Allocation

The official establishment of a position by a department head/elected official cannot take place without the approval of the City Council. No person shall be hired or appointed, and no regular employee promoted to any position or has a salary change (exception may occur for the occasional seasonal, emergency/temporary, contractual or part-time professional work needs), until it has been properly allocated, as follows:

1. Job description created or revised with a classification assigned.
2. Presentation to the City Council justification as to the need for the position or the promotion and advancement of an employee.
3. Verification, that funds are available to support the position and the source of those funds.
4. Subject to any other requirements outlined in Midway City policies.

3.2 Job Description

Employee job descriptions are prepared according to duties and qualifications required for successful job performance. Job descriptions include a summary of the position purpose and objectives; the supervision received by the employee; the supervision exercised by the employee; essential and secondary job duties; required knowledge, skills and abilities; minimum qualifications; and work environment. All employees will be assigned to employment as provided in an established job description and must be able to meet the requirements for performing the “essential functions” of the position to which assigned. The description shall be used by Midway City as the basis for:

- a. Preparation of work-related testing; for determination as to whether an applicant or employee meets minimum requirements for a particular position.
- b. As a basis for preparation of a position announcement/job posting/employment ad soliciting applications from interested individuals for position vacancies.
- c. The orienting of a new employee to the duties and responsibilities of a position to which hired or promoted by management.
- d. The basis for the development of performance management objectives, work plans and performance evaluations.

3.3 Job Evaluation/ Wage

All positions shall be comparatively evaluated against a set of common factors and are assigned an appropriate job title and classification. All employees hired will receive competitive compensation according to the classification/wage band of the position for which they are hired.

Midway City will ensure that their employees continue to be paid fairly for performance by establishing/ maintaining competitive wage bands that are up-dated annually based on changes in the Consumer Price Index (CPI) and conducting or referencing an applicable compensation survey every two years.

3.4 Classification

All positions shall be comparatively evaluated against a set of common factors and are assigned a class title encompassing a specific salary range on the compensation plan. All employees hired will receive compensation according to the classification of the position for which they are hired. No salary shall be approved for any individual unless it conforms to the approved classification and compensation plan. Most employees will be hired at the entry level and will progress through the salary range based on job knowledge and performance warrant such advancement. Refer to Section VII for further detail regarding advancement through the salary range.

3.5 Reclassification

If the duties and responsibilities of a position change significantly, the supervisor or office manager under the direction of the Mayor shall perform or cause an analysis to be performed of the job to determine reclassification eligibility. Reallocation of a class or reclassification of a position to a class with a different pay range shall not generally decrease an employee's salary. Normally, the employee's pay shall be adjusted to a step within the new pay range which is at least equal to the current salary. If reclassification results in a budget increase or the creation of a new position not previously included in the adopted pay plan, City Council approval is required.

3.6 Reorganization

Should circumstances arise which require Midway City to reorganize its operations and staffing that require the abolition of a position, this shall be treated as a reduction-in-force. In an effort to minimize the effects of a reduction-in-force brought about by reassignment, or reorganization, the following options shall be considered:

1. The employees may be returned to a lesser position.

or

2. The employee may be transferred to another position, depending upon qualifications and available position availability.

Should neither of these options be available to Midway City, the employee(s) would be terminated based on the elimination of their position. Exercise of any of these options is within the City's sole discretion.

Section 4. Position Classification Policy

4.1 Position Policy

The purpose of classifying Midway City positions is to assure compliance with applicable employment law; to establish a basis for an equitable compensation system; and for career development. The position classification plan contains a list of grades and positions supported by written job descriptions detailing duties and responsibilities of each position and the qualifications necessary for appointment to a position.

4.2 Grades

A grade consists of a grouping of positions, which are similar in the basic character of knowledge, skills, and responsibilities, which should be considered of comparable worth to the City.

4.3 Administration

The classification plan and corresponding pay ranges shall be established and maintained through recommendations of the Mayor to the City Council. The classification plan and pay ranges shall be adopted annually by the City Council at the time of the City budget.

4.4 Position Classifications

A. Exempt/ Non-Exempt Status

Under the Fair Labor Standards Act (FLSA), there are two classes of employees: exempt and non-exempt. Individuals who are deemed “exempt” from the provisions of the FLSA include workers in bona-fide executive, administrative, professional and managerial positions. All others are referred to as “non-exempt” and are covered by FLSA’s minimum wage, minimum hour and other provisions. Each employee at Midway City is clearly identified as either exempt or non-exempt. Employees will be assigned to one of the following types of employment:

Exempt Employees: in general, executive, professional, managerial and specific administrative positions are included in this employment category. Exempt employees are not paid overtime, are normally salaried, and are exempt from provisions of the FLSA. (i.e. public works supervisor, chief building inspector, planner) All benefits as outlined in Section 8 will apply to exempt employees. In order for an exempt employee to receive credit for an eight hour work day (except when on sick leave or paid vacation) they must either report to work at Midway City offices, make contact with a member of their

department to pick up messages or give instructions or conduct business on behalf of Midway City with some other person. Calling in sick does not meet this requirement.

When taking sick leave or vacation, the exempt employee is not to conduct any business on behalf of Midway City. Once sick leave or vacation is taken it cannot be converted back to worked hours.

Non-Exempt Employees: in general, are employees employed as secretarial, clerical or most non-supervisory technical and computer-related occupations and are subject to all the provisions of the FLS. These employees must be paid for all hours worked. When non-exempt employees work in excess of forty-hours (40) in a given workweek, they must be paid overtime at one and one-half times their hourly rate. In case of a holiday, the employee will be paid for eight (8) hours holiday pay at their hourly rate plus either regular or overtime wages for any hours worked on the holiday. The amount of time given an employee for paid vacation, sick leave or holidays during that week will not be included in calculating hours for overtime payment for holiday pay.

B. Regular Full-Time:

This classification of employees are those who have been competitively selected, worked a minimum of 90 days of fulltime employment, are scheduled to work a minimum of thirty-five (35) hours weekly and are not in a temporary employment status. These employees are eligible for Midway City's full benefit package (subject to terms, conditions, and limitation of each benefit program).

C. Permanent Part-Time//Temporary Positions:

- a. Permanent Part-Time: All employees that have been competitively selected, and are regularly scheduled to work at least 30 hours (but no more than 35 hours a week) for 120 calendar days or longer.

Permanent part-time employees who meet the definition above are eligible for applicable pro-rated benefits. The benefits will be pro-rated on the average number of hours worked a week to be calculated at the beginning of the fiscal year. Other part-time positions of less than 30 hours per week are not eligible for benefits.

- b. Temporary/Seasonal Positions: The duration of employment for persons in this category is specified at the time of hire. Temporary positions may work full-time or part-time hours and are generally designed to fill a one-time need to meet a project goal or fill in for an employee expected to be absent for a significant period of time.

Temporary positions are not expected to exceed one hundred eighty (180) calendar days of service. However, the temporary position may be extended for

an additional ninety (90) calendar days with Mayor approval. While they do receive all legally mandated benefits, temporary employees are ineligible for any Midway City's benefits.

3. Interns: There are currently two forms of internships available through Midway City; paid, and/or non-paid academic credit. Intern status is determined prior to their start date. All intern positions are considered temporary appointments.

D. Other Categories of Individuals Not Considered Employees:

Consultants: a consultant is an individual who is engaged to perform a specified service or produce a specific product, for a specified period, and for a specified dollar amount. Consultants are usually companies, agencies, or subcontractors. Consultants are not employees; current employees are not permitted to enter into any consulting relationship with Midway City. The terms of a consulting engagement is specified in the consulting agreement signed by the Mayor. Consultants are paid in accordance with the terms of the consulting agreement but are not on the Midway City payroll and are not entitled to Midway City benefits.

Section 5. Recruitment, Selection & Orientation

5.1 Recruitment

Leadership of the recruitment process for all vacant or new positions is the responsibility of the Mayor. The Mayor or designee shall be responsible for advertising, recruiting, interviewing, reference checks, and selection of all staff positions.

Once the position to be filled is authorized by the City Council and budgeted, it may be posted immediately by the City Recorder or designee. Posting will take place by e-mail to all staff and/or by placing a notice on a designated bulletin board. The notice will specify the job title, salary range, manager, requisite skills and experience and application deadline. Applications from current staff will be solicited for five working days through posting on the bulletin board or by e-mail prior to advertising the job announcement.

If it is determined, in the City's sole discretion, that there are no qualified internal applicants, then the City Recorder or designee shall post the opening with Work Force Service and where all City employees will be made aware of the opening. The appointing authority shall provide, in all cases where practicable, that vacancies shall be filled based on ascertained merit and qualification.

The department head/supervisor or Mayor or designee will review all applications to see who does or does not meet the qualifications. The department head/supervisor or Mayor or designee will determine which, if any, of the applicants they want to interview by an interviewing board which is set up by the department head, Mayor or designee. Upon choosing a finalist, the name and recommended salary will be sent to the City Council for final approval.

Offices whose appointment and/or removal is governed by State law or existing City ordinances are the City Recorder and City Treasurer; the appointment, removal and demotion of these officials shall be by the Mayor with the advice and consent of the City Council.

Upon hiring, an employee shall complete necessary forms including, but not limited to, proof of citizenship, retirement, W-4 tax forms, and insurance. These items will be kept in a personnel file in the City Recorder's or designee's office.

5.2 Applicant Disqualification

Midway City reserves the right to reject any application that indicates that the applicant does not possess the qualifications required for the position. Applicants and subsequently hired applicants who make false statements or who are found to have engaged in any type

of deception or fraud in the application or testing process shall be rejected or immediately terminated.

5.3 Required Testing

Applicants may be subject to competitive testing which may include, but not limited to: determination of bond ability, rating of education and experience, written, oral, or physical agility tests, essential function demonstration, and/or background investigations, proof of academic attainment, etc. applicants for positions, which the worker to operate city vehicles or equipment on public roadways, must provide a copy of MVR if a job offer is made to the applicant

5.4 Physical Examinations and Drug Testing Policy:

Physical Examinations

Public health and safety demands that employees be physically able to perform the duties of the job classification to which hired. The physical requirements of the job constitute bona fide occupational qualifications. The City will also accommodate employees and applicants in compliance with the American With Disabilities Act (ADA) and provide “reasonable accommodation” when the cost of such is deemed “reasonable” within the City’s ability to pay, and where to do so does not impair the City in its business necessities.

1. A physical examination may be required before an applicant is appointed to any City position. The result of the exam will be presented to the department head/elected official, in writing. A disabled applicant may be required to submit to a physical exam only subsequent to a job offer being made and only if all others being hired, are required to do the same.
2. The City may require a medical examination at any time during the employee’s work tenure, if deemed necessary to assure the safety and health of the employee, co-workers and the public. The City will pay the cost of any required medical examination.
3. Employees returning from a disability leave or an absence caused by health problems, may be required to provide a doctor’s certification of their ability to perform their essential job functions satisfactorily without endangering themselves or others.
4. Any employees required to hold a Commercial Driver’s License (CDL) and drive commercial vehicles as a condition of employment will be required to have an annual physical examination which will be paid for by the City.

Drug Testing

It is the policy of the City to test employees and prospective employees for the presence of drugs or alcohol, according to the provisions set forth below, as a condition of hire or continued employment. Any employee or prospective employee failing or refusing to take the test will not be eligible for employment, or if employed, may be subject to termination. The City shall consider as negative all confirmed positive drug and alcohol test results with a medically sufficient explanation.

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

1. **Pre-Employment Testing.** All prospective employees will be tested for drug or alcohol usage prior to being placed for employment. All job applicants shall be informed of the policy at the pre-employment interviews. A copy of this policy shall be available for review by all job applicants. All prospective employees shall be required, prior to being hired by the City, to sign the acknowledgment form, agreeing to abide by the terms of this policy. The City will exclude from employment any job applicant or prospective employee who refuses to abide by the terms of this policy. Any prospective employee whose pre-employment drug and alcohol test results in a confirmed positive and who does not have a medically sufficient explanation (as determined in the sole, but reasonable, discretion of the MRO), may reapply for employment with the City after six months from the date of such test. Applicants who have previously failed the drug test and reapply for employment after six months will be asked to agree to a program of unannounced drug and alcohol testing for a predetermined period of time at the sole discretion of the City.

If an applicant has had three moving violations or one DUI conviction in the preceding 24 month period. (This includes all driving, i.e., private and other vehicles); the City may choose to offer a position to the applicant if the applicant agrees to a program of unannounced drug and alcohol testing for a predetermined period of time to be determined by the City.

An agreement for unannounced drug and/or alcohol testing is not to be considered a contract and Midway City reserves the right to terminate employment at any time following City policy.

If the City hires a prospective employee, he or she must have first successfully passed the above-referenced pre-employment drug and alcohol test, and thereafter he or she will be subject to all the procedures and requirements for drug and alcohol testing as set forth in this policy.

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

Should the City become aware of a previous drug or alcohol problem after an employee has been hired the City may require that employee to submit to a program of unannounced drug and alcohol testing for a predetermined period of time.

2. **Pre-announced Periodic Testing.** Midway City will conduct pre-announced periodic drug testing three times a year. The testing may involve all employees in all departments or only those of one department. Employees will be notified the morning of the testing.
3. **Reasonable Suspicion (For Cause) Testing.** Certain supervisors will be trained to look for behaviors that may indicate drug or alcohol usage. These behaviors include, but are not limited to: direct observation of drug or alcohol use, drug paraphernalia, abnormal or erratic behavior such as accidents, stealing, or repeated errors on the job, or unsatisfactory time and attendance patterns, any of which are coupled with a specific contemporaneous event that indicates probable drug or alcohol use. An employee will be required to provide a urine sample, as defined below, when such reasonable suspicion arises and at least one supervisor or manager, and the designated Drug Policy Coordinator, concur that a reasonable suspicion of drug or alcohol use exists. The decision to test for drug or alcohol use by an employee is based on specific contemporaneous, physical, behavioral, and/or performance indicators. Once the authorized supervisors have determined that a reasonable suspicion exists, testing is done immediately.
4. **Return to Duty Testing.** If the City returns to duty an employee after he or she has voluntarily sought rehabilitation for drug or alcohol abuse and has successfully completed rehabilitation, such employee shall be entered into a program of unannounced drug and alcohol testing for a predetermined period at the sole discretion of the City.
5. **Post-Accident Testing.** Post-accident testing will be conducted on employees whose performance either contributed to an accident, or cannot be completely discounted as contributing to the accident. Such testing will occur as soon as possible, but not later than twelve hours after an accident has occurred. The immediate supervisor and the department manager of such employee, in association with the Drug Policy Coordinator, shall determine if the performance of that employee either contributed to the accident or cannot be completely discounted as a contributing factor.
6. **Random Testing.** The City reserves the right to implement a random drug and alcohol testing program consistent with applicable federal, state and local law, for

purposes of maintaining safety and as a deterrent to drug and alcohol abuse, including, but not limited to, tests for employees required to hold a Commercial Driver License (CDL) and drive commercial vehicles as a condition of employment.

- B. Any drug or alcohol testing shall occur during or immediately after the regular work period of current employees, and shall be deemed work time for purposes of compensation and benefits for current employees.
- C. Individuals will be tested on City premises or sent to an outside clinic or testing facility licensed to perform such tests. If an employee is sent to an outside clinic for a “Reasonable Suspicion” test, the employee must be driven to the facility by the supervisor or his/her designee. The employee must then be put on administrative leave until the results of the test are available. The supervisor must make arrangements or help the employee arrange to get home without driving him/herself.
- D. The City shall pay all costs of testing and transportation associated with a test required by the City.
- E. All sample collection and testing shall be performed under the following conditions:
 - 1. The collection of samples shall be performed under reasonable and sanitary conditions.
 - 2. Samples shall be collected and tested with due regard to the privacy of the individual being tested, and in a manner reasonably calculated to prevent substitutions or interference with the collection or testing of reliable samples.
 - 3. The collection of samples shall be documented, and the documentation procedures shall include labeling of samples, to reasonably preclude the probability of erroneous identification of test results. An opportunity shall be provided for the employee or prospective employee to provide notification of any information that he or she considers relevant to the test, including identification of currently or recently used prescriptions or non-prescription drugs, or other relevant medical information.
 - 4. Sample collection, storage, and transportation to the place of testing shall be performed in a manner that reasonably precludes the probability of sample misidentification, contamination or adulteration.
 - 5. Sample testing shall conform to scientifically accepted analytical methods and procedures.

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

5.5 City Action

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

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

5.6 Confidentiality

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

5.7 Work Place Rules

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

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

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

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

5.8 Miscellaneous

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

This policy applies to management as well as other employees.

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

5.9 Acknowledgment of Policy

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

5.10 Final Appointment

Department heads/elected officials shall work closely with the City Council and shall make recommendations for final appointments for new hires.

5.11 Eligibility and Preference

Preference will be given to regular full-time and part-time employees in the filling of vacant and available positions. Temporary employees will be considered after regular employees but before non-employee applicants. In all cases, applicants must possess the necessary skills, abilities, and qualifications for consideration.

5.12 Selection and Hiring

A. Regular Full & Permanent Part-Time Employees:

Selection of employees to fill vacant positions and their starting salary will be determined by the Mayor subject to Midway City policies. Selection will be made according to which candidate best meets the total job qualification requirements.

B. Temporary Employees/Agencies:

Temporary hires may also be made with the assistance of temporary hiring agencies designed to fill a particular skill for a specified project or need. In this case, such individuals are employees of the agencies and contracted to Midway City for a specific period of time.

Competitive selection of clerical/administrative temporaries is not generally required. However, a temporary professional and/or semi-professional position will generally require competitive selection at the discretion of the City Council.

C. Interns:

The selection process for interns will be conducted in the same manner as other positions. Requests should include a statement of need and proposed academic value, a position description including tasks to be performed and products to be developed, knowledge and abilities required, proposed duration of internship and type preferred (salaried or academic), and estimated time needed to supervise the intern. Interns may be considered for the opportunity to convert to regular full or part-time status; such decisions will be based on the needs of the city and past work performance during their internship. Interns are not employees and therefore do not receive city benefits.

5.13 New Employee Orientation:

After a new employee is hired, he/she shall promptly receive a general orientation concerning policies and procedures, benefits, and initial employment expectations from the Human Resource Manager. The orientation and following provisions will apply to all new employees whether they are to be permanent full time, permanent part-time or seasonal employees. Seasonal and temporary employees hired for less than ninety days will not receive a ninety-day evaluation.

1. All new employees are required to complete an orientation/probationary period of six months. During this period the supervisor observes and evaluates the work of the employee. The supervisor will conduct a face-to-face verbal evaluation/discussion with the new employee covering his/her performance at ninety (90) days and a second written and verbal evaluation before the completion of their one hundred and eight (180) days of employment. The supervisor will provide a copy of the written evaluation to be placed in the employee's personnel file.

- B. If the performance of an orientation/probationary employee is considered unsatisfactory at any point in the orientation period, the employee may be terminated. However, if the supervisor feels with additional time and coaching the employee could meet the required performance standards the orientation time may be extended. Any extension must be agreed to by the supervisor and the Mayor before it will be approved.; If the rating factors continue to be unsatisfactory, the supervisor should recommend to the Mayor and City Council that the employee be separated from Midway City.
- C. Any employee terminated during the new hire orientation period does not have the right to appeal. No reason for the dismissal will be given by the city nor will any record be entered into his file concerning the termination.
- D. During the new hire orientation period, applicable benefits will be in force and accrue.

5.14 Nepotism

It is the policy of Midway City to comply with the Anti-Nepotism Clause as stated in the Utah Code § 52-3-1, Chapter 3 as amended.

No appointing authority may employ, appoint, vote for, or recommend the appointment of his or her father, mother, husband, wife, son, daughter, sister, brother, uncle, aunt, nephew, niece, first cousin, mother-in-law, father-in-law, sister-in-law, brother-in-law, son-in-law or daughter-in-law, when the salary, wages, pay or compensation of the appointee will be paid from public funds and the appointee will be directly supervised by a relative, except as indicated in Utah Code § 52-3-1.

No public officer (a person who holds a position that is compensated by public funds) may directly supervise an appointee who is a relative when the salary, wages, pay or compensation of the relative will be paid from public funds, except as indicated in Utah Code § 52-3-1.

Appointing Authority shall consist of the Mayor and City Council members.

Midway City will consider employment applications from relatives of current employees whenever openings exist for which they are qualified. Hiring decisions, however, will be made solely on the basis of merit and relatives will not receive preferential treatment. Applicants with relatives in classified or full-time exempt service will not be hired in the same department if the applicant is to be supervised by one of the relatives listed above.

Section 6. Personnel Actions

6.1 Promotion

Promotion is the appointment of an employee to a position in a higher classification and/or salary range. Insofar as it is consistent with the best interest of the City, promotional opportunities within the City's service shall be encouraged, however, vacancies may be advertised outside the City and promotional examinations or tests may be required.

When an employee is promoted to a higher position classification, the employee may be eligible for an increase in pay within the pay range of the higher position classification. The exact percentage of the increase shall be recommended by management or the Mayor with City Council approval. The employee's new pay rate should be within the range for the pay grade assigned to that position. Promoted or transferred employees must complete a six (6) month orientation/probationary period. Personnel promoted into a higher pay grade will receive a pay increase. Management will establish promotion criteria for various job classifications.

6.2 Transfer

A transfer is the appointment of an employee to a new position. When a job vacancy is announced, any City employee may apply to transfer to the position. All qualified applicants will be considered although no City employee is ensured of selection. If the employee successfully applies for transfer during his/her original orientation/probationary period, the employee shall undergo a new and separate orientation/probationary period in the position to which he/she is transferred.

The City reserves the right to transfer its employees, either permanently or temporarily, from one job to another or one department to another, according to need. If employees refuse to be transferred, and the City determines, in its sole discretion, that there is not work for them in their current positions, they may be subject to a reduction in force.

6.3 Demotions

Demotion is the transfer of an employee to a lower classification and/or lower salary range. Upon review of performance, the good of the service or for a disciplinary measure for cause a demotion shall be recommended by the supervisor/manager or Mayor. A change in job title that does not affect the pay and classification of the employee shall not be considered a demotion.

6.4 Layoff (Reduction-in-Force)

Should it become necessary to undergo a reduction of the work force, brought about by a curtailment of operating revenues, technological innovation, the discontinuance or reduction of services, or other grounds consistent with economic and efficient administration of Midway City, the Mayor with City Council approval, shall utilize the following sequence as far as practicable to achieve the required reduction-in-force:

1. Temporary employees (may be separated or reduced in work hours).
2. Regular part-time employees (may be separated or reduced in work hours).
3. Regular full-time employees (may be separated or reduced in work hours).

In determining which employee(s) shall be separated, the Mayor, with City Council approval, will determine which positions are affected based on such factors as, but not limited to, longevity, performance, and city needs. The City Council shall be notified and approve all layoffs affecting regular fulltime employees.

An employee laid-off as a result of business conditions (mentioned above) will have the right to be recalled to their former position, seniority and pay for up to a period of six (6) calendar months following the date of their lay-off. After that point/date, the former employee has no recall rights.

6.5 Abolishment of Job

If a circumstance should arise requiring the abolition of a certain position, employment status may be maintained by one of the following:

1. The employee may be returned to a previous position at a salary appropriate for the position, which may entail a reduction in pay.
2. The employee may be promoted based upon performance, qualifications and position available.
3. The affected employee(s) may be transferred to another office/division to fill an open position commanding equal or lesser compensation.
4. The City may, in its sole discretion, choose one of these options or may choose termination of the employee.

6.6 Termination of Employment

Except as otherwise provided by law, all employees may terminate their employment at will. A written statement of termination shall be delivered to the employee and placed in their personnel file, provided they have completed their orientation/probationary period and are neither seasonal or temporary employees.

6.7 Voluntary Termination

Excessive turnover is costly and, therefore, management shall take all steps necessary to prevent unnecessary misunderstandings and other avoidable causes for an employee's voluntary termination of employment.

1. Whenever an employee voluntarily terminates employment, an exit interview will be conducted by the department head/elected official. If the reason for the resignation is a misunderstanding or mistake by Midway City, an effort shall be made to correct the situation.
2. Employees who voluntarily terminate their employment and desire to leave Midway City in good standing should give a minimum of two (2) weeks notice. Resignations must be in writing and submitted to the Mayor in a timely manner. If it is in the best interest of the city Midway City reserves the right to not agree to a departing employee's 2-week notice, end employment immediately and pay the individual any wages or benefits due to the departing employee.

6.8 Defacto Voluntary Termination

Employees who are absent from work for three consecutive days without giving proper notice will be considered as having voluntarily resigned employment with the City. At that time, the resignation and thus termination will be formally noted in the employee's personnel file and the employee will be advised of the action by certified mail to the employee's last known address.

6.9 Rehire of Former Employee

Former employees who left voluntarily, and in good standing, may be considered for rehire based on their qualifications and the needs of Midway City. Credit for previous Midway City experience and service may be given to determine salary and benefits provided the rehire occurs within one (1) year of their termination date.

6.10 Reassignment

Effective Midway City operations may require periodic changes in work assignments to match changing functional needs with employee capabilities. An employee may be reassigned without examination, from one position to a similar position in the same classification and grade within the office/department.

6.11 Return to Work After Serious Injury or Illness

It is the policy of the City of Midway to allow employees who have been seriously injured or seriously ill to return to their full responsibilities as soon as they are able to perform the essential functions of their job.

A. Purpose

1. To ensure that employees are able to return to their full responsibilities or a temporary transitional assignment (TTA) as soon as appropriate after a serious injury or illness.
2. To protect the employee from further injury or illness resulting from returning to work too early.
3. To protect the City from potential workers' compensation liability resulting from requiring or allowing an employee to perform functions which should not be performed due to medical limitations.
4. To ensure that reasonable accommodations are made for employees where appropriate.
5. To comply with the Americans with Disabilities Act (ADA).

B. Guidelines

1. For the purposes of this policy, "serious injury or illness" shall mean any injury, illness or medical condition, which is serious enough to affect the performance of any essential function of the job, as reasonably determined by the City. The determination shall be made by (1) the Risk Manager in cases of work related serious injury or illness or (2) the Human Resources Manager in all other cases of serious injury or illness in consultation with the employee's Department Manager and the Mayor. Serious injury or illness may also include undergoing major surgery and absences of more than five consecutive working days.
2. When an employee has had a serious injury or illness, whether work related or not, the employee shall not return to work until a physician who has treated or examined the employee releases the employee for a return to full duties or as otherwise provided in Paragraph #7. The release shall specifically address the essential functions of the job and shall unequivocally state that the employee can perform the essential functions. If the City has reason to believe, based on knowledge of the type of injury or illness, observation of the employee, or any other evidence or information that the employee may not be able to perform the essential functions of the job, the City may require the employee to undergo a job-related independent medical examination (IME) by a physician selected by the City. Where required, the City shall pay for the IME.
3. In cases where the physician doing the IME has a different opinion than the employee's treating physician, the employee may request a third opinion, in which case the City and the employee shall mutually agree upon a third physician and shall each pay half of the costs of the examination.
4. Before the employee returns to work, the physician's release, and the employee's return must be approved by the employee's Department Manager and (1) the Risk Manager in work related serious injuries or illnesses or (2) the Human Resources Manager in all other serious injuries or illnesses. The decision to approve the release shall be made based on

all the information available to the City regarding the job and the employee's medical condition. The release shall be included in the employee's personnel file.

5. The City shall allow the employee to return to full duties once the release has been submitted and approved as required by paragraph #4 above. Employees are encouraged to vigorously pursue any recommended therapy in order to accelerate their return to work.
6. Employees returning to work after a serious injury or illness are expected to perform all the required functions and duties of their job.
7. In cases where an employee cannot return to full duty because of limitations caused by the serious injury or illness, the City, at its discretion, may allow the employee to return to a temporary transitional assignment (TTA) up to an equivalent number of hours the employee worked prior to the injury or illness for a period of time not to exceed six months in cases where:
 - a. There is legitimate transitional duty available without displacing another employee;
 - b. The employee is qualified to do the transitional duty;
 - c. The employee's physician releases the employee to perform the transitional duty; and
 - d. There is reasonable likelihood that the employee can return to his/her regular position

If an employee chooses not to accept the temporary transitional assignment, the employee will not be allowed to use their accrued sick leave.

In unusual cases, the transitional assignment may be extended with approval by the Mayor where the employee is undergoing therapy, is an active and committed participant in the therapy and the expectation of recovery allowing the full performance of the essential job functions is verified by the employee's physician. In no case shall the extension of the transitional assignment exceed an additional two months.

8. The Department Manager shall determine the availability of temporary transitional assignment in conjunction with the Human Resources manager, the Risk Manager, and the Mayor. If TTA is available, the following shall be required:
 - a. The employee's supervisor shall either mail or deliver a letter to the employee in person that confirms an offer of a TTA and provides information to the employee concerning the TTA, the work schedule, assignments and date the TTA is available. A copy of this letter shall be included in the employee's personnel file.
 - b. The employee's work restrictions should be observed both on and off the job.

- c. While on TTA, the employee is required to be seen by their treating physician at least once a month and to provide the City with an updated report on his-her condition and prognosis.
9. At the end of the temporary transitional assignment, or in cases where there is no transitional duty available, the City, at its discretion, may make the following options available to the employee:
 - a. Return to work in the same job held previously, performing the full duties of the job, with a physician's release as required above.
 - b. Reassignment to another position available in the City, where the employee possesses the minimum qualifications and ability to perform the essential functions of the position. If the available reassignment is within the same department, the Department Manager must authorize. If the reassignment is to another department, the two Department Managers and the Mayor must authorize.
 - c. Return to the same job held previously with reasonable accommodations to help in the performance of the essential functions, as set forth in paragraph #10 below.
 - d. A medical leave of absence for up to twenty-six weeks using accrued leave or workers' compensation benefits (if the situation involves a work related injury), or taking leave without pay if benefits or accrued leave are not available or applicable or until sick leave benefits are exhausted, whichever is longer.
 - e. Apply on a competitive basis for any open position in the City.
 - f. Retirement or other separation from City employment.
10. The City shall make reasonable accommodations for the performance of essential functions by the employees who have a qualifying disability under the ADA. Reasonable accommodation does not include creating another position or having another employee perform the essential functions of the position, but may include changes in the physical or functional work methods or the work conditions or environment.

6.12 Grant/Contract Termination

All Midway City grant/contract supported staff shall be notified forty-five (45) days prior to the termination of the contract by the department head/elected official that their positions will/will not exist beyond the duration of the project contract. Fourteen working days before contract termination, if no feasible alternative or extensions have been developed or are imminent, written notice of termination will be given to the affected project staff by the department head/elected official.

6.13 Payoff of Benefits

Upon termination of employment, earned but unused vacation benefits will be paid to the terminated employee. However, Sick Leave lump sum payments will be made only to those employees retiring from Midway City. Other terminating employees will not receive any sick leave payments.

6.14 On-going Performance Documentation

It is the responsibility of department head/elected official to properly, and in a timely manner, document noteworthy or critical employee work-related incidents and required work behaviors. Such records will be used to support decisions that affect employee status to include: promotions, rewards and recognition, progressive discipline and employment termination.

6.15 Exit Interviews

All terminating regular employees are encouraged to meet with the Mayor or supervisor for an exit interview. The purpose of this interview is to gather information to assist management in identifying areas that are satisfactory and those that need improvement.

Section 7. Compensation

7.1 Compensation Policy

Midway City is interested in attracting and retaining employees that have high potential, are knowledgeable and skilled, committed and able to meet our required behaviors. As a result, our policy is to offer a total compensation package (salary and benefits) that is competitive, internally equitable and within Midway City's financial capabilities, while enabling employees to progress at a pace commensurate with their own efforts and capabilities. The salary of all employees will be approved by the City Council based on recommendations of the manager/Mayor and within the established compensation structure's wage bands.

Midway City operates within the guidelines of an established Pay Plan. The Pay Plan attempts to insure the uniform and equitable application of pay with due regard to the duties, responsibilities, current year's available market data and requisite qualifications of each position classification. This policy differs from many corporate Pay Plans that traditionally reward longevity (seniority) without regard for performance. The City believes rewarding performance is an equitable way of compensating employees for their contributions to the organization.

7.2 Compensation Survey

The Recorder or designee will periodically conduct and/or subscribe to employee, City Council, and Mayor salary surveys for the purpose of determining prevailing pay rates of comparable municipalities with the state of Utah.

Compensation surveys are not conducted on all positions within the City, but rather on a select number of positions known as benchmarks. A benchmark shall typically be a position common to at least four cities. Every attempt is made to select benchmarks that represent each of the different grades within the Pay Plan. Periodic review of job content and job description will also assist in maintaining internal equity among jobs in the City. (Compensation surveys will include an analysis of total benefits package including insurance, retirement contribution, etc., so the survey is more reflective of total compensation.)

7.3 Pay Plan Philosophy and Strategy

The philosophy of the Pay Plan is based upon four key elements:

- The City determines its Pay Plan using market data where available.
- The City will not price its Pay Plan beyond its ability to pay.
- The City may implement cost containment related to salary increases in an effort to remain fiscally responsible.
- The City strives to provide equal pay for equal work. Equality of work includes equal

- skill, equal effort, equal responsibility, and similar working conditions.
- The City also seeks to reward individual performance based upon regular performance appraisal.

The strategy of the Pay Plan is to reward exemplary performance without causing a permanent imbalance or disparity between the salaries of employees performing the same kind and level of work. The Pay Plan is structured so that each position has an established pay range. The low end of the pay range represents the minimum an employee performing a particular job would be paid. The top end is known as the “working level” and represents what an employee performing at full competency level for that position should be paid.

The working level is the maximum base salary paid an employee performing in a particular position. Once at the working level salary, an employee who’s performance exceeds expectations continues to be eligible for a discretionary employee performance bonus, but these annual awards are in the form of a lump bonus rather than as additions to the base salary.

7.4 Pay Rates for New Hires

All newly hired regular status employees are normally paid at the minimum of the pay range unless an exception is authorized by the City Council. The City may grant exceptions and allow appointments above the minimum for such factors as a high level of experience and training or because the demands of the employment market affecting the position being recruited require a higher than minimum pay rate.

7.5 Anniversary Date/Performance Review Process

The anniversary date is the date the employee began work with Midway City as a regular employee.

However, after the first year of employment annual performance reviews (see Section 11.3, B) and salary adjustments are made in June and July each year respectively. Vacation increases will be given on the anniversary date and will take effect the first payroll following the employee’s anniversary. Promoted employees would be treated as a new employee and receive a six (6) month and one-year review from the start of the new position

7.6 General Wage/Salary Adjustment

It is the intent of the City to consider prevailing practices related to cost of living and market trends in establishing wage and salaries. On all occasions the amount of salary change will ultimately be based upon the anticipated affects upon the City budget. Final determination and any changes to the salary scale will be made by the City Council. Where general, across-the-board raises are awarded, the raise will be effective the first full pay period in July. In determining the total compensation value of the position, benefits must be considered. Base salary plus cost of benefits equals total compensation.

In comparing benefit packages provided in the labor market, the City may evaluate both level and cost of benefits and other factors as deemed appropriate.

7.7 Initial Appointments

All initial appointments shall be normally be assigned to the starting rate of the pay grade to which the position is classified. Exceptions may be allowed if: 1. An employee cannot be recruited to the position at the beginning rate. 2. The qualifications of the individual selected for the position exceed the minimum requirements and the individual can be expected to perform at a level equal to that of other individuals being paid at the same or higher step.

7.8 Changes in Compensation

Compensation may be changed in three ways:

A. Merit Pay Increases

Performance/compensation evaluations are conducted at least annually by Midway City management. Increases in employee pay are based on work performance/results achieved in the previous year and are considered Merit Pay Increases. Merit pay adjustments are awarded on a basis of: (1) the quality of performance and results achieved during the previous year (or portion thereof for new employees); (2) annual City wage budget; and (3) the position of the employee's pay within their wage band. Merit pay adjustments are reserved for employee continuous measurable performance improvement and/or exceptional performance in the past evaluation period(s). Merit pay increases are normally effective on July 1st each year based on the review and approval of the written appraisals by the Mayor.

B. Promotion/Promotional Salary Increases

Promotions and therefore promotional salary increases may occur as a result of an employee's successful achievement of a higher position with greater responsibilities, duties and more complex job assignments that provides greater value to Midway City. Such increases are determined by management based on the employee's length of service, current compensation and appropriate position in their new pay band.

C. Cost of Living/Salary Step Increases

Employee compensation wage bands will be moved based on changes in the Consumer Price Index (CPI) over the past calendar year. All employees may have their current salaries increased by the amount of the change in the wage bands based on the CPI. For example, if the CPI increased by 2.5% in the past calendar year, all employee salaries may be increased by that amount effective the first full pay period in July. Increases above that point, would be based on exceptional performance under our Merit Pay Increase system (Note: 7.3A above). Any employee who has not completed their orientation/probationary period will not receive any cost of living raise or merit raise

approved by the City Council at the beginning of the fiscal year until their orientation/probationary period has been completed. At that time, they may receive the appropriate raise at the beginning of the next payroll period.

D. Discretionary Employee Performance Bonus Program

Each year the City Council may set aside money in the Midway City budget for the Discretionary Employee Performance Bonus Program. This bonus money is set aside for exceptional performance results that the Mayor determines warrant financial recognition. All employees are eligible for the Program; however only significant achievements/accomplishments will be recognized.

7.9 Orientation Period/Performance Review Process

Upon being hired as a new employee, promoted, or transferred to a new position, employees are assigned a new performance review date approximately six (6) months from the date of hire, promotion or transfer. As an employee in a new position, the employee will be required to complete a minimum of six (6) month orientation/probationary period. A three (3) month extension of the orientation/probationary period may occur based on management's perception that the employee could meet the required performance standards if given additional time. An employee's failure to meet the standards of performance required during the orientation/probationary period /extended orientation/probationary period could result in termination of employment.

Once the orientation /probationary period is completed, the employee's next performance review date would be June of the next year.

7.10 Overtime

Overtime is unavoidable at different times of the year. However, every effort should be made to keep the accumulation of overtime hours to a minimum. Any time worked over forty (40) hours in any defined workweek, or work period, by FLS covered employees, shall qualify as overtime provided the overtime has been requested or approved by the supervisor or Mayor. The amount of time given an employee for paid vacation, sick leave or holidays during that week will not be used to calculate hours for overtime.

Salaried employees do not receive overtime.

7.11 Termination Pay

When employees terminate, they shall be required to return all equipment and to clear all financial obligations involving their equipment with the City prior to receiving their final paycheck. Any such obligation not cleared shall be itemized and deducted from their final paycheck. Final paycheck, including compensation for hours worked, unused vacation and overtime will be issued on the next regularly scheduled pay period following termination. (Municipalities are exempt from the forty-eight hour ruling) The

Recorder or their designee shall confirm the amount of termination pay to which an employee is entitled. In the event of the death of an employee, final payment shall be made to the employee's designated beneficiary.

7.12 Severance Pay

Employees determined by Midway City and its management to have lost their jobs through no fault of their own may be eligible for severance pay. Severance pay is a discretionary benefit, the amount determined by the City Council not to exceed two weeks pay. Employees dismissed for cause are not eligible for severance pay.

7.13 Pay Date

Midway City employees will be paid 26-times a year on a bi-weekly basis.

Section 8. Fringe Benefits

8.1 Group Health Insurance

All regular full-time employees and regular part-time employees who work on a year-round basis of 1352 hours or more per fiscal year, may participate in the City's group insurance plan, which provides medical insurance plan choices. These options allow employees to choose a combination of plans to match their needs. The level of participation in the payment premiums by the employees and the City is determined on a year-to-year basis.

8.2 Retirement Plan

The City is a participant in the public employee retirement program of the Utah Retirement Systems (URS). The City endorses the concept that performance and not age should be the standard for retaining qualified employees. There shall not be a set retirement age from City employment. Under provisions of the Utah State Retirement act, some employees may qualify to retire as early as sixty or upon completion of thirty (30) years of accredited service. Contributions into the retirement system shall be made for all full time and permanent part-time employees working twenty (20) hours or more per week and who receive other City benefits. Tier II employees working less than twenty (20) hours, and elected officials for Midway City, which includes the Mayor and City Council, are ineligible for URS benefits. Tier II appointed officials working full-time, which includes the City Treasurer and City Recorder, are eligible for URS benefits.

Employees, at their discretion, may choose to retire anytime after they are eligible under provisions of the Retirement Act.

Employees over retirement age can be retained or hired as long as they are physically and mentally able to satisfactorily discharge the duties of the position.

All state employees participating in the Public Employees' Noncontributory Retirement System receive a percentage of their compensation paid into the URS Retirement Plan by the City. This percentage is determined by the URS at the beginning of each year.

All employees are encouraged to participate in a URS 401(k) plan offered by the City through payroll deduction. Annual employee contributions cannot exceed maximum deferral amount allowable, set by the IRS each year, or 95% of gross salary, whichever is the lesser.

8.3 Workers' Compensation

Midway City employees are covered by worker's compensation. Any injuries, even of minor nature, must be reported immediately to the Recorder or designee.

8.4 Unemployment Insurance

Midway City participates in the State Unemployment Insurance Program and any employee whose employment is terminated for other than just cause will be eligible for unemployment benefits in accordance with the rules and provisions as provided by the State.

8.5 Life Insurance

Midway City will offer accidental death and dismemberment option to employees for their elective participation. The City provides a life insurance policy for each employee. Employees may also purchase additional insurance for themselves or other immediate family members for a minimal out-of-pocket expense.

8.6 Holidays

Midway City observes thirteen (13) paid holidays during the year for full time employees. They are:

New Year's Day	Jan. 1
Martin Luther King's Birthday	Jan (3rd Monday)
President's Day	Feb (3rd Monday)
Memorial Day	May (last Monday)
Independence Day	July 4
Pioneer Day	July 24
Swiss Days	Friday before Labor Day
Labor Day	Sept (1st Monday)
Veteran's Day	November 11
Thanksgiving	Nov (4 th Thursday)
Day after Thanksgiving	Friday after Thanksgiving
Christmas Day	Dec 25
Day after Christmas	Dec 26

When a holiday falls on a Saturday, it will be celebrated on the preceding Friday. When a holiday falls on a Sunday, it will be celebrated on the following Monday. Employees on leave without pay before or after a holiday will not be paid for the holiday. When a holiday occurs during an employees' paid leave, the day will be charged as holiday leave.

8.7 Vacation Leave

1. Midway City believes that time away from the job is conducive to good health and the well-being of employees, and can have a renewing effect on employees that is to the advantage of Midway City, as well as the employee. It is therefore, the policy of Midway City to grant paid vacations benefits to eligible employees.

2. Full-time and permanent part-time employees are eligible for annual vacation benefits after completing six (6) months of continuous service and are to be used in at least one-hour blocks.
3. All vacation benefits must be earned before being taken and shall require the approval of management.
4. Former employees who are re-hired with reinstatement rights following military service or recall from active layoff status shall be entitled to assume the same eligibility for vacation as enjoyed prior to leave or layoff.

A. Annual Vacation Leave Benefit Schedule

Each year's employee vacation benefits are earned on the employees' anniversary based on the following schedule: (Permanent part-time employees vacation benefits will be pro-rated based on the average weekly hours worked per year):

<u>Years of Service</u>	<u>Days Earned</u>	<u>Hourly Equivalent</u>
Less than 1 year, more than 6 months	5	40 hours
1 year through 4 years	10	80 hours
5 years through 9 years	15	120 hours
10 years and over	20	160 hours

5. Unused current year vacation benefits may be carried-over to the next year; provided the carry-over does not exceed their hourly equivalent for the prior year. For example, an employee with 5-9 years of employment may carry over 120 hours in addition to the 120 hours received on their employment anniversary date.
6. Annual vacation benefits will not be earned during a period or time when a leave of absence without pay is being granted.
 - A. Upon termination of employment from Midway City, an employee will receive his/her current vacation account balance. Salary computations for all terminating employees shall be calculated on a working day basis at the base in effect at the time of termination. Deductions from termination pay may be made where the terminating employee has outstanding obligations to the City. Also, the City may withhold the payment of termination pay if employee fails to return City property in his/her possession.
 - B. Upon termination of employment, the employee shall be entitled to any accrued vacation leave. Upon death of an employee of the City, a lump sum payment for vacation time accrued to his/her credit will be made to the employee's beneficiaries or estate.
 - C. Vacation benefits shall be considered only to be time off with pay. Payment for time accrued in lieu of vacation time will not be allowed (only as mentioned upon

the death or termination of an employee.)

- D. With the approval of the City Council, employees may donate vacation hours to another employee to be used as sick leave in cases of dire need. Before an employee can receive vacation leave from another employee, the receiving employee must have used all of their available sick leave, compensation time and vacation time. There cannot be an excess of donated hours beyond the hours required to cover the emergency. Donations of vacation time will not be counted as hours used in determining the maximum accrual that can be carried forward in any year.
- E. Employees are allowed to accrue a bank of vacation time before they are subject to a “use or lose” situation. This bank will allow eligible employees to take a vacation longer than the number of vacation days they accrue in one year. The size of vacation bank is determined by the length of service of each employee according to the following schedule: (Permanent part-time employees bank of hours will pro-rated according to the number of hours worked)

Less than 1 year more than 6 months	40 hours
1 year through 4 years	80 hours
5 years through 9 years	120 hours
10 years and over	160 hours

Once an employee reaches his/her accrued vacation limit, he/she will then be in a “use or lose” situation. For example, an employee with less than one (1) year is not allowed to carry forward more than 40 hours from one calendar year to the next.

- F. Any employee with a vacation bank balance larger than their years of service allows will lose all excess vacation hours on the employee’s anniversary date.

B. Vacation Leave Benefit Requests/Approval

Department heads/elected official or supervisor must approve requests for vacation leave in advance. For vacation leave of one week or longer, employees should plan on providing one month advance notice for each week of vacation; if the vacation time is less than 16 hours the written request must be submitted one-week prior. Requests must first be approved by the department supervisor who will then present the request to the office manager for approval.

Midway City management reserves the right to not approve a request given specific work requirements of the city. Vacation leave may be utilized in not less than one (1) hour increments. After the first hour, additional time will be rounded to the nearest half-hour. Coming in early, staying late, or taking a shorter lunch break are not to be used to reduce the number of vacation hours which have been taken during a pay period.

C. Record Keeping

The Recorder or designee keeps the official vacation leave records.

8.8 Sick Leave

Compensated sick leave is a Midway City owned benefit afforded to those full time and permanent part-time employees who become ill or injured and cannot perform their normal duties. Paid sick leave is time during which an employee may be excused from work without loss of pay due to:

1. Personal illness; injury or type of disability, or illness in the immediate family;
2. Dental, medical, optical or mental health appointments; and
3. Maternal/paternal leave (limit of six weeks sick leave for maternal leave unless physician prescribes more; limit of one week of sick leave for paternal leave.)

All eligible employees shall be eligible for sick leave benefits upon completion of one (1) month of Midway City service.

Paid sick leave is accrued by fulltime employees at a rate of one eight-hour sick day per month (provided the employee worked 80% of the available work hours in the calendar month). Permanent part-time employees will accrue sick leave at a pro-rated amount equal to the number of hours worked per week. Temporary employees are not eligible for sick leave benefits.

Sick leave will not be earned during a period where a leave of absence without pay is being granted for reasons other than personal or family related illness or conditions as defined by the Family Medical Leave (FML).

Within an hour of the start of work of the same business day, an employee on sick leave shall inform management of the reason why he/she will be unable to attend work. It is the responsibility of the employee to keep management advised regarding continued absence or sick leave. Management may require the employee to submit a doctor's certification of illness before approving sick leave pay.

Sick leave shall be taken in a minimum of one-hour increments. After the first hour, additional time will be rounded to the nearest half-hour. With management approval, earned vacation leave may be used for sick leave purposes once sick leave is exhausted. Coming in early, staying late, or taking a shorter lunch break are not to be used to reduce the number of sick hours which have been taken during a pay period.

Employees who retire from Midway City will be paid their accrued sick leave. There is

no cap on the number of sick leave hours an employee may accrue during their employment with the city. This lump sum will be paid at 50% of their wage at the time of retirement. No sick leave hours will accrue for an employee who is on sick leave, medical leave, short-term disability or long-term disability. The employee may choose to take this amount as a lump-sum one-time payment, or, if the employee is participating in the URS Contributory Accounts (i.e., 401(k), 457, or Roth IRA) may have it deposited directly into their account.

In the event of illness to an immediate family member (means spouse, parent, child, brother, sister, grandparent, spouse's grandparent, grandchild, father-in-law, mother-in-law, brother-in-law, sister-in-law, daughter-in-law, son-in-law, and aunt or uncle), an employee may use up to five (5) days of sick leave per incident upon approval of the department head, elected official or supervisor; if necessary the employee shall be allowed to utilize an additional 55 days of leave-without-pay (for a total of 12 weeks leave, in compliance with FML – 12 weeks per year allowed to qualified employees).

Eligible employees may donate leave to another employee with the approval of the Midway City Council in cases of dire need by another employee. The hours donated by an employee must be from their accrued vacation or compensation time; they cannot be donated from their accrued sick leave hours. Before an employee can receive hours from another employee, the receiving employee must have used all of their available sick leave, compensation time and vacation time. There cannot be an excess of donated hours beyond the hours required to cover the emergency.

All non-emergency, medically necessary surgeries or procedures requiring sick leave beyond 21 consecutive days must be approved in advance. The request must be accompanied by a physician's note, which must specify medical necessity, prognosis, probable return to work date and fitness for duty status. At the end of 21 consecutive sick days due to the employee's illness, employees may use vacation hours.

The Recorder or designee keeps an official record of sick leave records.

8.9 Maternity, Paternity, and Family Leave

Maternity/Paternity and family leave may be taken for the birth of a baby by the employee or spouse/partner, or for the adoption of a child into the immediate family. An employee may use up to 12- weeks of family leave during a 12-month period using annual leave, sick leave, short-term disability (maternity leave only), or leave without pay. During this time, Midway City will continue the medical coverage of the employee on leave. Employees who have exhausted all accumulated sick leave shall be granted leave-without-pay for maternity purposes.

An employee must advise management and receive approval of the possible plan to use maternity/paternity/family leave three (3) months in advance, so as to assure an adequate transition of job duties. An employee on maternity leave may return to employment up to 12-weeks of the date leave was begun without penalty. During this period, Midway City shall not hire a permanent employee to fill the position held by the employee. The

employee must give 25-days notice of intention to return to work.

After 21 consecutive days of sick leave due to the illness of a member of the employee's immediate family and being designated by a medical provider or physician as the primary care provider, an employee is allowed leave as designated and regulated by Family Medical Leave (FML). Additional unpaid hours may be granted under FML, and an employee may supplement unpaid time with vacation hours.

8.10 Short-Term Disability

Employees of the City may purchase supplemental short-term disability insurance as an out-of-pocket expense through a carrier approved and contracted by the City. The City will contract with only one insurance company to supply any and all supplemental policies of any kind to active, eligible employees.

Scope

This policy refers to all active regular full-time and permanent part-time staff who work at least 50% equivalent annual working hours determined by the National Division of Labor Standards.

Policy Elements

Short-term disability applies to employees who are unable to work because of a medically certified illness or injury that is not work related. This refers to the inability of the employee to carry out their substantial job duties. It doesn't refer to those who have, for example, sustained minor injuries (e.g., a sprained ankle) and may still be able to fulfill their responsibilities. Short-term disability has a maximum length of 90 days. Employees must be released to return to work, or have authorization from their physician for continuation onto long-term disability as of Day 91.

Eligibility Criteria

To be eligible for a short-term disability leave, employees must meet the following basic criteria:

1. Be unable to perform their regular jobs or any work appropriate to the disability that may be offered;
2. Be disabled for at least seven full consecutive calendar days as certified by a licensed health care provider. If an employee does not have accrued sick leave to use during the waiting period, then accrued vacation must be used, otherwise, the waiting period is unpaid;
3. Be under the care of an appropriate licensed health care provider for the presenting condition who certified the limitation that prohibits employee from working and provides the treatment plan and schedule for recovery and return to work;
4. Be following the treatment plan as provided by their health care provider;
5. Complete and submit the Application for Temporary Disability Benefits to the

Human Resources office.

An employee is eligible for short term disability on the first day of the month following their hire date. An employee must be an active employee of the City on the effective date of coverage.

The monthly earnings benefit of short term insurance is equal to 60% of the employees' gross monthly earnings (excluding bonuses, commissions, expense accounts, and any other extra compensation).

Continuation of Benefits

Once an employee qualifies for short term disability and begins receiving benefits, the following actions occur regarding their employment:

1. Sick and vacation time do not accrue;
2. The employee does not receive holiday pay;
3. Monthly insurance premium payments for benefits not provided by the City are the responsibility of the employee; any insurance benefits provided by the City to all employees will continue to be paid on the employees' behalf, until such time as a return to work release from the employee's physician is received by Human Resources, or the employee becomes eligible for long-term disability.
4. Employee accounts with the Utah Retirement Services Office will be temporarily suspended until such time as the employee returns to work. This includes retirement accounts, 401(k), 457, Roth IRA, and loan accounts. Once the employee returns to work, accounts are re-activated.

Confidentiality of Records

In all cases, the office of Human Resources will work with the supervisor and the employee to ensure that appropriate procedures are followed while maintaining the confidentiality of the employee's medical information.

8.11 (RESERVED FOR LONG TERM DISABILITY)

8.12 Military Leave

Employees are entitled to fifteen (15) calendar days' military leave per year without loss of benefits. The employee shall be entitled to all military compensation with the City paying any difference in the employee's regular salary and the military paying for eleven (11) working days (88 working hours). A copy of the military paycheck shall be provided by the employee to the Recorder.

Any employee requesting such leave must provide a copy of the military orders placing him/her on active duty status to his/her supervisor. Employees requesting military leave shall notify their supervisor at least four (4) weeks in advance of the request leave date.

8.13 Jury Duty/Court Leave

The employer shall grant paid time off when an employee is subpoenaed for any Court or jury duty at a time the employee would have normally been scheduled to work. Such compensation shall not exceed an employee's normal wages and shall not exceed eight (8) hours for any given day. All compensation received for Court or jury duty from such agencies is to be remitted by the employee to the general fund of Midway City, unless such duty is performed outside of normal working hours.

Such Court leave shall not apply when appearing in court for criminal or civil cases being heard in connection with the employee's personal matters, such as traffic court, divorce proceedings, custody, appearing as directed with juvenile, or as a witness in a case not involving Midway City, etc. These absences would be leave without pay, personal days or vacation leave.

8.14 Bereavement Leave

Full time employees shall be entitled up to three (3) working days paid bereavement leave to attend the services or funeral of an immediate family member. Immediate family for this purpose shall be defined to be: mother, father, husband, wife, partner, children, brother or sister (including blood, step or adopted), grandparents, current stepmother, current stepfather, brother-in-law, sister-in-law, or grandchildren, mother-in-law or father-in-law.

For other family relations and friends, requests for bereavement time off may be taken when agreed upon by the department head and the Mayor, or employees may use compensatory time, vacation time or leave without pay.

In the case of the death of an employee's parent, spouse or child, the employee may request and be granted up to five (5) working days with pay to manage the family issues related to the loss. Requests should be made to the supervisor/manager or Mayor who will approve the request based on the specific needs of the employee, balanced with the needs of the city. If additional time off beyond this allowance is required regular vacation or sick leave must be used. Time off under this policy will not count as time worked in computation of overtime for that week.

8.15 Administrative Leave

A classified or exempt service employee may upon approval of the Mayor, be granted leave with pay to perform legitimate duties in connection with City business, to attend trade or professional meetings, which relate to official duties, or to participate in recognized and authorized training programs.

Expenses relating to administrative leaves must be within the budget and authorized by the Recorder.

All higher educational training courses must be pre-approved by the Mayor.

8.16 Leave Without Pay

An employee may be granted leave without pay, upon showing pressing need or other extraordinary circumstances. The length of time approved will be determined on a case-by-case basis and the circumstances that caused the request. All employee leave without pay requests need to be in writing and approved in writing by the Mayor.

8.16 Employee Birthdays

Each employee will be given one (1) hour off with pay at the end of the business day on their birthday. Should the birthday fall on a Saturday the employee will be given one (1) hour off on Friday, if the birthday is on Sunday the employee will be give one (1) hour off on Monday.

8.18 Clothing Allowance

Public works employees will receive a yearly allowance to be used to purchase the following. During the orientation/probation period new employee will be entitled to one-half (½) of the yearly clothing allowance.

5	Pair of jeans		\$125.00	yr max.
5	Work shirts with logo		\$100.00	yr max.
1	Pair of work boots		\$200.00	yr max.
1	Pair of muck boots		\$160.00	yr. max
1	Pair of gloves		\$ 20.00	yr max.
1	Light weight coat with logo		\$ 75.00	yr max.
1	Heavy weight coat with logo		\$150.00	yr. max.
1	Bib Overall – heavy weight		\$150.00	yr. max

Building Safety Inspectors

5	Shirts with logo	\$19.00	\$ 95.00	yr max.
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Section 9. Work Hours

9.1 General Policy

All staff members are expected to report each day, and on time (based on individual schedules that have been pre-approved by management). Each non-exempt employee is responsible for providing management with an accurate bi-weekly time sheet. Falsification of an employee's time sheet is grounds for termination of employment.

9.2 Work Week and Paydays

A. Normal Operating Hours

Normal operating office hours are 7:30am to 5:30pm Monday through Thursday, and 8:00am to 12:00pm on Friday. A regular pay period is normally defined as bi-weekly with all full-time employees to work forty (40) hours per week, with each work week beginning at 12:00 a.m. on Sunday and ending at midnight on Saturday. Due to seasonal public works department schedules, variation in the hours worked per week may occur which shall be managed according to the overtime provisions of the Fair Labor Standards (FLS). Paydays are Thursdays following pay periods.

B. On Call Hours

Public Works employees will be required to be on call on a rotation basis. Employees must be within 30 minutes drive time from Midway while on call. Each rotation will be for a one week period of time. The employee will receive eight hours of wages for being on call (four hours paid for Saturdays and four hours paid for Sundays). Should the employee be called out on an emergency they will be paid regular or over time wages whichever applies, with a one-hour minimum. If the emergency requires more than one person, it will be the responsibility of the "on-call" person to call out additional help. If the "on-call" employee is unable to work their on-call shift, they will make arrangements for someone to cover it for them.

9.3 Lunch Break

All regular full-time employees are provided with one meal period of sixty (60) minutes in length each workday. Employees will be relieved of all active responsibilities and restrictions during meal periods and will not be compensated for that time. Such period should be taken between 11:00am and 2:00pm. Actual hours will be flexible with approval of management. Reduction of the lunch period cannot be used to reduce the normal workday without the prior management approval.

9.4 Rest Periods

Two optional ten-minute rest periods may be allowed at the approval of the supervisor. One break may be used in the middle of the first four-hour block of the work day and one may be used in the middle of the second four-hour block, the last half of the work day. No unused ten-minute period may be used to shorten the work day. Rest periods are to be taken on premises of where you will be working for the period of time when the rest period is allowed to be taken.

9.5 Unforeseen Work Interruptions

It is the policy of the City that on those days when there is an interruption of work for causes outside the control of the City, employees shall be compensated for the entire day of the occurrence, regardless of the time released from work.

On the day immediately following the occurrence, employees shall be expected to report to work at their regularly scheduled start time, unless otherwise notified by the department head, elected official or supervisor. Such notification shall be initiated no later than one hour prior to the regular start time. Reasonable diligence to make contact is the responsibility of both the department head, elected official, supervisor and employees. If such notification is made, there will be no compensation for that work-day. If no such contact is made, employees are to report to their regular work stations at their appointed time. The decision to terminate work shall be made by the individual department head, elected official on the day of the occurrence. Extended work termination beyond the day of occurrence, shall be determined by the City Council, and such decision will be communicated to each department head.

9.6 Flexible Work Schedules

Employees may propose to management a permanent Flexible Work Schedule based on their personal and family needs. For management to consider/approve an employee's request, a Personal Action form must be completed and presented to management addressing the following issues:

- (1) Why are you requesting the Flexible work Schedule?
- (2) What will be the positive/negative impact on the City and staff? and
- (3) How will the work schedule be monitored to ensure you work the agreed upon hours and job responsibilities are being met?

Based on your written request, your overall work record and management's view of the effects of the Flexible Work Schedule on City operations, the Mayor will provide the employee a written decision regarding the request in five (5) working days. It is the sole discretion of the Mayor whether to approve or deny any request. The arrangement will be reviewed every 90 days to ensure it is working in the best interest of the City.

Non-permanent Flexible Work Schedules enables non-exempt employees to either come in late or leave early the following work day due to working beyond normal work hours the previous day. Management must be notified and approve in advance any non-permanent flexible work schedule arrangements.

Employees are expected to work their full shift (8 hours). If they need to leave for family reasons they are expected to make up that time by coming in early, taking a shorter lunch period, etc. If an employee needs to make up time/hours, the missed time/hours must be made up during the work week in which the time/hours were missed.

9.7 Time Keeping

Any non-exempt employee who works during a biweekly pay period is required to submit a time sheet. Public Works employees are required each day to clock in when they report to work and clock out at the end of their shift. They are not to hand write their time on the time card unless they are the on-call employee, and a call will take less than one hour. In this instance, with prior approval of the Mayor or the Operations Crew Chief Leader, time can be hand-written in. Employees are not to clock in or out for another employee. When working in more than one department, employees must identify how much time is spent in each department and list their activities. Employees are not permitted to save up time sheets or submit multiple time sheets. Employees who submit time sheets later than noon on Monday may not be paid until the following pay period. Violation of time keeping policies or falsification of time sheets may result in disciplinary action up to and including termination. The time sheets must show time taken for federally mandated lunch hours. All time sheets need to be signed by the employee and their supervisor. If there is a discrepancy on the time card the supervisor is to take the time card to the Human Resources Manager for disposition.

9.8 Overtime and Compensatory Time

A. Exempt Employees

Exempt employees are not paid overtime.

B. Non-Exempt Employees

Overtime compensation is set by application of guidelines derived from Fair Labor Standards, as amended, and the Utah Code where applicable. Overtime is defined as work in excess of forty (40) hours during any one work week. A work week is a regularly recurring period of 168 hours, or seven consecutive 24-hour periods. A work week begins at 12:01 a.m. on Sunday and ends at 12:00 midnight on Saturday.

If an employee needs to make up time/hours, the missed time/hours must be made up during the work week in which the time/hours were missed. An employee will not be compensated for hours not made up during that work week; i.e., an employee cannot work thirty (30) hours one week and fifty (50) the next and average the two weeks together. The number of hours worked over two or more work weeks cannot be

averaged to avoid payment of overtime. An employee cannot take time off without pay if the employee has vacation time or sick leave available (whichever is applicable).

In emergency situations only, supervisors or the Mayor may request an employee to accept extra work on an overtime basis. Overtime is intended to be used in emergency situations, or under very unusual circumstances and shall be kept conservative commensurate with the best interests of the City.

The amount of time given an employee for paid vacation, sick leave or holidays will not be included in calculating hours for overtime payment. Employees may choose either regular pay or compensatory time when called out on an emergency during scheduled vacation time when the total hours exceed 40 worked hours in that work week.

Employees have the option of either receiving pay or compensatory time for work in excess of forty (40) hours in any given work week. An employee must indicate which choice they prefer when time sheets are turned in for each pay period applicable. Employees may not change the option once the time sheet has been submitted

Compensatory time will be calculated the same way regular or overtime hours are calculated. One hour of regular paid wages will equal one hour of compensatory time. One hour of overtime will equal one and one-half (1 ½) hours of compensatory time.

Employees may accrue compensatory time not to exceed 30 hours. Employees shall be permitted to use compensatory time within the fiscal year it is accrued. If an employee accrues compensatory time in excess of 30 hours, that excess amount will be paid out on the next payday. Any employee with a balance of compensatory time at the end of the fiscal year, shall be paid for those hours, and will begin each new fiscal year with a zero balance of hours. Use of compensatory time must be approved by the supervisor or Mayor and not unduly disrupt department operations.

Upon termination of employment, unused compensatory time shall be paid at the current rate received by such employee.

9.9 Absences and Tardiness

Employees are expected to report to work on time. Tardiness is expensive, disrupts workflow, compromises customer service and will not be tolerated. Unauthorized or excessive absences or tardiness may result in disciplinary action, up to and including termination. An absence is considered to be unauthorized if the employee has not followed proper notification procedures or the absence has not been properly approved. Unsatisfactory attendance may also have an adverse effect on any promotional opportunities.

If an employee is going to be late or absent for any reason, he/she shall contact his/her supervisor or their designee within one (1) hour prior to their regular starting time. It is the employee's responsibility to ensure that proper notification is given. Leaving voice mail messages is considered proper notice; asking another employee, friend or relative to give this notification is acceptable only under emergency circumstances.

Employees who know they will be absent on three or more consecutive days (i.e. surgery) are required to notify their supervisor in advance of their absence. Employees who are absent on consecutive days as a result of day-to-day illnesses are required to notify their supervisor each day. Employees who are absent on three or more consecutive days or who have a pattern of absences will be required to furnish a doctor's note verifying each occurrence of illness.

Employees who are absent from work for three consecutive days without giving proper notice will be considered as having voluntarily resigned employment with the City. At that time, the resignation and thus termination will be formally noted in the employee's personnel file and the employee will be advised of the action by certified mail to the employee's last known address.

Section 10. Reimbursement of Travel and Related Expenses

10.1 Travel

Travel expense associated with authorized trips on City business, for City business, for attendance at conventions, conferences, field trips, educational courses or meetings, etc. will be paid by the City based on a per diem schedule set by the Mayor and City Council. Receipts will be required for any unavoidable expenses that exceed the per diem schedule. Actual costs for materials required for the seminar, training courses, etc., will be paid for or reimbursed by the City. The employee will provide receipts/ledger for all materials purchased to the City upon completion of the trip, but not later than one week after return to normal duties. An employee may be accompanied by a spouse, family member, partner or friend on approved City business trips with the understanding that the City will not pay any of the costs incurred by the spouse or be responsible for any liability associated therewith. All absences from work to attend various meetings, training, seminars, conventions, etc., must be approved by the department head or supervisor prior to attendance. Travel expenses must be included in an annual budget for each department anticipating travel as a part of the budget process. Any travel expenses in excess of the amount budgeted must have the approval of the City Council.

10.2 Use of Personal Cars

Personal cars may be used for City business if adjudged advantageous to the City. When a personal car is used for City business, the City's reimbursement for the car shall be at the rate allowed by the IRS. The distance will be computed from a standard mileage chart or vehicle odometer readings. Travelers receiving mileage reimbursement are required to maintain their driver's license number and personal auto liability insurance company name and policy number on file with Midway City. Mileage is paid on the most reasonable direct route. Authorized Midway City travelers driving their personal vehicle shall report all accidents occurring while on Midway City business to the Recorder or designee. Authorized Midway City travelers are required to meet all automobile insurance regulations for the state of Utah that must include liability and property damage coverage.

10.3 Authorized Expenses

1. Air Transportation: Any authorized Midway City traveler using air transportation, shall be reimbursed for their travel expense at coach airfare rates. Exceptions require approval of the Mayor. Receipts for air tickets purchased by the traveler are required. Whenever possible, all airline tickets must be purchased using the lowest available advance booking fare.

2. Public Transportation – Reimbursement will be authorized for taxis, bus, limousine or shuttle service when conducting Midway City business and no private vehicle is available. The actual cost and a fifteen percent gratuity will be reimbursed. Receipts are required.
3. Lodging Expense:
 - a. Midway City will reimburse lodging expenses at the single accommodation rate, except in instances where accommodations are shared by persons conducting Midway City businesses, in which case reimbursement will reflect the party's actual costs. Receipts are required.
 - b. Charges for lodging will be reimbursed for only the night prior to the formal start of the conference, seminar, meeting, etc., and those nights when the event is actually being conducted, including the night of the last day, unless there is a savings available to Midway City through extending the stay.
4. Meal Expense:
 - a. When meals are part of a registration or tuition fee, additional per diem charges for those meals cannot be claimed. Subsistence, which consists of meals (excluding alcoholic beverages) and lodging, is limited to actual costs as approved or per diem, as allowed by the IRS.
5. Other Authorized Expenses:

Reimbursement for miscellaneous types of expenses, are authorized for Midway City business (e.g. luggage handler's gratuity, toll fees, parking, other gratuities, etc.)

10.4 Travel Advances

Authorized Midway City travelers are able to draw travel advances by submitting a written request to the Recorder or designee for approval no sooner than two (2) weeks before the occurrence of the function necessitating the travel. The travel advance will be given to the employee or official in the form of a check made out to the individual not to exceed 50% of the anticipated travel expenses.

No later than two (2) weeks after returning from the function, the Midway City traveler must make an accounting of the travel advance. The Midway City traveler must be able to substantiate any claims as specified within the expense reimbursement policy. The unused portion of the travel advance must be repaid to Midway City within two weeks.

The Midway City traveler must claim actual expenses. If the meeting that necessitates the travel advance is canceled, or the traveler elects not to attend, the Midway City traveler will return the amount advanced within the time frame stated above.

10.5 Expenses for Spouses, Other Family Members, or Non-Midway City Employees

Expenses for spouses, other family members or non-Midway City employees will not be paid by the City. Family members may accompany City employees on City-assigned trips requiring an overnight stay but travel, food, lodging or any other expenses will not be paid by the City.

Section 11. Performance Evaluation

11.1 Policy

Once the orientation period is completed, it is the policy of Midway City to evaluate each employee's performance annually. This is done to assure that performance expectations are clear, to identify employee's strengths and areas in need of development, to develop plans to address performance issues, and for the purpose of recognizing contributions/results made by employees in the achievement of the City's goals and objectives.

11.2 Responsibility

1. The Mayor or supervisor will provide:
 - a. Assistance to the employees by explaining the objectives and provisions of the performance evaluation plan; and
 - b. Training and coaching to supervisors so that they can effectively carry out their responsibilities for communicating with and evaluating employees.
2. The Mayor or supervisor are responsible for:
 - a. Keeping their employees informed of the expectations used in evaluating their performance;
 - b. Taking action to improve aspects of performance identified as in need of improvement in the evaluation discussion; and
 - c. Recommending compensation adjustments based on performance to the City Council.

11.3 Evaluation Process

A. Informal Evaluation:

Informal evaluation goes on at all times and for a variety of purposes: appraisal of performance in the current position; determination of career potential; appraisal for promotion to a specific position; determination of training and development needs; and consideration of merit increases.

B. Formal Evaluation:

An informal evaluation of the orientation/probationary new employees should be conducted by management at three months and a formal evaluation will be conducted before completion of the six months orientation/probation. The purpose of these evaluations is to determine whether the employee is able to perform the responsibilities of the position and to provide opportunities for constructive feedback.

Formal annual appraisals of all other employees should be completed within thirty (30) days of the end of the fiscal year, in June. The purposes of these appraisals are to provide performance feedback, set new performance objectives, and provide the basis for merit pay determination. Copies of all performance appraisals shall be forwarded to the Mayor for review prior to their being placed in the employee's personnel file. Management proposing merit increases or bonuses for staff shall provide the recommendation along with the performance appraisal to the City Council.

The performance evaluation consists of a written employee self evaluation, a written evaluation by the Mayor or supervisor, a confidential interview to discuss the employee's performance, and an opportunity for the employee to offer his/her written comments to the review.

Prior to the performance evaluation, the employee will provide the Mayor or supervisor with his/her self-evaluation. As part of the self-evaluation, an employee should identify goals he/she would like to accomplish during the next review period. The employees should identify the goal, the means by which to measure whether it has been accomplished, and the time frame in which it will be accomplished.

The Mayor or supervisor should go through a similar process with his/her evaluation of the employee. First, reviewing and evaluating the accomplishments of previously set goals; second, identifying any additional accomplishments; third, establishing goals for the future that are measurable; and fourth, identifying areas needing improvement. These areas of development may enhance the employee's ability to do his/her current job, or prepare him/her for upward mobility.

The interview is intended to be an open dialogue between the employee and the Mayor or supervisor to discuss the evaluation openly and set future goals.

If, at the end of the interview, the employee and the Mayor or supervisor agree that items should be changed, added or deleted from the written review, the evaluation may be rewritten. Once the written performance evaluation is finalized, the employee will be asked to sign it, acknowledging that he/she has read the review and has been given the opportunity to discuss it. Signing the written evaluation shall not be construed to mean that the employee agrees or disagrees with the contents of the evaluation.

Section 12. Disciplinary Procedures

12.1 General Policy – It is the responsibility of all employees to observe rules of conduct necessary for the proper operation of City government. Administrative procedures have been established for the handling of disciplinary measures when required. Discipline is necessary to enable the city and employees to fulfill our obligations to each other. Discipline is not necessarily a form of “punishment” but represents the systematic approach to help maintain order and harmony within the Midway City and thereby enable us to function at peak performance.

Like any city, Midway City has developed rules and regulations to help it operate efficiently and effectively towards projected goals. Midway City is a collection of people, all working for the success and progress of our community. Each of us owes it to our fellow employees to establish and promote good discipline. When discipline breaks down, operations break down and employees, as well as the city, suffer for it. That is why Midway City has established a reasonable and fair set of rules and a disciplinary procedure for the administration of these rules.

Midway City realizes that certain types of misconduct, such as excessive absenteeism and /or tardiness may arise from personal problems. Employees are encouraged to discuss problems with management before misconduct occurs so that possible assistance might be rendered or questions resolved to help avoid the need for disciplinary action.

Midway City policies must be enforced to maintain standards of conduct and high levels of productivity. Management may administer or recommend disciplinary policies within their department. If an employee violates a rule or policy, disciplinary action may be necessary up to and including termination.

It is the responsibility of all employees to observe regulations necessary for the proper operation of Midway City functions. Administrative measures have been established for the handling of disciplinary measures taken against all employees such as dismissal, reprimand, and suspension. All such disciplinary measures shall follow findings of fact, the presentation of charges to the employee, and an opportunity for the employee to be heard. Circumstances may warrant bypassing some or all of the above types of discipline. There is no intention to guarantee a “progressive” scheme of discipline.

12.2 Causes for Disciplinary Action – Causes for disciplinary action, up to and including termination, may include, but are not limited to the following:

- a. Violation of the laws of the United States, the State of Utah, or ordinances of the City of Midway or any other jurisdiction determined to be job related.
- b. Violation of the code of conduct
- c. Conduct which endangers the peace and safety of others or poses a threat to the public interest.
- d. Any behavior by an employee deemed inappropriate or disruptive to the work

environment which may affect the ability of other employees to perform effectively.

- e. Misconduct.
- f. Malfeasance. (The performance of an act which is legally unjustified or conflicts with the law or City policy).
- g. Misfeasance. (The wrongful performance of a normally lawful act).
- h. Nonfeasance. (The omission of some act which ought to have been performed.)
- i. Incompetence.
- j. Negligence.
- k. Insubordination.
- l. Failure to maintain skills.
- m. Inadequate performance of duties.
- n. Unauthorized or excessive absence or tardiness.
- o. Falsification or unauthorized alteration of records.
- p. Violation of City or department policies including, but not limited to:
 - i. Failing or delaying to report accident/incident; loss, damage or destruction of equipment; personal injury
 - ii. Violation of General Conduct rules, see Section 1.10
 - iii. City driver was not wearing a seat belt
 - iv. Leaving the job or premises to which employee was assigned at any time during working hours without permission
 - v. Failure to observe precautions for personal safety, posted rules, signs, safety instructions, accepted safe practices or failure to use protective clothing or equipment resulting in injury or property damage
 - vi. Violating traffic regulations, reckless driving or improper operation of a motor vehicle while operating a City vehicle
 - vii. Loading, wasting time, sleeping or inattention to duty
 - viii. Carelessness resulting in spoiling or waste of materials or delay in productivity
 - ix. Unexcused failure to report, tardiness or abuse of leave privileges
 - x. Failure or delay in carrying out orders, work assignments, or instructions
 - xi. Unauthorized possession or damage to City property or property of others or endangering the same through carelessness
 - xii. Disorderly conduct, fighting, threatening or attempting to inflict bodily injury to another; engaging in dangerous horseplay while on City time or property; or resisting competent authority
 - xiii. Unlawful distribution of alcohol or drugs on City property
 - xiv. Revealing or releasing confidential information without proper authorization or use of such information for personal gain
 - xv. Unauthorized removal or use of City's equipment, machines or tools
 - xvi. Disrespectful conduct; use of insulting, abusive, or obscene (profane) language in connection with City duties
 - xvii. Falsifying attendance records for oneself or another employee
 - xviii. Disobedience to constituted authorities, or deliberate refusal to carry out a proper order from any supervisor having responsibility for the work of the employee; insubordination
 - xix. Failure to immediately notify employee's department supervisor of the loss of a valid Utah driver's license through revocation, suspension, or other

- ineligibility, if such license is required in the performance of job duties
- xx. Careless or negligent use of City property
 - xxi. Theft, misplacement, malicious damage or misuse of City equipment, material, property or money of the City, the public, or of other employees
 - xxii. Misuse of electronic resources by use of resources for personal gain or political purpose; pornography; soliciting; or illegal or immoral activity
 - xxiii. Engaging in any actions which are determined by the department supervisor to be sufficient cause for disciplinary action
- q. Falsification of employment application.
 - r. Discrimination.
 - s. Sexual harassment or prohibited sexual conduct.
 - t. Retaliation.
 - u. Misrepresentation (making false statement or knowingly allowing false statements or false impressions to be accepted as valid in the course of the employee's job related duties).
 - v. Theft or removal of any City property, or the property of any employee from the work premises without proper authorization.
 - w. Gambling or engaging in a lottery on City property.
 - x. Inability perform essential job duties, with or without reasonable accommodation.
 - y. Any other action or behavior contrary to the best interests of the City.

No written or verbal warning of any type are necessary or promised prior to any type of discipline, up to and including immediate suspension or termination of employment.

12.3 Immediate Suspension With or Without Pay

The employee may be subjected to immediate suspension with or without pay and dismissal pending the results of a formal investigation. A written letter stating reasons for disciplinary action must be sent by certified mail or be hand delivered to the employee by the Mayor. The Mayor shall schedule and conduct an investigation hearing with the employee within five (5) working days of such action. Failure of the employee to appear, without good cause, constitutes a waiver of further appeal by the employee through Midway City grievance procedures. The City Council will act as the grievance board.

12.4 Just Cause for Disciplinary Action

Midway City employees are subject to disciplinary action for failing to fulfill their work related duties and responsibilities, or for other reasons, as determined by the City in its sole discretion. No full-time, permanent employee covered by Utah Code Sections 10-3-1105 and 10-3-1106, may be discharged, suspended without pay, or involuntarily transferred to a position with less remuneration because of the employee's politics or religious belief or incident to or through changes in the elective officers, governing body, or heads of departments of the City. The employee has the right to a review through the grievance procedure of any disciplinary action.

Pre-Disciplinary Hearing. Whenever a full-time employee, who is not an appointed, at-will, or a probationary employee, is subject to possible suspension without pay for more than two days (16 hours), involuntary transfer from one position to another with less compensation, or termination, a pre-disciplinary hearing shall be held prior to imposing disciplinary action.

- A. The employee shall be given written notice of the hearing, prior to the hearing, which will include an explanation of the charges against the employee and notice that discipline, up to and including termination, will be considered.
- B. The pre-disciplinary hearing shall be conducted by the employee's supervisor or designee for the purpose of allowing the employee to respond to the charges and present information the employee believes is relevant to the decision.
- C. A decision as to the disciplinary action to be taken, if any, shall be made by the applicable supervisor or designee, and the employee shall be notified in writing within five working days after the hearing. This written notification shall include:
 - i. The grounds for disciplinary action.
 - ii. Any disciplinary action to be imposed.
 - iii. The effective date and duration of the disciplinary action.
 - iv. Any required corrective action necessary for the employee to avoid further disciplinary action.
 - v. Notice and a copy of the post-disciplinary hearing process outlined in 12.5(6) if the imposed disciplinary action is termination, a suspension of more than two days (16 hours), or involuntary transfer from one position to another with less compensation.
- D. Employees whose conduct constitutes grounds for discipline may be subject to one or more of the foregoing disciplinary actions depending on the severity of the improper conduct. The City reserves the right to impose disciplinary action, up to and including termination on a first offense, depending on the nature and severity of the improper conduct.

12.5 Initiation of Disciplinary Action

Disciplinary action may only be initiated by Midway City management, the Mayor or the City Council.

12.6 Steps of Disciplinary Action

The following describes the types of disciplinary action that may be taken by management in order of severity. No employee is guaranteed to receive any of the

following types of action. Generally, first time problems result in verbal reprimands. Failure by the employee to correct the behavior or performance problem may result in more serious disciplinary action. Except in the most serious disciplinary cases, employees will normally receive progressive discipline before termination will occur.

1. **Step 1 - Corrective Action**: When an employee's performance does not meet established standards for reasons other than willful misconduct, managers may document in writing and take appropriate corrective action in accordance with the following rules:
 - a. Management may discuss the substandard performance with the employee in an attempt to discover the reasons for such performance and to plan an appropriate solution.
 - b. Appropriate corrective actions include closer supervision, training, referral for personal counseling, reassignment or transfer, use of appropriate level career counseling, or separation.
 - c. During the implementation of corrective action, Management may regularly evaluate and document the employee's progress (good and bad).
2. **Step 2 -Verbal Reprimand**: Whenever grounds for disciplinary action exist, and Management determines that more severe action is not required, Management may verbally communicate to the employee the observed deficiency. Written documentation of the verbal reprimand will be kept for the record of discipline in the employee personnel file. Sufficient time for improvement should be given before more formal disciplinary action is taken unless extenuating circumstances dictate otherwise. A written Verbal Reprimand will be removed from the employee's personnel file one-year from the date of issuance, provided that there have not been subsequent occurrence(s) of the same or similar offense.
3. **Step 3 - Written Reprimand**: This is an action which may be taken in which Management writes out the action or behavior which the employee must change/stop. The written reprimand will describe in detail the behavior to be corrected, will give a clear statement of performance expectations for the future, and will point out the consequences of repeating the actions which brought about the written reprimand. The written reprimand will be signed and presented to the offending employee by Management. The employee will sign all copies to acknowledge receipt; if he/she refuses, the presenter shall note this refusal on the form. A copy of the written reprimand shall be placed in the employee's personnel file for one-year provided that there has not been subsequent occurrence(s) of the same or similar offence.

If an employee receives three (3) Written Reprimands for the same or different offenses within a twelve (12) month period, the employee may be placed on forty (40) hours of leave without pay or may be terminated at the time of issuance of the third notice.

4. **Step 4 - Suspension With/Without Pay**: This is an action which may be taken by Management which removes the employee from the work site for a period not to exceed ten (10) workdays unless extended for good cause by the Mayor. Based on the level of the violation of Midway City work rules and consideration of all the facts surrounding the suspension will determine whether the time-off is with or without pay. A written record of suspension is kept in the employee's personnel file.

At the end of a suspension, if the employee is returned to work the employee will be returned to the Midway City payroll at the same classification and salary as when the employee was suspended. If suspension is without pay, benefits will not accrue during the suspension period. If through the appeal process the suspension is found to be without cause, any lost wages and benefits may be reinstated.

5. **Step 5 – Demotion**: An employee may be demoted to a lower grade position with or without a reduction in pay or reduced in pay within the employee's grade by a Department Supervisor. 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 (12.3), except for appointed, at-will, and probationary employees or is the result of a layoff or reorganization.
6. **Step 6 – Termination**: This is an action that may be taken by Management if: (1) through the progressive disciplinary process the employee failed to correct the violation of work rules and/or standards; (2) three or more written reprimands for the same or different violations in 12 months occurred; (3) employee failed to report to work without notice for three consecutive days; (4) the incident/violation of Midway City work rules and standards is considered by Management to be at such a high level that termination is the only option for the good of the city; or (5) the City, in its sole discretion, determines that termination is otherwise necessary.

A full-time employee may be terminated by the Mayor after consultation with the Department Supervisor and/or the Human Resource Manager or designee, and the Legal Office. The City shall first conduct a pre-disciplinary hearing as outlined in (12.3), except for appointed, at-will and probationary employees or is the result of a layoff or reorganization. All other employees may be terminated at the discretion of the Mayor. A hearing is not required.

Termination is an action taken by the Mayor that permanently removes an employee from Midway City employment. Prior to terminating an employee, the Mayor shall notify the employee in writing of the reason(s) for the discharge and the effective date thereof. Termination is subject to the grievance procedure as outlined in these policy guidelines.

7. Appeal Board:
 - a. A full-time employee, who is not an appointed, at-will, or probationary employee, may use the post-disciplinary hearing process. Appeals to the Appeal

Board shall be taken by filing written notice of the appeal with the City Recorder within ten calendar days of receipt of the notice of the imposition of the suspension of more than two days (16 hours), demotion or involuntary transfer from one position to another with less remuneration, or termination, except if the action is the result of a layoff or reorganization.

- b. The Appeal Board shall consist of all members of the City Council. The Mayor, at his or her discretion, may appoint his or her self as a member.
- c. Exhaustion of Internal Grievance Procedures

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

- d. If through the appeals process of any disciplinary action under Section 13 the action is reversed, the disciplinary action is expunged from the employee's record.
8. Appeal Hearing Process (post-disciplinary)
- a. The employee shall be entitled to appear in person before the Appeals Board and to be represented by counsel (at the employee's expense), to have a hearing open to the public, to confront the witnesses whose testimony is to be considered, and to examine the evidence to be considered by the Appeals Board.
 - b. An employee or the City may request the hearing be open to the public.
 - c. The Appeals Board determines the admissibility of evidence and its use. Further, the Appeals Board is not bound by the rules of evidence and may consider any evidence it determines relevant to the matter.
 - d. The City Recorder records and takes minutes of each session, except for the Appeal Board's deliberations.
 - e. The City Attorney or designee represents the City's interests.
 - f. The standard of review is an administrative standard of whether the evidence shows that it is more likely than not that the findings and action taken by the Department Supervisor are supported.
 - g. The Appeals Board may establish hearing procedures consistent with 10-3-1106, UCA, and may modify those procedures at the hearing as may be equitable and conducive to a determination of the issues.
9. Decision of Appeals Board Hearing
- a. Each decision of the Appeal Board shall be by secret ballot.
 - b. Each decision of the Appeals Board shall be certified to the City Recorder no later than 15 days after the day on which the hearing is held; however, for good cause, the Appeals Board may extend the 15 day period to a maximum of 60 calendar days, if the employee and the City both consent.

- c. Upon reaching a decision, the Board shall issue the decision. A decision is issued when it is signed and dated by all members of the Board, and certified with the City Recorder. The City Recorder shall distribute the certified decision to the employee, Mayor, and Department Supervisor.
 - d. If the Board does not uphold the suspension, demotion or termination, the Board shall provide in its order:
 - i) The employee shall receive the employee's salary for the period of time during which the employee was discharged or suspended without pay less any amounts the employee earned from other employment during this period of time, or
 - ii) That the employee be paid any deficiency in salary for the period during which the employee was demoted or involuntarily transferred to a position of less remuneration.
 - e. Any final action or order of the Board may be submitted for review by either the employee or the City to the Utah Court of Appeals by filing a petition for review no later than 30 days from the date of the issuance of the final action or order of the Appeals Board by filing with that court a petition for review.
10. Requests to Purge Disciplinary Records – An employee may submit a written request to have prior disciplinary records purged to the Mayor.
- a. The employee must wait a minimum of two years before a request will be considered. Requests will only be considered if there have been no intervening disciplinary actions.
 - b. The Mayor shall consider the request within 10 working days of receipt.
 - c. All decisions shall be at the sole discretion of the Mayor or designee.

Section 13. Communications/ Grievance and Appeal Procedures

13.1 Midway City Communication Policy

Midway City seeks to maintain with its staff good working relationships that affirm the importance of each individual and his/her contribution to the work being done, encourage mutual trust and respect of all staff and management, provide prompt answers to questions, minimize misunderstandings and seek resolution to workplace differences as quickly as possible. It is Midway City's policy to facilitate the development of open channels of communication among all levels of the city. Employees are encouraged to take the initiative in seeking answers to their work related problems through immediate discussion with Management. While Management is the normal avenue through which staff raises concerns, other channels are available (i.e. Mayor and City Council) to employees to discuss concerns with someone outside of the immediate working situation in order to check information, clarify personnel policies, or obtain guidance. When a serious disagreement arises and reaches impasse, or when an employee disagrees with disciplinary action taken against him/her, the employee may initiate the grievance procedure.

13.2 Coverage of Grievance Procedure

All employees are covered by the grievance procedure except temporary employees and new fulltime/orientation employees. Exceptions require approval of the Mayor and City Council. The grievance procedure covers matters subject to the control of management such as an employee's claiming unresolved issues concerning working conditions, application of discipline and application, enforcement, or interpretation of policies and procedures.

13.3 Grievance Procedure

To assure promptness and equity in answering employee's concerns and to achieve early resolution of their work-related problems, employees are encouraged to take the following sequential steps:

Step 1-Discuss with Management/Mayor:

An employee is expected to first consult with the person with whom he/she has the problem or grievance and then with his/her immediate management representative. Consultation with management must occur within five (5) working days of the occurrence in order to initiate the grievance procedure. The problem may be regarding any occurrence or attitude, either expressed or implied, on the job that is perceived as unfair, inequitable, or in violation of any policy or procedure. Management is responsible for seeking resolution of problems through open discussions with those involved.

Step 2 – Appeal to City Council

In those cases where solution to a problem has not been worked out in discussion with Management or the Mayor, or if no reply or reason for the delay has been received within ten (10) working days of the initial discussion with management, the employee may appeal to the City Council through the Mayor. The appeal should include a written statement of the problem or grievance with the desired outcome and/or satisfactory resolution. Upon receipt of the written grievance the City Council will have ten (10) working days to schedule a hearing. The decision of the City Council shall be by secret ballot. The City Council shall render a written decision to the employee and to Management within five (5) working days after the conclusion of the hearing. All decisions by the City Council are final.

13.4 Discharge and Pre-Termination Hearing

Only the Mayor or their designee may discharge a permanent full time employee with the consent of the City Council. Prior to being discharged, an employee shall have the right to know the reason for his/her discharge and have the opportunity to discuss the discharge with his/her supervisor if he/she wished to do so.

13.5 ETDAB Appeal Rights and Procedure

Except as otherwise provided, in cases of involuntary transfer to a position with less remuneration, suspension without pay for more than two days, or discharge, employees shall have the right to appeal to the Employee Transfer and Discharge Appeal Board (ETDAB) (the City Council) as set forth in Utah Code Annotated Sections 10-3-1105 and -1106 as amended.

Pursuant to the Utah Code Annotated Section 10-3-1105, the ETDAB appeal rights provided herein do not apply to: (1) an officer appointed by the Mayor or City Council, (2) a head of a municipal department or deputy head (all managers are considered department head or deputy manager), (3) orientation/probationary employees; (4) part-time employees; and (5) seasonal employees.

An employee to which ETDAB appeal rights apply may not be discharged, suspended without pay, or involuntarily transferred to a position with less remuneration because of the employee's politics or religious belief, or incident to, or through changes, either in the elective officers, governing body, or heads of department. Any employee or officer who is discharged, suspended without pay for more than two days, or involuntarily transferred to a position with less remuneration, for any reason, shall have the right to appeal the discharge, suspension without pay, or involuntary transfer to the ETDAB. Appeals to the ETDAB shall be taken by filing written notice of the appeal with the Human Resource Manager within ten (10) days of the discharge, suspension without pay, or involuntary transfer.

The City Council shall act as the ETDAB.

13.6 Hearing Procedures

1. Management and employee's representative may briefly summarize their case in an opening statement.
2. At the conclusion of the opening statements, witness or material evidence may be introduced in support of Management's position.
3. The appellant, and then the hearing officer, may ask questions of each witness of the Management after said witness has testified.
4. The appellant presents material evidence, call witnesses, etc. following the same process as previously mentioned.
5. After presentation of appellant's case, the Management shall be allowed to present rebuttal evidence.
6. Before closing the hearing the hearing officer(s) shall allow the appellant and the Management in turn to make closing statements.

13.7 Documentation

Any documentation made of disciplinary actions should be signed by both the employee and the Mayor. A copy of this documentation will be kept with the employee's file.

13.8 Exit Interview

All terminating regular employees are encouraged to meet with the Mayor for an exit interview. The purpose of this interview is to gather information to assist management in identifying areas that are satisfactory and those that need improvement.

Section 14. Creating a Positive Work Environment

14.1 Non-Smoking Policy

It is the policy of Midway City to comply with all applicable federal, state, and local regulations regarding the use of tobacco products in the work place and to provide a work environment that promotes productivity and the well being of its employees.

1. Midway City recognizes that smoking in the work place could adversely affect employees. Accordingly, smoking is restricted at all of its facilities.
2. Smoking is prohibited inside all Midway City facilities, parks, Town Square and within one hundred (100) feet of any Midway City facility. Management is responsible for implementing and monitoring smoking regulations, and Management is expected to enforce such regulations. The smoking policy applies to employees during working time and to customers and visitors while on Midway City premises.
3. Employees are expected to exercise common courtesy and to respect the needs and sensitivities of co-workers with regard to the smoking policy. Complaints about smoking issues should be resolved at the lowest level possible, but may proceed through Midway City's grievance procedures. Employees who violate the policy will be subject to disciplinary action.
4. Midway City does not discriminate against individuals on the basis of their use of legal products, such as tobacco, if the use occurs during non-working time and not on Midway City premises.

14.2 Drug Free Workplace Policy

Midway City finds that a healthy and productive work force, safe working conditions free from the effects of drugs and alcohol, and maintenance of the quality of service provided by Midway City are important to Midway City as an employer, Midway City employees, and the general public. Midway City further finds that the abuse of drugs and alcohol creates a variety of workplace problems, including increased injuries on the job, increased absenteeism, increased financial burden on health and benefit programs, increased workplace theft, decreased employee morale, decreased productivity, and a decline in the quality of services provided.

For these reasons, it is the policy of Midway City to prohibit employees from unlawful manufacture, distribution, dispensing, possession, or use of a controlled substance on premises, owned, leased, or under the control of or while participating in any official capacity as a Midway City employee or volunteer representative is strictly prohibited.

All employees are prohibited from use/consumption of alcohol or other controlled substance during working hours. Random drug testing may be required. For purposes of this policy, Controlled Substance is defined as those substances identified as “Controlled Substances” pursuant to the Utah Revised Code.

Employment with Midway City is contingent upon the employees:

1. Abiding by the terms of the above policy. Violations of this Policy subject the violating employee to disciplinary action up to and including termination for a first offence.
2. Notifying the Mayor of any criminal drug statute conviction for a violation occurring in the workplace or while in any official capacity as a Midway City employee/representative. The notification must be given to the Mayor no later than one (1) business day after such a conviction.

Midway City will take one of the following actions within 30 days of receiving notice of an employee conviction for violation of any criminal drug statute occurring in the work place:

1. Terminate the employee, or
2. Require such an employee to participate satisfactorily in drug abuse assistance or rehabilitation program approved for such purposed by a Federal, State or Local Health, law enforcement, or other appropriate agency.

Midway City will make a good faith effort to continue to maintain a drug-free workplace through the implementation of the above procedure.

Post-accident Investigation: In any circumstances in which an employee or volunteer causes or contributes to the cause of an accident in which damage exceeds one thousand dollars (\$1,000) or in the case of a motor vehicle accident, a reportable amount, and/or in which a third party is involved or in which personal injury results, he/she shall be given a drug screening test as part of the accident investigation. The presence of drugs or other metabolites discovered in the drug screening test, or the employee or volunteer’s refusal to submit to the drug screening test, shall result in appropriate disciplinary action.

14.3 Safety/Housekeeping

Employees spend a large portion of their time on the job. Midway City does its best to provide a pleasant, clean and safe place to work. As a result, we adhere to all local, state and federal safety laws and principles required of safe working environment.

We require our employees to notify Management if you discover any unsafe work conditions or malfunction in building equipment/operations. Midway City is committed to correcting any unsafe working conditions as quickly as possible.

Employee on the job safety is a concern to everyone. We ask that Midway City employees help avoid safety hazards, fires and other safety issues by keeping the following in mind:

- Report any/all unsafe work conditions.
- Be particularly careful/ safety conscience around machinery and power equipment.
- Place trash, scraps and waste paper in proper receptacles.
- Help prevent fires. Know the location of the nearest fire extinguisher and how to operate it effectively.
- First person into the office each morning should turn on the office lights and the copiers. The last person to leave the office should make sure that lights, copiers, space heaters, fans and coffee pots are turned off and the doors locked.
- Should emergency care for an employee be needed call #911; for any first aid needs use the office first aid supplies. Report any employee on-the-job medical needs to management.
- Report to management any injuries occurring on the job within 24-hours and complete an injury report form.

In addition to safety, it is quite important that employees maintain a clean, organized workplace. This is important based on the impression we give our visitors and the need to maintain the quality of our facilities and equipment and overall work environment. We ask all employees to:

- Be sure to clean up after yourself both in your work area and common work areas.
- Use recycling containers whenever possible.
- Do not consume beverages and/or food near computer keyboard, telephone or other sensitive equipment. If you do spill something that will affect the performance of the piece of equipment notify management as soon as possible.
- Take the initiative to refill coffee pots, empty trash and clean tabletops and dishes.
- Do your part to keep the kitchen area cleaned-up at all times. Clean out your refrigerator items daily.

14.4 Equipment Use/ Voice Mail, Email, Fax, Copiers, Computer Systems, Phones

Midway City's voicemail, email, fax, copiers, computer and electronic mail systems/equipment are designed to assist us to provide better service, enhance our internal communications, reduce unnecessary paperwork and overall improve our collective efficiency. The following policies and procedures govern employee use of this equipment, as follows:

- Midway City Voicemail System is the property of the city and is not for the private use of our employees. As such, Midway City may access the voicemail system at any time, for any reason and without notice. The systems manager (the Human Resource Manager) will be provided all access codes or passwords used by employees that will allow access in case of absences or emergencies. No one other than the systems manager is permitted to access an Midway City employee's voicemail. Employees have no right to expect that any data, files or electronic messages are private. Any

electronic mail messages sent and received using City equipment are not private and may be viewed, downloaded, inspected, released or archived by the City at any time. The City has the right to inspect any and all files stored in private areas of the network or on individual computers or storage media.

- Email, fax, copiers, computer systems and Internet are to be used for Midway City business purposes only; unless permission by management is given to the contrary. Confidential information (i.e. member financial/health information, social security numbers, etc.) should not be sent, transmitted without taking precautions to ensure this information remains confidential. Double check fax numbers, email addresses, etc. prior to sending information to ensure the correct contact information is being used. All copyright laws, ethical rules and other applicable laws must be abided to by Midway City employees.

14.5 Personal Use of Automated Systems

- Brief and occasional personal use of the electronic mail system or the internet is acceptable as long as it is not excessive or inappropriate, occurs during personal time (lunch or other breaks), and does not result in expense to the City. Use is defined as “excessive” if it interferes with normal job functions, responsiveness, or the ability to perform daily job activities. Electronic communication, including telephones, should not be used to solicit or sell products or services that are unrelated to the City’s business; distract, intimidate, or harass coworkers or third parties; or disrupt the workplace.
- Personal use of the City’s computers, networks, and internet access is a privilege granted by management and may be revoked at any time due to inappropriate conduct carried out on such systems.

14.6 Automated Systems Prohibited Activities

- Using the City’s automation systems to access, create, view, transmit, or receive data that is racist, sexist, sexual materials, threatening, or otherwise objectionable or illegal is strictly prohibited. Such use violates City policy and is subject to disciplinary action up to and including termination.
- The City’s electronic mail system, internet access, and computer systems must not be used to violate the laws and regulations of the United States or any other nation or any state, city province, or other local jurisdiction in any way. Use of City resources for illegal activity will lead to disciplinary action, up to and including termination and criminal prosecution.
- It is a violation of City policy for any employee, including system administrators and supervisors, to access electronic mail and computer systems files, including customer records, to satisfy curiosity about the affairs of others. Employees found to have engaged in such activities will be subject to disciplinary action.

14.7 Cell Phones

- Care and security of assigned cellular phones will become the responsibility of the employee.
- The employee may be held financially responsible for any damage/loss due to misuse, abuse or lack of reasonable care.
- Upon separation from employment any cellular phones that have been issued to an employee shall be returned to Human Resources before or at the time the separated employee receives his/her last paycheck.
- City cellular phones will not be used for personal phone calls, texting or any other unauthorized communication. City employees using City cellular phones are limited to 400 minutes per month (exceptions may be considered upon justification). In such cases, the employee will be responsible for reimbursing the City on a per minute basis determined by the per minute charge plus applicable toll charges.
- Personal cell phones will be turned off during Midway City work hours and use should be reserved for emergencies only. Personal calls during Midway City work hours should be limited.

14.8 Software Licensing

The City has licensed the use of certain commercial software application programs for business purposes. Third parties retain the ownership and distribution rights to such software. No employee may create, use, or distribute copies of such software that are not in compliance with the license agreements for the software. Violation of this policy can lead to disciplinary action, up to and including termination.

14.9 Confidentiality of Electronic Mail

As noted above, electronic mail is subject at all times to monitoring; and the release of specific information is subject to applicable state and federal laws and City rules, policies, and procedures on confidentiality. Existing rules, policies, and procedures governing the sharing of confidential information also apply to the sharing of information via commercial software.

14.10 Electronic Mail Tampering

Electronic mail messages received should not be altered without the sender's permission; nor should electronic mail be altered and forwarded to another user and/or unauthorized attachments be placed on another's electronic mail message.

14.11 Policy Statement for Internet/Intranet Browser(s)

The internet is to be used to further the City's mission, to provide effective service of the highest quality to the City's customers and staff, and to support other direct position-related purposes. Supervisors should work with employees to determine the

appropriateness of using the internet for professional activities and career development. The various modes of internet/intranet access are City resources and are provided as business tools to employees who may use them for research, professional development, and work-related communications.

14.12 Employee Liability

- Employees are individually liable for any and all damages incurred as a result of violating City security policy, copyright, and licensing agreements.
- All City policies and procedures apply to employee's conduct on the internet, especially, but not exclusively, relating to: intellectual property, confidentiality, City information dissemination, standards of conduct, misuse of City resources, anti-harassment, and information and data security.

14.13 Employee's Personal Electronic Equipment

- Employees should not bring their own computers or other electronic devices to the workplace or connect them to the City's computer system, network or automation system, unless expressly permitted to do so by the Mayor. Any employee bringing their own computers or other electronic devices onto the City premises thereby gives permission to the City: (a) to inspect the employee's personal computers or other electronic devices at any time as if the computer or other electronic devices were owned by the City, and (b) to analyze any files, other data, or data storage media that may be within or connectable to the employee's computers or other electronic devices. Employees who do not wish such inspections to be done on their personal computers or electronic devices should not bring such items to work at all.
- Violation of this policy, or failure to permit an inspection of any device covered by this policy, shall result in disciplinary action, up to and possibly including immediate termination of employment.

14.14 Contact with the General Public

The measure of City government is, to some extent, based on the effectiveness and personal contact of its employees with the general public. It is expected that all employees will avoid conduct at work or elsewhere that might cause embarrassment to, or criticism of the City. Often times, the City employee is the only contact a private citizen has with our municipal government and, although the citizen may not always be right, he/she does have an active interest in the City and its government. Therefore, it is essential that the attitudes and actions of the employees of the City, both on and off duty, bring credit to the City. Good public relations can best be created by the simple process of being helpful, courteous and treating people in the same manner you would like to be treated. It is also important to the public relations of the City that each municipal employee be neat, clean, impressive in appearance and respectable in his/her use of language.

14.15 Dress and Hygiene Standard

City employees are expected to have socially acceptable hygiene and to dress in professional, modest attire which is appropriate to the job they are performing.

Section 15. Health and Safety

15.1 Safety

The health and safety of employees and others on City property are of the utmost concern. It is the policy of Midway City to maintain the highest possible level of safety in all activities and operations. Our goal is to comply with all health and safety laws by encouraging all employees to make every reasonable effort to keep public and work areas free of hazardous conditions.

It is the responsibility of each employee to work safely and do all that is possible to prevent accidents or injuries. Every worker is expected to report unsafe conditions, think before acting, and consciously take care to avoid unnecessary risk.

15.2 Traffic Accidents

Employees involved in a traffic accident while on duty are required to notify the City Recorder, Local Police, County sheriff, or Highway Patrol to secure a formal report of the accident. It is the employee's responsibility to secure the names and addresses of any witnesses in addition to requesting the other party to prepare a statement to be written and delivered to the City Recorder. Notification to the supervisor, the proper accident reports and related information, should be expedited to enable the timely filing of insurance claims.

15.3 Accidents on City Property

All accidents on City property resulting in personal injury or property damage involving the general public must be accurately and comprehensively documented. In the event of personal injury, employees on the scene should make every effort to make the injured person comfortable; if deemed necessary, an ambulance should be requested as soon as possible.

15.4 Assisting Employees Who Become Ill at Work

The health and well-being of employees is important to the City of Midway. Employees who become ill at the workplace should be attended to immediately. If the employee's condition requires immediate medical attention, he/she should be taken to the physician or hospital of his/her choice or call 911 if it is a serious life-threatening situation.

If immediate medical attention is not required, a supervisor should call the employee's emergency telephone number in an attempt to have the employee transported home. If

transportation is not obtained, a supervisor will transport the employee to his/her residence.

Employees who become ill at work will not be permitted to operate any equipment or vehicle.

15.5 Use of City Vehicles

City owned vehicles are to be used for official business purposes only. An employee authorized to drive a City vehicle must have a current Utah driver's license, or in the case of heavy equipment operators and bus drivers, a valid Utah Commercial Driver's License (CDL). The City reserves the right to require additional endorsements to the CDL as the position may require. All employees must provide a copy of their driver's license and a current MVR to the Human Resources Manager before they are authorized to drive a City vehicle. No employee under the age of 17 will be allowed to drive a City vehicle or piece of equipment. Employees must be a minimum of 18 years old in order to tow a trailer or operate certain types of equipment. Employees operating City vehicles will be expected to obey Utah state law and City ordinances at all times. Employees who operate City vehicles are required to notify their supervisor within one day if they receive a citation for driving under the influence or have had their driver's license suspended or revoked for whatever reason.

City employees are normally expected to use a City vehicle for transportation needs while performing City business. If a City car is not available, or if circumstances are such that it is not practical to use a City vehicle, the manager or Mayor may approve the use of a personal vehicle thereby authorized reimbursement to the individual for such use. Reimbursement shall be at the current IRS mileage reimbursement rate. Fuel purchased for Midway City vehicles will be done using the vehicle's fleet card at a designated location and the receipt turned into the City offices.

Smoking is prohibited in all City vehicles.

15.6 Driver Safety

To minimize the risk of city vehicular accidents involving city employees, the City strives to improve the quality of driving skill by permitting only those persons with safe driving records who are physically capable to operate vehicles or equipment in the performance of their duties.

Employees who operate a city vehicle/equipment or their personal vehicle as a part of their job duties must be 17 years or older and have a current valid Utah State driver's license required for the type of vehicle to be operated.

A person shall not be allowed to operate any City vehicle if he/she has:

- a. Had three moving violations or one DUI conviction in the preceding 24 month period. (This includes all driving, i.e., city vehicle, private and other vehicles);

- b. Lost, or loses State of Utah driving privileges by reason of revocation, suspension, withdrawal or denial of license to drive. When the driving license is renewed, the person may again apply for a city operator's permit.

The City's Recorder should be contacted as soon as possible and at least within 72 hours after the incident or as soon as possible. An Accident Report form must be completed .

City employees who witness an accident or who are at an accident site should not speak on behalf of the City regarding responsibility for any loss sustained.

Employees of the City are expected to:

Follow all safety regulations, posted signs, job training and operating procedures established by the City. This includes specific departmental or division safety rules, wearing prescribed safety equipment, safety apparel, and proper work clothing. Immediately report accidents and injuries, regardless of how minor, to a supervisor. Immediately report all unsafe conditions, equipment, unsafe acts, fire or suspicion of fire to a supervisor. Maintain work areas and the facility in which employees work, in a clean, healthful, and sanitary condition and not commit unsanitary or unhealthful acts. Abide by all rules governing the movement of traffic, speed, and parking. Properly display any vehicle I.D. numbers that may be required on City equipment. Smoke only in authorized areas; consume food and beverage in designated areas only.

15.7 Fleet Safety Rules

Driver Safety Rules

1. All employees operating City equipment shall comply with the Utah Motor Vehicle Regulations.
2. Drivers shall carry their State drivers license at all times while operating motor vehicles. Licenses must be proper classification for the vehicle driven.
3. Safety belts shall be worn at all times by all drivers and passengers where seat belts are provided.
4. Drivers shall not consume alcoholic beverages, illegal drugs or medication that may affect driving ability, prior to, or at any time while on duty.
5. When backing vehicles, there must be a clear view of the area immediately to the rear. In vehicles without rear window visibility, the driver shall get out of the vehicle and inspect the area to the rear before backing. If a second employee is available, this person shall serve as a guide to back up the driver.
6. Employees who operate motor vehicles, either regularly or occasionally are required to report any license revocations or suspensions immediately to their supervisor.
7. Reckless or unsafe operation of City vehicles is not permitted. This rule shall also apply to private vehicles operated on city property.
8. The maximum speed within the shop bay, on lots and at other City properties is 10mph, unless otherwise posted.
9. Vehicle engines shall not be operating when adding any fuel or engine oil to the vehicle.
10. Employees shall not board or alight from any moving vehicle.

11. Employees shall not ride on the running boards of any vehicle.
12. Riding on the side, tool box, tailgate or roof of any vehicle, or in the back of a truck bed, when a vehicle is in motion are not allowed.
13. In pickup trucks, riders shall always sit in the front cab.
14. During periods of limited visibility, or any time that windshield wipers are in use, headlights shall be turned on. The exception to this is any law enforcement vehicle under specific circumstances.
15. Trailers shall be fastened to hitches, and safety chains shall be secured, as required by state law, before moving vehicles.
16. All items to be transported by truck or trailer, which have the potential to move around during transport, shall be secured.
17. No more than three persons shall ride in the front seat of any vehicle. Where there are only two single seats, there shall be only one person per seat.
18. Except in restricted areas on City property, no City vehicle shall be left unattended with the key in the ignition.
19. All City vehicles, parked on the street, except for emergency vehicles, shall be locked when not in use.
20. Employees are responsible for all traffic citations while operating City vehicles.
21. City vehicles without a handicapped permit shall not be parked in handicapped parking spaces.
22. City employees only can ride in City vehicles. No family members of employees can ride in City vehicles.
23. All repair or damage issues shall be reported immediately to the Department Head or designee.
24. Drivers are responsible for the care and general maintenance of City vehicles under their control or assigned to them. This includes frequent checking of the oil and other fluids, lubrication levels, tire pressure, and prompt reporting of problems.
25. Drivers shall maintain a responsible degree of cleanliness of both the interior and exterior of assigned vehicles. Failure to do so may result in disciplinary action.
26. Each time a City vehicle is refueled using a Gascard, the driver/operator will accurately enter odometer/hour meter readings. If an incorrect reading is entered, the driver/operator will notify the Department Head 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. Gascards are to be left in the assigned vehicle. Gascards are to be accurately used for City fleet vehicles only. They are not to be used for personal use under any circumstances.
27. Drivers will not allow an unattended vehicle to idle excessively, except as required for safety reasons or operation of auxiliary equipment.
28. Unattended City vehicles shall be locked at all times.

Special Equipment

29. Special equipment such as tractors, fork lifts, graders, plows or equipment with special devices or usage, require instructions prior to use by the operator. Training should include the following:
 - a. Familiarization with the owner's/operator's manual.
 - b. Explanation and demonstration of control devices and safety equipment.

- c. Knowledge of maintenance items such as fuel, water, oil, and other minimum operating needs of the equipment.
 - d. Demonstration of operation.
 - e. New driver operation with supervision and testing.
 - f. Training of new operators by the supervisor, or an experienced operator.
30. Passengers shall ride only in seats so designed for passengers on special equipment.

15.8 Vehicle Emergency Procedures

When it is absolutely necessary to stop on a highway or city street in case of an emergency, use extreme caution:

1. Warning signals and lights shall be used.
2. Rotating beacon(s) shall be used, if the vehicle is so equipped.
3. Emergency flashers shall be used.
4. Flares, fuses, warning flags, reflector triangles or other emergency equipment shall be used to give adequate advance warning, where applicable for commercial vehicles.

15.9 Incident Review Board

A. Purpose

The purpose of this policy is to establish an Incident Review Board (IRB), and to review all vehicle and equipment accidents/incidents that occur in the course and scope of conducting City business. All vehicle and equipment accidents/incidents that involve property damage or personal injury will be reviewed by the IRB to determine the degree of preventability and any disciplinary action to be taken.

B. Scope

This policy applies to all City employees, including part time employees and temporary employees who drive City vehicles or use City equipment on City business.

C. Policy

The City of Midway shall establish an Incident Review Board (IRB) consisting of the employees from the department from which the offense occurred. Departments with two or fewer employees shall be reviewed by the Mayor, Risk Manager, Office Manager and the employee's supervisor. A quorum of a Board consists of at least 50 percent of its members.

The Risk Manager is responsible for collecting any police reports, accident report forms, employee statements, witness statements, pictures and diagrams for each of their designated cases, as well as previously accumulated points from Human Resources.

The Incident Review Board may request additional information from the employee, the investigator, or the department if, in its opinion, it would be material in the classifying of a particular accident/incident.

D. Procedures

Rules for reporting and reviewing on the job accidents/incidents:

1. All vehicle accidents and equipment incidents that involve property damage or personal injury will be reviewed by the IRB to determine the degree of preventability and recommended disciplinary action to be taken.
2. Employees who have a vehicle accident while in the course and scope of their employment are required to immediately notify their supervisor who in turn will contact the following: jurisdictional law enforcement as required by law, the Risk Manager, and Human Resources. The employee shall be responsible for completing the employee statement form.
3. Employees shall provide to the Risk Manager a detailed written statement, photos and/or a diagram giving their explanation of the accident. Statements from witnesses to the accident may also be included.
4. On the job vehicle accidents involving a fatality or serious injury involving hospitalization will not be reviewed by the IRB. Accidents of this nature will be reviewed by the City's insurance carrier and City Attorney.
5. The Risk Manager will notify an employee in writing, through their Department Supervisor, of the decision regarding classification, points assigned or disciplinary action recommended up to and including termination.
6. The employee and any witnesses may be required to meet with the Incident Review Board.

E. Voting

After examination of all required material submitted (police report, employee statement, witness statements, etc.) and full discussion, the IRB will vote to classify the accident/incident. A majority of votes cast shall determine the finds of the IRB and recommended disciplinary action.

F. Appeal procedure for classification or disciplinary action

The purpose of the Incident Review Board (IRB) appeal process is to allow the employee to present his or her case to the IRB.

1. Upon receiving notice of the action of the IRB, employees have ten calendar days to serve notice of appeal of the Board's decision to the Risk Manager in writing. They will then be notified of the date and time scheduled for the appeal.
2. The City Council will act as the Appeal Board and their decision will be final.

G. Description of Vehicle/Equipment Accidents

Class	Description
Non Preventable	Accidents where it can be determined that the accident/incident was clearly and absolutely beyond the control of the employee.
Preventable/ Mitigating	Accident/incident where preventability can be divided among the employees concerned or where some responsibility rests with persons or things other than the employee, i.e. weather.
Preventable	Accidents where there is doubt as to whether the employee took reasonable action to prevent the accident/incident despite the actions of others or adverse conditions.
Preventable/ Reckless	Includes all accidents in which it is determined that the responsibility rests entirely on the employee. The employee took no action to prevent or avoid the accident/incident and/or the accident/incident resulted in personal injury and/or property damage.
Minor Property Damage	Less than \$750 – may require reimbursement to the City
Property Damage	Between \$750 and \$3250 – may require reimbursement to City
Major Property Damage	More than \$3250 – may require reimbursement to the City

Section 16. City Equipment

16.1 General

As a public employer and as public employees entrusted with the responsibility of administering public funds efficiently, the City of Midway and its employees must ensure that equipment is utilized in a cost effective and responsible manner for the purpose of providing efficient services to the citizens of Midway. Accordingly, all City equipment is subject to management controls as it is used or maintained by employees.

16.2 Distribution of Policy

All Department Heads are responsible for creating and distributing any specific procedures to be applied to his/her department regarding the duties, functions, and accountability of his/her respective departmental employees and their responsibility for City equipment in their care, control, or custody and for properly training all personnel who are entrusted with City equipment.

16.3 Definition of Equipment

For purposes of this policy, *equipment* is defined as any possession owned, maintained or controlled by the City of Midway and entrusted to a City employee. Equipment as defined in this policy does not include real property, nor does it include consumable items. Consumable items are defined as any possession owned, maintained or controlled by the City that does not have an estimated useful life of more than one year and has a replacement value of less than \$250.

16.4 Employee Liability for Loss or Damage to Equipment

In order to manage the City's resources wisely and be fiscally responsible, all employees shall be liable for any loss, damage or destruction of equipment under their care, custody or control if the loss, damage or destruction results from the employee's gross negligence, intentional act or failure to exercise reasonable care to safeguard, maintain and obtain appropriate service for the equipment. The determination of an employee's liability for loss, damage or destruction will be made by the Department Head in conjunction with an appropriate investigation into the actions that resulted in the loss, damage or destruction. Employee liability may be reviewed by the Incident Review Board. No claim for loss, damage or expense shall be allowed unless within 60 days after it is sustained or incurred, and written notice of the claim is served upon the employee by Human Resources.

16.5 Employee Responsibility

All employees are responsible for using City equipment exclusively for City purposes and to exercise reasonable care for its safekeeping. The term *reasonable care* means that, at a minimum, steps must be taken to:

- Maintain the equipment in an acceptable manner;
- Ensure the security of the equipment; and
- Ensure that equipment can be located at any time requested;

At no time may equipment be used for personal benefit or personal gain.

16.6 Maintenance, Operation and Security of Equipment

The Department Head shall be responsible for distributing maintenance procedures, schedules or checklists to their respective employees regarding all departmental equipment. Employees shall adhere to and observe all maintenance procedures, schedules and checklists to ensure that such equipment is operated safely and appropriately at all times.

As a precaution, all employees shall ensure that liquids and food items remain a safe distance away from all electrical equipment, including but not limited to personal computers, typewriters, calculators, storage media, and communications equipment.

Small equipment shall not be left unattended, even for short periods of time. If such equipment is not being used, it shall be adequately secured. All materials and equipment shall be put away at the end of each working day, or returned to their place of safekeeping.

16.7 Duty to Report

All Midway City employees are required to notify the Department Head or designee immediately upon discovering that any equipment is lost, damaged, or destroyed. The Department Head is to make a written report to Human Resource if a written reprimand is made or reimbursement is required.

16.8 Duty to Investigate

If a Department Head has reasonable cause to believe that any City equipment is missing, damaged, or destroyed through the gross negligence, intentional act or failure to exercise reasonable care by an employee, the Department Head shall immediately initiate a formal investigation to determine the status of the equipment and submit a written report to Human Resources. This investigation must include, but is not limited to the following:

- Request to employees for any information known concerning the equipment;
- Conduct a search of the department;

- Identify the person responsible for the equipment;
- Identify the date and place the equipment was last seen;
- Identify the manner in which the loss, damage or destruction occurred;
- Determine if prescribed procedures were adequate to safeguard the equipment;
- Recommend any revisions in procedures that might be required to assist in preventing future losses, damage, or destruction of the same type; and
- Recommendation as to whether an individual or individuals should be held financially accountable.

16.9 Reimbursement for Equipment

If an employee is found by the Department Head to have been responsible for loss, damage, or destruction to equipment as a result of the employee's gross negligence, intentional act, or failure to exercise reasonable care to safeguard, maintain and service the equipment, such employee may be required to reimburse the City for the loss, damage, or destruction to the equipment.

The Payroll Officer may recover such reimbursements from the employee via payroll deduction until the employee's reimbursement obligation is fully satisfied, subject to Fair Labor Standards Act which provides a complete exemption from minimum wage and overtime for a nonexempt employee, at a rate not to exceed ten percent of the employee's salary per pay period. The Payroll Officer is further authorized to deduct the full amount of any unpaid reimbursement obligation from the employee's final paycheck if the reimbursement obligation is not fully satisfied on the date of the employee's separation from employment with the City.

16.10 Determination of Reimbursement

To determine the amount of loss, damage, or destruction, factors such as original acquisition value, age, condition, cost of recent repairs, and estimated fair market value prior to loss, damage, or destruction shall be considered. In determining the reimbursement obligation of an employee as a result of loss, damage or destruction to equipment, the Department Head shall factor in the degree of culpability of the employee based on the severity of the employee's actions and whether these actions were the result of an intentional or grossly negligent act. The Department Head shall be required to document in writing all value determinations of equipment, along with the factors utilized in determining the reimbursement obligation of an employee as a result of loss, damage, or destruction to equipment. All value determinations shall be attached to the written request submitted to the Payroll Officer by the Department Head requesting employee reimbursements via payroll deduction.

16.11 Appeal Rights

All findings of the Department Head regarding reimbursement liability may be appealed to the Incident Review Board in writing within five work days of such departmental notification to the employee.

16.12 Disciplinary Action

All employees shall be subject to disciplinary action in conformance with the provision in this manual for the loss, damage, or destruction to equipment as a result of the employee's gross negligence, intentional act, or failure to exercise reasonable care to safeguard, maintain, and service the equipment.

In addition to any disciplinary action imposed for conduct related to the loss, damage, or destruction to equipment, if the employee does not discharge their reimbursement obligation to the City to the satisfaction of the Payroll Officer, such failure shall serve as grounds for disciplinary action.

Section 17. Job Descriptions

All job descriptions are available by request at the Human Resource Department.

Addendum - Definitions

The following definitions shall apply throughout these policies and procedures, unless context clearly requires another meaning.

Allocation (of position): The official establishment of a position by an office/department, upon approval of the City Council, to hire an individual to perform a specified job as defined by a job description and assigned to an established pay range.

Classification or Class: A group of positions sufficiently similar in respect to duties performed, degree of supervision exercised or required, minimum requirements of training, experience, or skill, and other inherent characteristics that the same title and the tests of fitness may be applied to each position in the group.

Classification Plan: A plan for the internal valuation of all positions in the City with an appropriate title, pay grade and pay range.

Class Specification (also job description): A description of the duties and responsibilities of each class of position within the County, and minimum qualifications required for the class of position including training and experience and other qualifications.

Compensation Plan: An approved salary scale for the City, including initial, intervening and maximum rates of pay for each class of position.

Compensatory Time: Time off of work awarded in-lieu of cash for hours worked in excess of the 40 hour week.

Demotion: A reduction in grade of an employee, for cause such as inefficiency, or for disciplinary reasons, from one position to another, either within the same class or to a difference class having a lower entrance salary with a corresponding lowering of the employee's salary.

Department: A service area or function of the City established by statute or ordinance which comes under the direct authority and supervision of the City Council.

Department Head: An appointed position of the City to plan, organize, direct and manage a service or function established by statute or ordinance which comes under the direct authority and supervision of the City Council.

Discrimination: Action taken against and employee because of political or religious opinions or affiliations or because of race, national origin, sex, or any other non-merit fact.

Dismissal: The termination of employment of an employee.

Elected Official: An individual chosen by the public to plan, organize, direct and manage statutorily established political function of the City.

Eligible: An individual who is qualified for a position, benefits or privileges in the City under the provision of these policies and procedures.

Employee, Exempt: An employee hired to fill exempt positions serve “at will” of the City Council or department head and may be terminated with or without cause at any time during the duration of their employment.

Employee, Non-Exempt: Any person in the employ of the City who is hired in accordance with the provisions of these policies and procedures, and whose status cannot be affected, except for cause or reduction-in-force after achieving regular status and are covered under the Fair Labor Standards Act.

Job Description: A written statement describing the duties of a particular position within an office/department and the minimum requirements to perform them.

Minimum Qualifications: The requirements for training and experience, and other qualifications, to be measured by written and/or oral examinations, or by performance tests and prescribed for a given class in the job specifications. Applicants with fewer than stated minimum qualifications are deemed ineligible or unqualified.

Orientation Period: An “at will” period of at least six (6) months of regular employment or equivalent beginning with the date of appointment. The orientation period is considered the final step in the selection process prior to achieving regular employment status.

Permanent part-time employee: An employee who is hired to work more than twenty (20) hours per week, but less than thirty-five (35) hours per week for a minimum of 120 days.

Position: An office or employment in the City (whether part-time or full-time, temporary or regular, occupied or vacant) composed of specific duties.

Promotion: A change in status of an employee from a position in one class to a position in another class having higher entrance salary or pay grade.

Reassignment: A change in classification of an employee, for administrative or other reasons not included in the definition of “demotion”, from a position in one class to a position in another class normal having a lower entrance salary which could result in a reduction in salary.

Reclassification: A change from one classification to another classification (either higher or lower) having a different job specification without a reduction in salary.

Regular Employee: An employee whose continued retention has been approved by the department head, City Council at the completion of an orientation period, either as a full-time or **permanent** part-time employee.

Reinstatement: The resumption of employment of an employee who has been on leave of absence with or without pay.

Resignation: The termination of employment at the request of the employee.

Salary Increase: An increase in salary of one or more steps within a grade of the compensation plan.

Series: A group of positions similarly classified as to title and duties, but with graduations in minimum qualifications and salary rates consistent with the degree of responsibilities.

Suspension: A forced leave of absence without pay for a period.

Transfer (Inter-departmental): A move from one City office/department to another. This should not be confused with managerial functions of moving personnel from one section to another within the same office/department by promotion, demotion or reassignment.

Worked Hours: The time spent actually at your desk working. Does not include vacation time, holidays or sick days.